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Northern Ireland: Implementation of The Peace Agreement During the 106th Congress

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ABSTRACT

This report provides background information on the implementation of the April 1998 peace agreement for Northern Ireland. It reviews the provisions of the agreement, how those provisions have been put into place, and what obstacles have faced implementation as of December 2000. The analysis then turns to related issues of particular interest to U.S. policymakers, such as police reform, the International Fund for Ireland, and fair employment. Finally, legislation in the 106th Congress relating to Northern Ireland is listed. This report will not be updated. See also CRS Report 98-542, *Northern Ireland: The Talks Process as Prelude to the April 1998 Peace Agreement*.

Northern Ireland: Implementation of The Peace Agreement During the 106th Congress

Summary

Since 1969, over 3,200 people have died as a result of political violence in Northern Ireland. The conflict has reflected a struggle between different national, cultural, and religious identities. The Protestant majority (56%) defines itself as British and largely supports continued incorporation in the United Kingdom (unionists); the Catholic minority (42%) considers itself Irish and many Catholics desire a united Ireland (nationalists). Northern Ireland is part of the United Kingdom.

For years, the British and Irish governments sought a formula that would facilitate a peaceful settlement. After many ups and downs, the British and Irish governments and the eight parties participating in peace talks announced agreement on a political settlement on April 10, 1998. The Good Friday Agreement includes the establishment of a Northern Ireland Assembly, a North/South Ministerial Council, and a British-Irish Council. It also contains provisions on human rights, decommissioning, policing, and prisoners. The agreement recognizes the consent principle, namely, change in the status of Northern Ireland can only come about with the consent of the majority of its people. Voters in Northern Ireland and the Republic of Ireland approved the accord in referendums held on May 22. Elections to the new Assembly took place on June 25. Nonetheless, violence continued to mar the peace process. For instance, the single worst terrorist incident in Northern Ireland's history was carried out by a republican splinter group in August 1998 in Omagh, where a car bomb killed 29 and wounded 220.

The implementation of the peace agreement has been difficult. On February 16, 1999, the Assembly approved, with cross-community support, a proposal detailing new governing arrangements. However, the Northern Ireland Secretary of State only transferred powers to Belfast in early December, following a review of the peace agreement's implementation, led by George Mitchell. That review succeeded in getting unionists to drop their precondition that the IRA had to decommission weapons prior to Sinn Fein representatives assuming ministerial posts in the Assembly. After 27 years of direct rule from London, authority over local affairs was transferred to the Northern Ireland Assembly and its Executive at midnight December 1. However, in the absence of IRA decommissioning and thus with the Assembly's First Minister poised to resign, the British government suspended that power-sharing government as of midnight February 11, 2000. Statements by the two governments on May 5 and the IRA on May 6 resulted in a positive vote by the Ulster Unionists on May 27 to reinstate the agreement's institutions. The executive met on June 1; the Assembly reconvened on June 5. In June and again in October 2000, two international inspectors were given access to several IRA arms dumps. Difficult issues, including arms decommissioning and police reform, remain.

The Clinton Administration and many Members of Congress have played an active role in the peace process. President Clinton visited the region for the third time in December 2000. The United States provides aid to the region through the International Fund for Ireland (\$25 million for FY2001). The United States is also an important source of investment for the region.

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Northern Ireland: Implementation of The Peace Agreement During the 106th Congress

Since 1969, over 3,200 people have died as a result of political violence in Northern Ireland. The conflict has reflected a struggle between different national, cultural, and religious identities. In a population of roughly 1.6 million, the Protestant majority (56%) defines itself as British and largely supports continued incorporation in the United Kingdom (unionists); the Catholic minority (42%) considers itself Irish and many Catholics desire a united Ireland (nationalists). Northern Ireland is part of the United Kingdom. For years, the British and Irish governments have sought a formula that would facilitate a peaceful settlement. They sponsored peace talks, which began on June 10, 1996, to reach an overall political settlement. George Mitchell, the former Senate Majority Leader, served as chairman of the talks. In July 1997, the IRA announced a restoration of its August 31, 1994 cease-fire, which had ended on February 9, 1996. That enabled Sinn Fein, the political wing of the IRA, to join the seven other parties participating in the talks in the fall of 1997. The major Protestant paramilitary groups had called a truce in October 1994.

The Peace Agreement of April 10, 1998

On April 10, 1998, 17 hours after the deadline of midnight April 9 had passed, the British and Irish governments and the eight parties participating in the talks announced agreement on a political settlement for Northern Ireland. Reportedly, key to agreement were the personal involvement of the British and Irish Prime Ministers, as well as telephone calls to several of the participants throughout the night from President Clinton. The agreement reflects a remarkable achievement because of the bitterness and staying power of the conflict it seeks to resolve. However, it represents only another step, albeit an important one, towards a lasting settlement, rather than the end of the peace process. Potential obstacles loom. For one, most analysts expect that the splinter paramilitary groups will continue their violence in hopes of derailing the process. For another, the implementation of the agreement, which includes complicated institutional arrangements and somewhat nebulous provisions in places, is proving challenging. On October 16, 1998, Northern Ireland's two major Catholic and Protestant politicians — John Hume and David Trimble — were awarded the Nobel peace prize for their roles in helping to conclude the agreement.

Main Elements of the Agreement

Constitutional Issues. The agreement recognizes the consent principle: namely, change in the status of Northern Ireland can only come about with the consent of a majority of its people. It acknowledges that while a substantial minority in the North and a majority on the island want a united Ireland, the majority in the North currently

wants to remain part of the United Kingdom. If the preferences of these majorities were to change, both governments have a binding obligation to bring about the wish of the people. Provision is made for future polls to be held in Northern Ireland on its constitutional status. The agreement calls for the 1920 Government of Ireland Act, claiming British jurisdiction over all of Ireland, to be repealed; and for the Irish Government to replace its constitutional claim to the North (Articles 2 and 3) with the aspiration of Irish unity, recognizing that unity can only occur with the consent of a majority of people in both jurisdictions.

Democratic Institutions in Northern Ireland. The accord provides for an 108-member Assembly with executive and legislative powers. To ensure that neither bloc — unionists or nationalists — can dominate the Assembly, the agreement specifies that “key decisions” must receive cross-community support represented by a “weighted majority,” at least 60% of members present and voting in favor, including at least 40% of the nationalist and unionist “designations” present and voting, or “parallel consent,” a majority of members representing the unionist and nationalist “designations” voting in support. The agreement calls for executive authority to be discharged by a First Minister, Deputy First Minister, and up to ten Ministers with departmental responsibilities (i.e., health, education, social services), who together form the Executive Committee. As a condition of appointment, all Ministers must affirm the terms of a Pledge of Office, which includes a commitment to non-violence and exclusively peaceful and democratic means. Assembly elections were held on June 25, 1998.

North/South Institutions. The agreement calls for creation of a North/South Ministerial Council, consisting of those with executive authority in Northern Ireland and the Irish Republic, to consult, cooperate and act within the island of Ireland on matters within their competence. During the transitional period, the agreement specifies that the Council must identify and agree at least twelve areas for cooperation and implementation in economic and social areas, including at least six areas where the mechanism for cooperation will be new Implementation Bodies. Members of the Council remain accountable to the Assembly and the Irish Parliament. The Council will be supported by a permanent joint Secretariat.

British-Irish Institutions. The accord states that the British-Irish Council is to include representatives of the two governments, devolved administrations in Northern Ireland, Scotland and Wales, the Channel Islands and the Isle of Man. It will promote consultation and cooperation on matters of mutual interest, such as transport and culture. The new British-Irish Intergovernmental Conference replaces the Anglo-Irish Intergovernmental Conference. It deals with bilateral issues between the two governments, with a focus on matters relating to Northern Ireland where responsibility has not been transferred to the Northern Ireland administration, such as security, justice, prisons, and policing. These arrangements are being established under a new British-Irish Agreement, replacing the 1985 Anglo-Irish Agreement.

Rights, Safeguards and Equality of Opportunity. The incorporation of the European Convention on Human Rights into Northern Ireland law will be completed. The agreement calls for a Northern Ireland Human Rights Commission. Brice Dickson, a law professor at the University of Ulster, was appointed chief commissioner, in January 1999, and the five Protestant and five Catholic members of

the Commission held their first meeting on March 1 to begin drafting a bill of rights. The Irish government will take comparable steps to strengthen human rights protection. This section also discusses a new economic development strategy for Northern Ireland, measures on employment equality, and promotion of the Irish language, where appropriate and desired. Members of the Equality Commission were announced on July 22, 1999.

Decommissioning. All parties committed themselves to work with the Decommissioning Commission for total disarmament of all paramilitary organizations within two years, by May 2000.¹ The British government is committed to reducing the numbers and role of the security forces.

Policing, Justice, and Prisoners. As called for in the agreement, an independent commission was established to make recommendations for future policing arrangements in the North by summer 1999. That commission released its report on September 9, 1999. The British Government is carrying out a review of the Northern Ireland criminal justice system. Both governments put in place mechanisms to provide for an accelerated program of prisoner releases with the intention of releasing all qualifying prisoners (a total of roughly 400) within two years. All prisoners were released by the end of July 2000.²

The Referendums of May 22, 1998

On May 22, 1998, voters in the Irish Republic and Northern Ireland endorsed the peace agreement. In the Republic of Ireland, 94.4% of those voting backed the plan with a turnout of 56.3%. In Northern Ireland, with the largest turnout ever of 81% of eligible voters, the approval rating reached 71.1%. The ballots in Northern Ireland were all brought to a central location for counting and thus a breakdown by constituency was not possible. However, exit polling suggested that Catholics voted for the accord by a margin of 96 to 4 and Protestants by a margin of 55 to 45. The leaders of the “No” campaign, the Rev. Ian Paisley of the Democratic Unionist Party (DUP) and Robert McCartney of the U.K. Unionist Party, argued that the agreement would result in more violence and undermine the status of the pro-British majority in Northern Ireland. David Trimble’s Ulster Unionist parliamentary group was split, with six of its 10 Members of Parliament openly opposing the agreement. Prime Minister Blair visited Northern Ireland three times in the three weeks preceding the vote to try to shore up unionist support.

The Assembly Election of June 25, 1998

On June 25, 1998, voters in Northern Ireland went to the polls to elect 108 members of the new Assembly. The UUP won 28 seats; the SDLP, 24; the DUP, 20;

¹ This deadline was later extended to June 2001. See section on “Devolution Restored” on p. 15 of this report.

² Warren Hoge, “Notorious Killer Among Inmates Freed From Ulster Prison,” *New York Times*, July 25, 2000, p. A3; Jim Cusack, “Last IRA prisoners in low security Castlereagh,” *The Irish Times*, July 24, 2000.

Sinn Fein, 18; Alliance, 6; U.K. Unionists, 5; independent Unionists, 3; the Women's Coalition, 2; and the PUP, 2. As spelled out in the agreement, "the Assembly will exercise full legislative and executive and executive authority in respect of those matters currently within the responsibility of the six Northern Ireland Government Departments, with the possibility of taking on responsibility for other matters as detailed elsewhere in this agreement." Responsibility for law and order (policing, the British army, prisons, and the justice system) will remain with the Secretary of State, but could one day be transferred.

The Marching Season

Over 3,000 sectarian marches are held throughout Northern Ireland every summer, the vast majority (90%) by Protestants. Controversy has been sparked by Protestant marches which traverse Catholic neighborhoods. Protestants claim the right to march; Catholics claim the right to live free of disruption and apparent intimidation. In February 1998, a Parades Commission was established and given the power (that had rested with the police) to re-route or restrict marches.

July is the high point of the marching season when the Protestant marching orders commemorate the Battle of the Boyne of 1690, in which Protestant King William III of Orange defeated Catholic King James II. The most contentious march in recent years has been the Drumcree march of the Orange Order in Portadown in David Trimble's constituency. The Parades Commission decided to re-route the Drumcree parade scheduled for July 5, 1998. Substantial violence accompanied the march, including a fire bomb attack by dissident loyalists that left three Catholic boys dead. Rioting in Portadown on September 6, 1998, resulted in the death of a policeman from a blast bomb thrown by loyalist protesters.

Political Parties in Northern Ireland

Ulster Unionist Party (UUP): largest political party enjoys support of most Protestants and favors union with the U.K. Received about 33% in May 1997 election; 10 seats in House of Commons. Party leader is David Trimble.

Democratic Unionist Party (DUP): smaller Protestant party favors union with the U.K. Less flexible than the UUP, it views virtually any compromise with Irish nationalists as a net loss for unionists. Received about 14% in 1997 election; 2 seats in House of Commons. Party leader is the Rev. Dr. Ian Paisley.

Alliance Party: non-sectarian and largely middle class, it garners 60% of its support from Protestants, 40% from Catholics. Received roughly 8% in 1997 election; no seats in House of Commons. Party leader is Sean Neeson.

Social Democratic and Labour Party (SDLP): major Catholic party supports a united Ireland achieved by consent. Received about 24% in 1997 election; 3 seats in House of Commons. Party leader is John Hume.

Sinn Fein: political wing of the Provisional Irish Republican Army. Supports creation of socialist republic in a united Ireland. Strongholds are heavily working class, Catholic neighborhoods. Received 16.1% in 1997 election, 2 seats in House of Commons. Leader is Gerry Adams.

Progressive Unionist Party (PUP) and Ulster Democratic Party (UDP): political wings of loyalist paramilitary groups. Extremely small.

In the run-up to the 1999 marching season, many initiatives were launched to try to reach compromise on the Drumcree march. For example, Prime Minister Blair met several times with representatives of the Garvaghy Road Residents' Coalition and Orange Order, but was unable to resolve the impasse. For the second time, the Parades Commission ruled on June 28 that the Orangemen could not march through the Catholic neighborhood. The Government increased the number of troops in Northern Ireland to 17,000 and mounted a tight security operation in Portadown. On July 4, the Orange Order scaled down its procession from Drumcree Church to the concrete barrier to a symbolic delegation of nine men and violence was averted. Reportedly, Blair had told the Orangemen that they would be permitted to complete their traditional parade in future if peace prevailed. Orange Order parades to commemorate the Battle of the Boyne were held throughout Northern Ireland without major incident on July 12, in what was described as the quietest Twelfth of recent years.

The Parades Commission, on July 3, 2000, again decided to reroute the Drumcree parade, scheduled for July 9, around the Garvaghy Road. The Commission suggested a future march could be held in 3-8 months if the Orange Order agreed to talk directly with the Garvaghy Road Residents' Coalition. The decision sparked about 10 days of protest and violence by loyalists. However, most observers commented that fewer protesters turned out than in previous years and that the protests were more disorderly and less politically respectable than in the past. Mainstream unionists, such as David Trimble, and even hardliners, such as the Reverend Ian Paisley, kept their distance from Drumcree. Some senior Orange Order members warned that the violence attending the Drumcree protest was proving counterproductive.³

Violent Splinter Groups

The major paramilitary groups (the Irish Republican Army and the Combined Loyalist Military Command) are observing cease-fires, but some splinter groups continue to carry out acts of violence.

Real IRA. Real IRA formed in early May 1998, consisting of a small number of IRA hard-liners. Reportedly, the Real IRA is the military wing of the "32-County Sovereignty Committee" which formed in December 1997 to oppose what it termed the IRA "sell-out" in the peace talks. The Real IRA carried out several attacks during the summer of 1998. The most serious was a car bomb that exploded in the town of Omagh on August 15, killing 29 and wounding 220 — representing the largest loss of life in a single terrorist incident in the history of Northern Ireland. The Real IRA claimed responsibility and simultaneously announced a suspension of all military operations on August 19. For the first time, Gerry Adams "condemned" an act of republican violence "without equivocation." In the aftermath of the bombing, the Irish and British passed harsh anti-terrorism legislation. The Real IRA announced a "complete" cease-fire on September 8, 1998. However, the Real IRA has been

³ "A new route," *The Economist*, July 15, 2000, p. 55; Gerry Moriarty, "Orange Order badly needs a new tune," *The Irish Times*, July 13, 2000.

blamed for a bomb planted near a west London railway station on July 19, 2000, the day of the royal parade to mark the Queen Mother's 100th birthday.⁴

Continuity IRA. The only republican paramilitary group not on cease-fire is the Continuity IRA. According to the *Irish Times*, the group is the paramilitary wing of Republican Sinn Fein, the party which broke from Sinn Fein in 1986. The Continuity IRA has existed since about 1991 and has carried out several attacks in Northern Ireland, particularly in County Fermanagh, but has never killed anyone. Members of the group are believed to have close links with the Real IRA, the group responsible for the Omagh bombing. The Continuity IRA claimed responsibility for a bomb attack on a hotel in Co. Fermanagh on February 6, 2000 and, most recently, for a small bomb explosion on a west London bridge on June 1.

Loyalist Volunteer Force (LVF). On the loyalist side, the LVF was responsible for violent acts in the first four months of 1998. On April 15, the LVF announced an unequivocal cease-fire, while continuing to oppose the peace agreement. Some analysts believe that the LVF move was precipitated by the desire to meet the condition of the peace agreement that only paramilitary prisoners affiliated with groups respecting cease-fires would be eligible for early release. On November 12, 1998, then Northern Ireland Secretary of State Mowlam said she was satisfied that the LVF had "established a complete and unequivocal ceasefire." On December 18, the LVF surrendered a cache of weapons, thus becoming the only paramilitary group in Northern Ireland to start dismantling its arsenal. Nonetheless, *The Irish Times* reported that Portadown LVF members threw a pipe bomb that killed a Protestant woman married to a Catholic on June 5, 1999.

Red Hand Defenders. The Red Hand Defenders, a splinter group of the LVF, claimed responsibility for the random sectarian murder of Brian Service, a Catholic, in north Belfast on October 31, 1998. The leader of this relatively unknown group is reported to be a highly unstable figure bent on wrecking the peace process (*Irish Times*, 11/3/98). Former Northern Ireland Secretary of State Mowlam outlawed the Red Hand Defenders in March 1999.

A car bomb killed Rosemary Nelson, a leading human rights lawyer in Northern Ireland, on March 15, 1999. The Red Hand Defenders claimed responsibility. Nelson's murder sparked nationalist rioting in Portadown on March 17, in which 38 police officers were injured, and on March 18, when 170 petrol bombs were thrown at the police. In response to claims of police collusion in her killing, the Royal Ulster Constabulary (RUC) announced that the chief of police of Kent would supervise the Nelson murder investigation, with assistance from the FBI; the FBI's involvement ended on April 12. Colin Port, Deputy Chief Constable of Norfolk, was appointed on March 30 to assume control of the investigation. Republicans and human rights campaigners have called for an investigation conducted entirely by outside agencies. The House of Representatives passed a resolution on April 20 calling, among other things, on Britain to "launch an independent public inquiry" into Nelson's murder. On July 21, the House approved the American Embassy Security Act (H.R. 2415) with

⁴ Robert Shrimmsley and Astrid Wendlandt, "Bomb scare disrupts royal parade," *Financial Times*, July 20, 2000, p. 11.

a provision calling for a halt to training exchanges between the FBI and the RUC until the President “certifies that complete, independent, credible and transparent investigations of the murders of defense attorneys Rosemary Nelson and Patrick Finucane have been initiated” and “appropriate steps to protect defense attorneys against RUC harassment” have been taken. Nelson had testified before the International Operations and Human Rights Subcommittee of the House International Relations Committee on September 29, 1998, about RUC harassment and intimidation she had faced as a defense attorney.

Orange Volunteers. The Orange Volunteers represent a further splintering on the loyalist side. The group emerged in late November 1998, announcing it would target republicans released early from prison under the peace agreement. The Orange Volunteers claimed responsibility for an attempt to kill a leading IRA member with a bomb on December 16; no one was hurt by the explosion. The group carried out several gun and bomb attacks in the first two months of 1999.

Implementation of the Agreement

The Northern Ireland Act 1998, which provides for devolution of powers from Westminster to the Northern Ireland Assembly and for the creation of the new bodies called for in the peace agreement, came into force on November 19, 1998. However, devolution itself did not follow promptly. Many observers argue that the implementation of the peace agreement is proving to be as difficult as its negotiation.

On July 1, 1998, the Assembly held its first meeting in “shadow” mode, as devolution had not occurred. David Trimble, UUP leader, was elected First Minister and the SDLP’s Seamus Mallon, Deputy First Minister. Because of the deep division among unionists over support for the peace agreement, Trimble’s role is a difficult one. As First Minister, Trimble called together the leaders of the Assembly for a preliminary meeting on September 7, at which he spoke directly to Gerry Adams for the first time. The two men held their first one-on-one meeting on September 10; Sinn Fein and the UUP held their first inter-party meeting on February 17, 1999.

Decommissioning: Background

A key unionist concern throughout the peace process has been the issue of decommissioning or surrender of paramilitary weapons. The text of the peace agreement states: “Those who hold office should use only democratic, non-violent means, and those who do not should be excluded or removed from office.” Further, all participants reaffirmed “their commitment to the total disarmament of all paramilitary organisations,” and their intention “to use any influence they may have to achieve the decommissioning of all paramilitary arms within two years.” Unionists sought and received assurances from Prime Minister Blair on these points in the run-up to the referendum.

On June 29, 1998, the two governments brought into force procedures to facilitate the decommissioning of paramilitary arms, as called for in the peace agreement, when British and Irish Ministers signed the proposals of the Independent

Commission on Decommissioning into being. The plan sets forth two possible methods of decommissioning: (1) the provision of information to the Commission, leading to the collection and destruction of arms; and (2) the destruction of arms by those who possess them.

On August 31, 1998, the IRA released a rare public statement denying any involvement in the August 15 bombing in Omagh. The IRA also rejected calls both for handing over weapons and for stating categorically that the war is over. Sinn Fein's Gerry Adams then held out two olive branches to unionist politicians. First, on September 1, Adams stated that "the violence we have seen must be for all of us now a thing of the past, over, done with and gone." The next day he announced that Sinn Fein's chief negotiator, Martin McGuinness, would serve as liaison to the Independent Commission on Decommissioning. Some observers argue the Omagh bombing dramatized the reason why the IRA should support handing over weapons, namely to keep them out of the hands of dissident republicans. The IRA has said repeatedly it has no intention of handing in any weapons.

The Assembly's Executive. Decommissioning became a key sticking point in the implementation of the agreement because unionists argued that Sinn Fein could not assume ministerial posts in the Assembly, thereby entering into a relationship of collective executive responsibility with unionist Ministers, until the IRA had surrendered some weapons. Sinn Fein argued that Trimble was attempting to rewrite the peace agreement given that it includes no start date for decommissioning. Based on its representation in the Assembly, Sinn Fein was entitled to two ministerial posts on the Executive Committee, which was designed to exercise executive authority on behalf of the Assembly. On May 10, 1999, Sinn Fein announced its chief negotiator, Martin McGuinness, and another party official, Bairbre de Brun, would be its nominees for those positions.

North-South Ministerial Council. The stalemate over decommissioning and setting up the Executive Committee also affected establishment of the North/South Ministerial Council. Under the peace accord, agreement was to have been reached by October 31, 1998, on the topics to be covered by the new north-south administrative bodies. This deadline was missed. In coordination with the Blair government, Irish Prime Minister Bertie Ahern went to Belfast on November 2 and sought to put the issues of decommissioning and forming a shadow executive to one side and attempted to "kick-start" the process by working to form the North-South implementation bodies. Ahern was concerned that a political vacuum not develop. Tony Blair visited Dublin on November 25-26, the first official visit by a British Prime Minister to the Republic.

On December 18, 1998, agreement was reached on North-South bodies and the structure of departments within the proposed executive. Regarding North-South cooperation, the peace agreement called for a work program on at least 12 matters, with six areas being handled by new implementation bodies and six being matters for cooperation. The six implementation bodies cover inland waterways, food safety, trade and business development, special European Union programs, language, and aquaculture and marine matters. The six areas for cooperation include transport, agriculture, education, health, environment, and tourism. The First Minister and Deputy First Minister also announced agreement on the creation of new departments.

Their office would handle economic policy and equality issues. The ten departments, headed by ministers comprising the Executive Committee, would be: agriculture and rural development; environment; regional development; social development; education; higher and further education, training, and employment; enterprise, trade and investment; culture, arts and leisure; health, social services and public safety; finance and personnel.

The Path to Devolution

On February 16, 1999, the Northern Ireland Assembly approved, with cross-community support, the December 18 proposal detailing new governing arrangements, including the structure of departments within the Assembly's executive and North-South bodies. On March 8, then Northern Ireland Secretary of State Mowlam and Irish Foreign Minister Andrews signed four treaties to pave the way for the establishment of the six North-South Implementation Bodies, a North-South Ministerial Council, a British-Irish council, and a British-Irish Intergovernmental Conference. Mowlam announced the postponement of plans to devolve powers to Northern Ireland on March 10, setting the week of March 29 as a "natural deadline" as it marked the first anniversary of the peace agreement; the extension came in response to the impasse created by the refusal of the unionists to sit in an Assembly executive with Sinn Fein ministers in the absence of prior IRA weapons decommissioning. When the Northern Ireland Secretary activates the transfer, several events occur simultaneously: powers would be transferred to Northern Ireland ministers and the Assembly; the British-Irish Agreement would come into force; Irish and British constitutional changes outlined in the peace agreement would take effect; the North-South Ministerial Council, the British-Irish Council, and the British-Irish Intergovernmental Conference would be established; and the six North-South implementation bodies would come into being.

The end of March brought two days of intensive negotiations among the Prime Minister, the Taoiseach, and the political parties. A compromise on decommissioning could not be found, however. Mowlam postponed the transfer of powers indefinitely. On April 1, the Prime Minister and the Taoiseach announced the Hillsborough Declaration in an attempt to move the process forward. The key elements were: Ministers would be nominated on a date to be set, and not later than one month thereafter, there would be a "collective act of reconciliation" which would put some arms beyond use, on a voluntary basis, in a manner to be verified by the Independent Commission on Decommissioning. At the same time, there would be ceremonies of remembrance of all victims of violence, and further reductions of British troops. Around the time of the "act of reconciliation," powers would be devolved and the new institutions established. After an Easter break for "reflection," Northern Ireland politicians resumed negotiations on April 13, at which point Sinn Fein formally rejected the Hillsborough Declaration. Shortly thereafter, SDLP leader John Hume suggested that the administration could be set up without any handover of weapons by the IRA if Sinn Fein gave assurances that it would exclude itself from office if the IRA resorted to violence. UUP leader Trimble dismissed Hume's initiative on April 26.

On May 14, the two governments, the UUP, the SDLP, and Sinn Fein reportedly prepared a document including the following key section: "All parties agree to the full

implementation of all aspects of the Good Friday agreement including the objective of achieving total disarmament and complete withdrawal of all weapons from politics in Ireland. They accept the issue of arms must be finally and satisfactorily settled and will do what they can to achieve decommissioning of all paramilitary arms within the time frame set down in the agreement, in the context of the implementation of the overall settlement. The International Commission on Decommissioning will now begin a period of intensive discussions with all parties and report back on progress before 30th June. All parties anticipate, without prejudice to their clear positions on this issue, a devolution of powers by 30th June.” The draft was considered at a meeting of the Ulster Unionist Assembly team on May 15 and the UUP rejected the document. For unionists, who state their position as “no guns, no government,” the draft’s commitment to work for decommissioning was too vague. Unionists had softened their stance at Hillsborough when they indicated a willingness to agree to the designation of ministerial posts before an arms handover, provided there would be no formal transfer of powers prior to decommissioning. The Downing Street draft document would have required a further concession from unionists: the willingness to form an executive on the basis of a progress report on decommissioning from the Commission’s chairman, General de Chastelain; progress that, in all probability, would not include the handover of any weapons. Following the UUP’s failure to approve the draft, Prime Minister Blair, later on May 15, set an “absolute” deadline of June 30, 1999, for the devolution of power.

The week of June 28 found the British and Irish Prime Ministers in tough negotiations with Northern Ireland’s political party leaders; those talks continued beyond the June 30 deadline. On July 1, Sinn Fein released a statement, saying “we believe that all of us...could succeed in persuading those with arms to decommission them....” On July 2, General de Chastelain released the report of the Decommissioning Commission saying the Commission “expects that Sinn Fein’s proposal will be endorsed by the IRA and reciprocated by loyalist and other republican paramilitary groups,” and believes “that decommissioning can be completed in the time prescribed by the Good Friday Agreement.” Later that day in Belfast, Blair and Ahern launched a new plan, “The Way Forward,” which called for the Assembly’s executive to be formed on July 15, with power being devolved from London to Belfast three days later. That would have been followed shortly afterwards by a start to the decommissioning of terrorist weapons to be overseen by the Decommissioning Commission. The government’s plan set no date for decommissioning to begin, but de Chastelain said the process should start within days of devolution with the IRA clearly and unambiguously stating its intent to disarm, with the actual destruction of weapons taking place within weeks.

Sinn Fein welcomed “The Way Forward,” while unionists called it fundamentally unfair, forcing them to sit in an executive with Sinn Fein prior to IRA disarmament. However, unionist attention focused less on the issue of sequencing and more on what watertight safeguards would be legislated to expel Sinn Fein from the executive if IRA arms were not handed over. In that event, the UUP did not want the Assembly suspended, but rather wanted any sanction to be applied exclusively to Sinn Fein, allowing the UUP to form an executive with the other parties. British Prime Minister Blair effectively embraced this UUP stance on July 5 when he addressed the House of Commons, saying a “defaulting party” could be excluded from the executive and the other parties could form a government on their own. However, the Taoiseach

indicated his government would oppose moves to exclude Sinn Fein. On July 8, Ahern contended that Sinn Fein and the IRA were “two separate organizations,” while Blair stated that the two organizations were “inextricably linked.” A major premise of The Way Forward was that Sinn Fein would convince the IRA to hand over weapons. The Irish government expressed some hope that the IRA would issue a statement indicating its response to The Way Forward. On July 14, following a 15-minute meeting of the 110-member UUP executive, David Trimble rejected the proposal. The UUP then boycotted the Assembly session on July 15, at which the SDLP and Sinn Fein named ministers to an Assembly executive, but the ministerial appointments were invalid as all came from the nationalist side. Seamus Mallon resigned as Deputy First Minister. Former Northern Ireland Secretary Mowlam made an emergency statement announcing a review of the implementation of the Belfast Agreement.⁵

After meeting with the two prime ministers on July 20 in London, former talks chairman George Mitchell agreed to act as a facilitator once the review recommenced in September.⁶ The IRA released a statement on July 21 rejecting demands for decommissioning “in the current political context,” but underlining its “definitive commitment” to the success of the peace process. Then Northern Ireland Secretary Mowlam called the statement “unhelpful,” whereas nationalists emphasized that it did not rule out decommissioning. In opening the review on September 6, Mitchell said his role would be strictly limited to carrying out three principles agreed in July — that a governing executive is formed including all parties; that those parties are committed to achieving full paramilitary decommissioning by May 2000; and that the means of decommissioning is left to the independent international commission headed by General de Chastelain. British Prime Minister Blair appointed Peter Mandelson, one of Blair’s closest political advisers, to replace Mo Mowlam as Northern Ireland Secretary on October 11. The move revived the career of Mandelson, who had resigned as trade minister ten months earlier over a financial scandal, and offered hope of an impetus to the peace process.⁷ Mitchell met with the Irish Prime Minister, the British Prime Minister, and President Clinton during the week of November 1. He resumed his meetings with the parties in Belfast on November 8, as the review entered its tenth week. The review was conducted in tight secrecy and on some occasions outside of Belfast.

Devolution

The review of the peace agreement’s implementation, led by George Mitchell, succeeded in breaking the deadlock. Beginning November 9, 1999, Mitchell

⁵ T. R. Reid, “Unionists Reject N. Ireland Proposal,” *Washington Post*, July 15, 1999, pp. A1, A22; T. R. Reid, “N. Ireland’s Political Hopes Dissolve Amid Tears, Taunts,” *Washington Post*, July 16, 1999, pp. A1, A19.

⁶ Clare Murphy, “Mitchell to return North as facilitator of review,” *The Irish Times*, July 21, 1999.

⁷ Tom Buerkle, “Mandelson Takes U.K.’s Top Ulster Job,” *International Herald Tribune*, Oct. 12, 1999, pp. 1, 4; John Murray Brown, “Prince across the water,” *Financial Times*, Oct. 12, 1999, p. 17.

orchestrated a series of carefully planned statements and actions, all intended to help build the political confidence necessary to enable the parties to take the risks required for peace. Mitchell issued a statement, in which, for the first time, he expressed confidence that the impasse could be overcome; the Independent Commission on Decommissioning asserted a more active role; the pro-agreement parties, including Sinn Fein and the Ulster Unionists, the largest Protestant party, made conciliatory statements; and the IRA announced that it would appoint a representative to meet with the decommissioning commission.⁸

On November 27, the ruling council of the Ulster Unionists (UUP) voted to drop its insistence on IRA disarmament before entering executive government with Sinn Fein. UUP leader David Trimble, who is First Minister of the Northern Ireland Assembly, secured the support of 58% of the council for this position by promising to reconvene it in February to reevaluate the IRA stance on decommissioning. If the party council were to deem progress inadequate, Trimble and his three Ulster Unionist ministers pledged to resign from the power-sharing executive.⁹ Sinn Fein officials complained about what they interpreted as a new pressure tactic and said the implied deadline would make the job of having the IRA abandon its arms more difficult.

On November 29, the political parties nominated ministers for the new Assembly executive, effectively Northern Ireland's cabinet. Under the power-sharing formula, Trimble is First Minister, and Seamus Mallon of the Social Democratic and Labor Party (SDLP), the largest Catholic party, is his deputy. The 10 other cabinet seats are apportioned as follows: three to the UUP, three to the SDLP, and two each to Sinn Fein and the Democratic Unionists (DUP). Thus, the executive includes all the main parties and political traditions in Northern Ireland. The DUP opposes the peace agreement and says its participation in the Assembly is solely to offer a dogged opposition. The British Government's order devolving powers to the new institutions – the Assembly, the Executive, and the North/South bodies – was tabled in the House of Commons on November 30, passed and signed into effect by the Queen on December 1. Authority over local affairs was transferred from London to the new Northern Ireland Assembly at midnight December 1. The Assembly held its first session as a fully empowered legislature on December 2. Northern Ireland had been governed directly from London since 1972; the Northern Ireland Secretary of State, Peter Mandelson, retains control over “reserved” matters including policing, parades, prisons, and the criminal justice system.¹⁰

Several other things happened on December 2, 1999. For one, the IRA appointed a representative to meet with the Decommissioning Commission. For another, Northern Ireland Secretary Mandelson and Irish Foreign Affairs Minister Andrews signed a new British-Irish Agreement in Dublin to replace the Anglo-Irish

⁸ Warren Hoge, “Northern Ireland Talks Get Push Forward,” *New York Times*, Nov. 16, 1999, p. A8.

⁹ Frank Millar, “Trimble has put his fate in the IRA's hands,” *The Irish Times*, Nov. 29, 1999; “The courage of Mr. Trimble,” *The Irish Times*, Nov. 29, 1999.

¹⁰ Deaglan de Breadun, “Direct rule of North ends as new Executive meets,” *The Irish Times*, Dec. 3, 1999.

Agreement of 1985. This ceremony was immediately followed by Irish Prime Minister Ahern's signing the act officially amending Articles 2 and 3 of the Constitution, deleting the territorial claim on the North.

On December 13, the full Cabinet from Dublin and 10 of the 12 ministers from the Northern Ireland Assembly's executive attended the inaugural meeting of the North-South Ministerial Council in Armagh. The two DUP ministers refused to take part. The council allows ministers from North and South to meet regularly, both on a plenary and one-to-one basis, for consultation, cooperation and action on matters of mutual interest throughout the island.¹¹ On December 17, 1999, the inaugural session of the British-Irish Council convened in London.

From Devolution to Suspension

The issue of decommissioning continued to be a serious obstacle to the implementation of the peace agreement. First Minister Trimble only succeeded in deferring the issue when his party council met in November 1999 with his pledge to resign if progress on decommissioning proved inadequate. Dublin and London received General John de Chastelain's report on decommissioning by the deadline of midnight January 31, 2000. That report was not made public, but, according to Northern Ireland Secretary of State Peter Mandelson, it confirmed the IRA's failure to begin turning over its weapons. On February 1, the IRA issued a statement reviewing its "good faith" engagement with the Decommissioning Commission, and referring to three meetings between the Commission and an IRA representative: "Our representative stressed that we are totally committed to the peace process, that the IRA wants a permanent peace, that the declaration and maintenance of the cessation, which is now entering its fifth year, is evidence of that, that the IRA's guns are silent and that there is no threat to the peace process from the IRA."

Given the absence of IRA decommissioning, First Minister Trimble was widely expected to submit his letter of resignation on February 4. In a bid to preempt that resignation, Northern Ireland Secretary of State Mandelson addressed the House of Commons on February 3. Mandelson said he would introduce legislation that would enable him to suspend the institutions of the peace agreement and reinstate direct rule by February 11. He effectively gave the IRA one week to clarify if and when it would decommission its arms. Mandelson's emphasis on the IRA indicating its intention to comply with the May decommissioning deadline set out in the peace agreement seemed at odds with First Minister Trimble's demand for an actual IRA "product." However, the statement did allow Trimble to put his resignation on hold.

On February 5, the IRA rejected accusations that it had broken any commitments regarding decommissioning: "The IRA believes this crisis can be averted and the issue of the arms can be resolved. This will not be on British or unionist terms, nor will it be advanced by British legislative threats. We recognize that the issue of arms needs to be dealt with in an acceptable way and this is a necessary objective of a genuine peace process. For that reason, we support efforts to secure the resolution of the arms issue. The peace process is under no threat from the IRA." On February 7,

¹¹ John Murray Brown, "Meeting of Irish body signals new chapter in peace process," *Financial Times*, December 14, 1999, p. 20.

SDLP leader John Hume called on the IRA to strengthen the peace process by undertaking one act of decommissioning.¹² The Continuity IRA, the only republican paramilitary group not on cease-fire, sought to further disrupt the peace process by setting off a bomb at a hotel in Northern Ireland on February 6; nobody was injured.¹³

On February 11, 2000, Northern Ireland Secretary Mandelson signed an order bringing into effect the legislation to suspend the Northern Ireland Assembly and Executive as of midnight that night.¹⁴ On the same day, the Decommissioning Commission (IICD) published another report, revealing “the assertion made to us by the IRA representative that the IRA will consider how to put arms and explosives beyond use, in the context of the full implementation of the Good Friday Agreement, and in the context of the removal of the causes of the conflict....The representative indicated to us today the context in which the IRA will initiate a comprehensive process to put arms beyond use, in a manner as to ensure maximum public confidence. The Commission believes that this commitment, on the basis described above, holds out the real prospect of an agreement which would enable it to fulfill the substance of its mandate.”

These two events – the suspension of the political institutions of the Good Friday Agreement and the movement, if somewhat cryptic, of the IRA on decommissioning – set the stage for another impasse in implementing the peace agreement. The question no one seemed able to answer was if the institutions were suspended because no decommissioning had taken place, how could they be reinstated in its continued absence.

The IRA issued a statement on February 15, saying that “the British Secretary of State has reintroduced the unionist veto by suspending the political institutions. This has changed the context in which we appointed a representative to meet with the IICD and has created a deeper crisis....In the light of these changed circumstances the leadership of the IRA have decided to end our engagement with the IICD. We are also withdrawing all propositions put to the IICD by our representative since November.” Sinn Fein also opposed the suspension. Martin McGuinness, who had been education minister prior to the Executive’s suspension, said on Feb. 16 that “this crisis needs to be resolved and it can only be resolved by the reestablishment of the institutions which were illegally dismantled last Friday.” He went on to accuse the British government of siding with the unionists.

British officials argue they had no choice but to suspend the political institutions established by the peace agreement. The reasoning went that, had Mandelson not acted, UUP leader Trimble would have resigned. The fear was that he would have been replaced as party leader by someone much less supportive, if not opposed, to the

¹² John Hume, “Simple IRA gesture could keep our dreams alive,” *The Irish Times*, Feb. 7, 2000; T. R. Reid, “IRA: Arms Issue Can Be Solved,” *The Washington Post*, Feb. 6, 2000, p. A21.

¹³ Jim Cusack, “Continuity IRA leading the republican opposition,” *The Irish Times*, Feb. 7, 2000.

¹⁴ T. R. Reid, “Britain Suspends N. Ireland Self-Rule,” *The Washington Post*, Feb. 12, 2000, pp. A1, A18.

Good Friday Agreement, a prospect the British government viewed as carrying more serious and longer term consequences than suspension. The Ulster Unionists believed that they “jumped first” in November 1999 and that the IRA failed to follow suit by carrying out any act of decommissioning. They appeared to believe that the institutions ought to remain suspended until there was some concrete progress on decommissioning.

The Irish government disagreed with the British government’s unilateral decision to suspend the institutions, particularly in light of the IRA movement on February 11 and the Decommissioning Commission’s report on those developments.

Devolution Restored

The British and Irish governments, together with the political parties, were faced with the task of trying to square the circle of decommissioning and devolution. UUP leader, David Trimble, was in Washington for St. Patrick’s Day celebrations when he said he could accommodate Sinn Fein’s reentry into government prior to IRA decommissioning if firm guarantees were in place that decommissioning would follow. Anti-agreement unionists immediately criticized what they saw as an unacceptable concession on Trimble’s part and the Rev. Martin Smyth, a party hardliner, decided to challenge Trimble for the leadership at the March 25 annual general meeting of the Ulster Unionist Council. The 860 delegates reelected Trimble as party leader with 57% of the vote, but Smyth polled strongly with 43%. The strength of the anti-Trimble vote surprised most and seemed further evidence of the split in the party over implementing the peace agreement. Trimble’s opportunity for political maneuver appeared to be further limited by the passing of a motion linking any resumption of the Assembly’s executive to the retention of the Royal Ulster Constabulary (RUC) title in the name of a reformed police service. On April 12, Queen Elizabeth went to Northern Ireland to present the RUC with Britain’s highest civilian gallantry award, the George Cross, an event denounced by Sinn Fein.

In seeking to reestablish momentum, the two governments issued a joint statement on May 5, 2000. They stated, among other things, that (1) the full implementation of the agreement could be achieved by June 2001, (2) the British government was prepared to restore the Assembly and Executive subject to a positive response to the statement, and (3) the paramilitary groups needed to “urgently state that they will put their arms completely and verifiably beyond use.” On May 6, the governments sent a letter to the Northern Ireland parties setting out their proposals for securing full implementation of the agreement by June 2001. The letter covered: rights, safeguards and equality of opportunity; security; policing and justice; and prisoners. The IRA issued a statement on May 6 saying that, with the full implementation of the agreement, “the IRA leadership will initiate a process that will completely and verifiably put IRA arms beyond use...the IRA leadership has agreed to put in place within weeks a confidence-building measure to confirm that our weapons remain secure. The contents of a number of our arms dumps will be inspected by agreed third parties who will report that they have done so to the Independent International Commission on Decommissioning. The dumps will be re-inspected regularly to ensure that the weapons have remained silent.” Many analysts viewed this IRA statement as an historic compromise. The two prime ministers welcomed the move and announced that Martii Ahtisaari, the former Finnish

President, and Cyril Ramaphosa, the former secretary general of the African National Congress in South Africa, would carry out the third-party inspection of IRA weapons dumps. On May 9, RUC Chief Constable Flanagan announced a scaling down of the British army presence in Northern Ireland, including the planned demolition of two structures in south Armagh, marking the first tangible response from the British government to the IRA pledge to verifiably put its arms beyond use.¹⁵

David Trimble said on May 12 that his party would consider the IRA statement and decide on May 20 whether it provided a sufficient basis for the UUP to go back into government with Sinn Fein. On May 18, Trimble announced his support for a return to governing with Sinn Fein, but said his party needed an additional week to review the IRA statement. Had the vote gone forward, the *Irish Times* reported that Trimble could have lost by a margin of 70 to 30. In the end, Trimble scored a narrow victory by postponing the vote. On May 27, the party's ruling council voted by 459 to 403 (53% to 47%) to return to government with Sinn Fein. Shortly after the vote, Northern Ireland Secretary Mandelson signed the order to restore home rule.¹⁶ The executive reconvened on June 1; the Northern Ireland Assembly on June 5.

On June 26, 2000, Ramaphosa and Ahtisaari, the two international inspectors, reported to the British and Irish Prime Ministers that they had been given access to several IRA arms dumps which contained "a substantial amount of military material," safely stored. They said they would reinspect regularly and were certain arms could not be used between visits without detection.¹⁷ The two inspectors revisited the arms dumps in October. In June, the IRA also resumed contact with General de Chastelain's International Decommissioning Commission, but the Commission said on October 26 that it had not been able to engage with the IRA representative since the reopening of contact in June.

On October 28, the ruling body of the Ulster Unionist Party met to discuss its continued participation in the devolved government. Jeffrey Donaldson, one of David Trimble's main critics, drafted a resolution stipulating that if actual decommissioning had not taken place by November 30, 2000, the UUP would withdraw from the Belfast Executive. Trimble strongly opposed that resolution, producing an alternative calling for continued participation in the Executive, but sanctioning Sinn Fein's participation in the North-South Ministerial Council meetings until the IRA engaged with the Decommissioning Commission. Trimble also proposed a more pro-active role for the Commission, suggesting it set targets and issue monthly reports. The UUP passed Trimble's resolution by a narrow margin of 54% to 46%.¹⁸

¹⁵ Gerry Moriarty, "Demolition of two British army bases announced," *The Irish Times*, May 10, 2000.

¹⁶ Deaglan de Breadun, "Return to devolution to take place at midnight," *The Irish Times*, May 29, 2000; Gerry Moriarty, "Trimble expresses hope for North's stability," *The Irish Times*, May 30, 2000.

¹⁷ John Murray Brown, "Arms inspectors assure Blair IRA dumps are secure," *Financial Times*, June 27, 2000, p. 10; "Dumped," *The Economist*, July 1, 2000, p. 57.

¹⁸ Gerry Moriarty, "Trimble only buys time, but that's progress of sorts," *The Irish Times* (continued...)

The IRA issued a statement on December 6, saying it remained “prepared to initiate a process which would completely and verifiably put IRA arms beyond use.” However, the statement maintained that the next step lay with the British: “The British government’s approach to demilitarization and their refusal to address the Good Friday Agreement’s requirements for a new beginning to policing and other matters represents a failure by them to honor their commitments. The political responsibility for advancing the current situation clearly lies with Tony Blair who must honor all commitments.”¹⁹ British officials argued these accusations were untrue, pointing to the release of paramilitary prisoners, the closing of 31 security bases, the lowest level of British troops since 1970, and the passage of the Police (Northern Ireland) Act.

On December 22, 2000, the Decommissioning Commission issued a report in which it stated that “it is crucial that we have substantive engagement with the IRA representative as soon as possible, followed by early movement on actual decommissioning by each of the paramilitary groups, if we are to meet the Agreement’s decommissioning requirements by the beginning of June.” In its New Year’s statement on January 1, 2001, the IRA again placed the onus on Prime Minister Blair for overcoming the decommissioning impasse: “The leadership of the IRA is committed to a resolution of the issue of arms. This will not be resolved until the British Prime Minister takes political responsibility for it.”²⁰ In the absence of any IRA steps on decommissioning, the ruling council of the UUP is likely to meet later in January, amid calls from agreement critics for Sinn Fein to be excluded from the Executive or for a suspension of devolved government in Northern Ireland.²¹

Issues for the United States

The Clinton Administration and many Members of Congress actively support the peace process. They have sought to bolster peaceful elements through both diplomacy and economic development. The United States is home to over 40 million Americans of Irish descent, and two groups have formed in Congress for Members who are concerned about the situation in Northern Ireland — the Friends of Ireland, and the Ad Hoc Congressional Committee For Irish Affairs. George Mitchell, the former Senate Majority Leader, whom President Clinton had appointed to be his special advisor on Ireland, served as chairman of the multi-party peace talks that resulted in the Good Friday Agreement and led the review of the peace agreement’s implementation in the fall of 1999. Foreign investment and the jobs such investment

¹⁸(...continued)

Times, Oct. 30, 2000; Warren Hoge, “Ulster Protestant Leader Wins a Key Vote,” *New York Times*, Oct. 29, 2000, p. 4.

¹⁹ IRA Statement, *The Irish Times*, Dec. 6, 2000.

²⁰ Monika Unsworth, “IRA say arms issue is in Blair court,” *The Irish Times*, Jan. 3, 2001.

²¹ Mary Minihan, “Statement by IRA prompts Donaldson call on meeting,” *The Irish Times*, Jan. 3, 2001; Warren Hoge, “IRA Asserts Onus is Blair’s in Peace Effort,” *New York Times*, Jan. 3, 2001, p. A6.

creates are seen as critical to tackling Northern Ireland's unemployment and securing peace, in the eyes of the Clinton Administration. The United States is Northern Ireland's largest source of foreign investment with 59 U.S. companies employing 16,350 people. Seeking to bolster the peace agreement, Bill Clinton has visited Northern Ireland and the Irish Republic three times as President, most recently on December 12-13, 2000.²²

Police Reform

An issue of particular interest to Congress in the implementation of the peace agreement has been the reform of the Royal Ulster Constabulary (RUC), Northern Ireland's police force. The RUC is 92% Protestant. Long accused by human rights organizations of brutality, Catholic leaders view the RUC as the enforcer of Protestant domination and have called for it to be disbanded and replaced by a wholly new force. Protestant leaders defend the RUC based on its tradition of loyalty and discipline, and its record of fighting terrorism (more than 300 of its members have been killed in action and thousands have been wounded and disabled). As called for in the peace agreement, an independent panel was created to make recommendations on new policing arrangements by the summer of 1999. The commission's "proposals on policing should be designed to ensure that policing arrangements, including composition, recruitment, training, culture, ethos and symbols, are such that in a new approach Northern Ireland has a police service that can enjoy widespread support from, and is seen as an integral part of, the community as a whole." Chris Patten, the last British Governor of Hong Kong and former chairman of the Conservative Party, was appointed by Prime Minister Blair to head the commission; seven other members were named on June 3, 1998.

On April 22, 1999, the House International Relations Committee (HIRC) held hearings on the RUC. In Belfast on July 8, HIRC Chairman Benjamin Gilman released a statement saying the hearing made clear the need for "root and branch" reform of the RUC "at a minimum." Chairman Gilman provided a copy of the report to the Patten Commission, together with a letter signed by several Members, including the Speaker of the House, Dennis Hastert, and the Democratic Leader, Richard Gephardt.

The Patten Commission released its report on September 9, 1999. The 128-page report contained 175 recommendations and proposed the most radical reform of the police force in the history of Northern Ireland. It did not call for the RUC to be disbanded, but recommended a new name — the Northern Ireland Police Service, a new badge and symbols free of the British or Irish states; the Union flag should also no longer be flown at police stations. Other key proposals included a dramatic reduction in the size of the force (reduce full-time service from 11,400 to 7,500), as well as a substantial increase in the proportion of Catholic officers (increase to 16% in four years and 30% in 10 years).²³ Patten said a central aim of the report was to

²² "Clinton's Honours," *The Irish Times*, Dec. 14, 2000; John Murray Brown, "Clinton urges 'follow through' on IRA arms," *Financial Times*, Dec. 14, 2000, p. 9.

²³ "A New Beginning: Policing in Northern Ireland," *The Report of the Independent* (continued...)

depoliticize the policing issue. Nonetheless, as expected, unionists responded negatively; nationalists were generally positive.

On September 24, 1999, the House International Relations Committee's Subcommittee on International Operations and Human Rights held a hearing on the Patten Commission report. The consolidated appropriations act for FY2000 (PL106-113) prohibits further funding of any training or exchange program between the FBI and the RUC, unless President Clinton certifies that RUC participants have been vetted for past human rights abuses, and that the British and Irish governments "are committed to assisting in the full implementation of the recommendations of the Patten Commission."

The Blair government presented the Police (Northern Ireland) Bill to the House of Commons on May 16. Northern Ireland Secretary Mandelson maintained the bill was faithful to the "broad intentions" and "detailed recommendations" of the Patten report, but the nationalist community criticized the bill severely. On May 31, Mandelson announced that Tom Constantine, former New York State police chief and former head of the U.S. Drug Enforcement Agency, had agreed to serve as "Oversight Commissioner" to oversee the implementation of Patten.

On June 6, Secretary Mandelson published the implementation plan addressing each of the 175 recommendations in the Patten report. On the same day, in opening the debate in the House of Commons as Members of Parliament gave the Police Bill a Second Reading, Mandelson signaled likely concessions to Northern Ireland's Deputy First Minister, Seamus Mallon, on a range of issues of concern to nationalists. Under growing pressure from the SDLP, as well as Sinn Fein and the Irish government, Mandelson indicated likely amendments to the bill would deal with the oath and code of ethics for members of the new police service, human rights training, proposals for 50-50 recruitment, the role of the Oversight Commissioner and powers of the Police Ombudsman, and the future functions of the District Police Partnership Boards. Contention continued over the title for the new police service, the emblems or insignia to be associated with it, the flying of the Union flag over police stations, and the power of the new Policing Board to order inquiries.²⁴ In the U.S. Congress, bills were introduced in both chambers (S.Res. 332 and H.Res. 547) calling on the British government to "fully and faithfully implement the recommendations" of the Patten report.

The controversial Police (Northern Ireland) Bill completed its parliamentary passage at Westminster on November 21, 2000. While some nationalist concerns have been addressed and changes in the legislation made, the SDLP and Sinn Fein contend that the new police force will not be sufficiently accountable. British officials disagree and argue that nationalists do not properly appreciate the unionist

²³(...continued)

Commission on Policing for Northern Ireland, September 1999. See also Chris Ryder, "A look at future policing in North," *The Irish Times*, Sept. 10, 1999; and "A Visionary Report," *The Irish Times*, Sept. 10, 1999.

²⁴ Frank Millar, "Key issues of police reform left unresolved," *The Irish Times*, June 7, 2000.

perspective on Patten. Secretary Mandelson has said the British government hopes to have a new Policing Board in place in January 2001, in shadow form, made up of unionist, nationalist, and republican politicians. In April 2001, advertisements will appear for initial recruits, selected on a 50/50 basis from the Protestant and Catholic communities. In September 2001, those recruits would start training and the new police service will come into being as the Police Service of Northern Ireland.

Chris Patten endorsed the government's controversial reforms of the RUC on November 28, a significant boost to Secretary of State Mandelson's attempts to win broad nationalist approval for the new policing dispensation. Patten encouraged nationalists and unionists to nominate representatives to the new Policing Board and District Policing Partnerships. He also said the political parties should encourage young people from all sections of the community to join the police service created by the British Government's Police Bill.²⁵

International Fund for Ireland

The International Fund for Ireland (IFI) is the conduit through which the U.S. Government provides assistance to Northern Ireland and the Republic of Ireland. It was created in September 1986 by the British and Irish governments, based on objectives stated in the Anglo-Irish Agreement of 1985. The Fund supports economic and social development projects in the areas most affected by the civil unrest in the North, with roughly 75% of the Fund's resources spent in Northern Ireland and the remainder in border areas of the Republic. Of the money allocated for Northern Ireland, roughly 89% is spent in the most disadvantaged areas. Many of the Fund's projects are focused on areas suffering from high unemployment, outward migration of young people, lack of facilities, and little private sector investment. The IFI provides seed funding to stimulate private and public sector investment in those areas. The Fund seeks to "encourage contact, dialogue and reconciliation between nationalists and unionists throughout Ireland." Many observers highlight the Fund's reconciliation function as a key contribution to the peace process, as IFI projects have been able to provide the incentive for divided communities to work together for the common good. The IFI has aided about 3,600 projects in the areas of tourism, urban development, agriculture and rural development, technology, business and community development. As of September 1997, IFI-supported projects had created 31,629 jobs.

The Anglo-Irish Agreement Support Act of September 19, 1986 (PL 99-415) authorized U.S. contributions to the Fund. Other donors include the European Union (EU), Canada, New Zealand, and Australia. Northern Ireland and the Republic of Ireland receive additional, substantial EU aid. The United States is a major donor, and has requested that its contribution be used primarily to stimulate private sector investment and job creation. For FY2000, President Clinton requested and Congress approved \$19.6 million for the IFI (PL106-113). For FY2001, the Senate Appropriations Committee did not identify specific funding for the IFI in the foreign operations appropriation bill (S. 2522), but the positive language about the IFI in the Committee's report (106-291) of May 11, 2000 suggested funding would be

²⁵ Chris Patten, "Time for all to row in behind the new police," *The Irish Times*, Nov. 29, 2000.

available within the worldwide economic support fund account, as requested by the Administration. The Senate passed S. 2522 on June 22. The House Appropriations Committee established a separate line item for the IFI and requested \$25 million for the Fund for FY2001, an increase of \$5.4 million over the current funding level. According to the Committee's report (106-720), the recommended increase is "to express support for implementation of the Good Friday Agreement." The House of Representatives passed H.R. 4811 on July 13. The two chambers worked out a compromise on the final bill in conference. President Clinton signed that bill into law on November 6, 2000 (PL 106-429); it included \$25 million for the IFI.

Table 1. U.S. Contributions to the IFI
(in millions of dollars)

FY1986	\$50	FY1993	\$19.7
FY1987	\$35	FY1994	\$19.6
FY1988	\$35	FY1995	\$19.6
FY1989	\$10	FY1996	\$19.6
FY1990	\$20	FY1997	\$19.6
FY1991	\$20	FY1998	\$19.6
FY1992	\$19.7	FY1999	\$19.6
FY2000	\$19.6	FY2001	\$25

Successive U.S. Administrations and the U.S. Congress have seen economic development as key to fostering peace in Northern Ireland. Support for the paramilitaries has been strongest in the communities suffering the highest level of unemployment and economic deprivation; thus, many see the creation of jobs and economic opportunity as on par with working out a political solution to the conflict in Northern Ireland. Critics of U.S. assistance to the region argue that the European Union, not the United States, is the appropriate source of aid and further that private investment, rather than aid, is central to job creation. Supporters of the aid program, including many Members of Congress, see aid and investment as complementary, with aid often serving as a catalyst for investment.

Fair Employment and MacBride

All major social and economic indicators show that Catholics in Northern Ireland are disadvantaged relative to Protestants. The most persistent area of inequality has been employment. Catholics experience rates of unemployment over twice as high as Protestants, and Catholics are more likely than Protestants to experience long-term unemployment. The British government sees inward investment and the creation of employment opportunities, linked to its fair employment legislation, as the best antidote to Catholic unemployment. Others believe implementation of the MacBride Principles would provide an important remedy. Introduced in 1984, the MacBride Principles are nine equal opportunity/affirmative action principles, intended to promote employment options for members of underrepresented religious groups in Northern Ireland. Among other things, the

Principles call for provocative religious or political emblems to be banned from the workplace; for all job openings to be publicly advertised with special recruitment efforts to attract applicants from underrepresented groups; and for adequate security at the workplace.

Supporters have led a campaign to have observance of the MacBride Principles by U.S. firms with plants in Northern Ireland made mandatory through legislation enacted at the federal, state and city level. Sixteen states and over 30 cities have adopted legislation on the MacBride Principles. Sinn Fein is the only party in Northern Ireland which supports both the principles and the campaign. Supporters of the campaign believe their efforts were instrumental in bringing about British passage of the 1989 Fair Employment Act. The Clinton Administration believes the principles are “highly commendable,” but has expressed concern about whether their implementation might discourage investment. None of the 59 U.S. companies with operations in Northern Ireland has adopted the Principles explicitly, but about 44 U.S. companies have come to an agreement, whereby they will make lawful efforts to implement the fair employment standards embodied in the MacBride Principles.

In the 105th Congress, the omnibus fiscal 1999 appropriations bill, which President Clinton signed into law (P.L. 105-277) on October 21, 1998, contains a provision on the International Fund for Ireland providing monies to firms employing practices consistent with “principles of economic justice” (modified MacBride Principles).

Legislation in the 106th Congress

H.R. 128 (Engel)

A bill concerning paramilitary groups and British security forces in Northern Ireland. Introduced January 6, 1999; referred to Committee on International Relations.

H.R. 1164 (McDermott)

A bill to provide for assistance by the United States to promote economic growth and stabilization of Northern Ireland and the border counties of the Irish Republic. Introduced March 17, 1999; referred to Committees on International Relations, and on Ways and Means.

H.R. 1166 (Meehan)

A bill to authorize the President to enter into a trade agreement concerning Northern Ireland and certain border counties of the Republic of Ireland. Introduced March 17, 1999; referred to Committee on Ways and Means.

H.R. 1211 (Smith)

Foreign Relations Authorization Act, FY2000. Section 408 calls for a halt to training programs between the FBI and the Royal Ulster Constabulary until certain conditions have been met. Introduced March 22, 1999; amended and reported out by Committee on International Relations April 29.

H.R. 2109 (Payne)

A bill to limit the sale or export of plastic bullets to the United Kingdom. Introduced June 9, 1999.

H.R. 2110 (Payne)

A bill to provide for the waiver of certain grounds of inadmissibility related to political activity in Northern Ireland or the Republic of Ireland for aliens married to U.S. citizens. Introduced June 9, 1999; referred to Committee on the Judiciary.

H.R. 3194/PL 106-113

Consolidated Appropriations Act for FY2000. Signed into law, November 29, 1999. Includes \$19.6 million for International Fund for Ireland (IFI). Prohibits further funding of any training or exchange program between the FBI and the Royal Ulster Constabulary, unless certain conditions are met.

H.R. 4811 (Callahan)/PL 106-429

A bill to make appropriations for foreign operations, etc., for FY2001. Signed into law, November 6, 2000. Includes \$25 million for IFI. The conference report urges the application of equal opportunity principles through the IFI.

H.Con.Res. 54 (Crowley)

A concurrent resolution recognizing the historic significance of the first anniversary of the Good Friday Peace Agreement. Introduced March 11, 1999; passed House April 20, 1999; referred to Senate Committee on Foreign Relations April 21, 1999.

H.Con.Res. 59 (Payne)

A concurrent resolution condemning the brutal killing of Rosemary Nelson. Introduced March 17, 1999; referred to Committee on International Relations.

H.Con.Res. 242 (Gejdenson)

To urge the Nobel Commission to award the year 2000 Nobel Prize for Peace to former U.S. Senator George J. Mitchell for his dedication to fostering peace in Northern Ireland. Introduced January 27, 2000.

H.Res. 128 (Smith)

A resolution condemning the murder of human rights lawyer Rosemary Nelson and calling for the protection of defense attorneys in Northern Ireland. Introduced March 23, 1999; passed House April 20, 1999.

H.Res. 547 (Neal)

A resolution expressing the sense of the House of Representatives with respect to the peace process in Northern Ireland and calling upon the British Government to fully and faithfully implement the recommendations contained in the Patten Commission report on policing. Introduced July 11, 2000; passed House September 26, 2000.

S.J. Res. 54 (Kennedy)

A joint resolution expressing the sense of the Congress with respect to the peace process in Northern Ireland. Introduced September 28, 2000.

S.Res. 64 (Durbin)

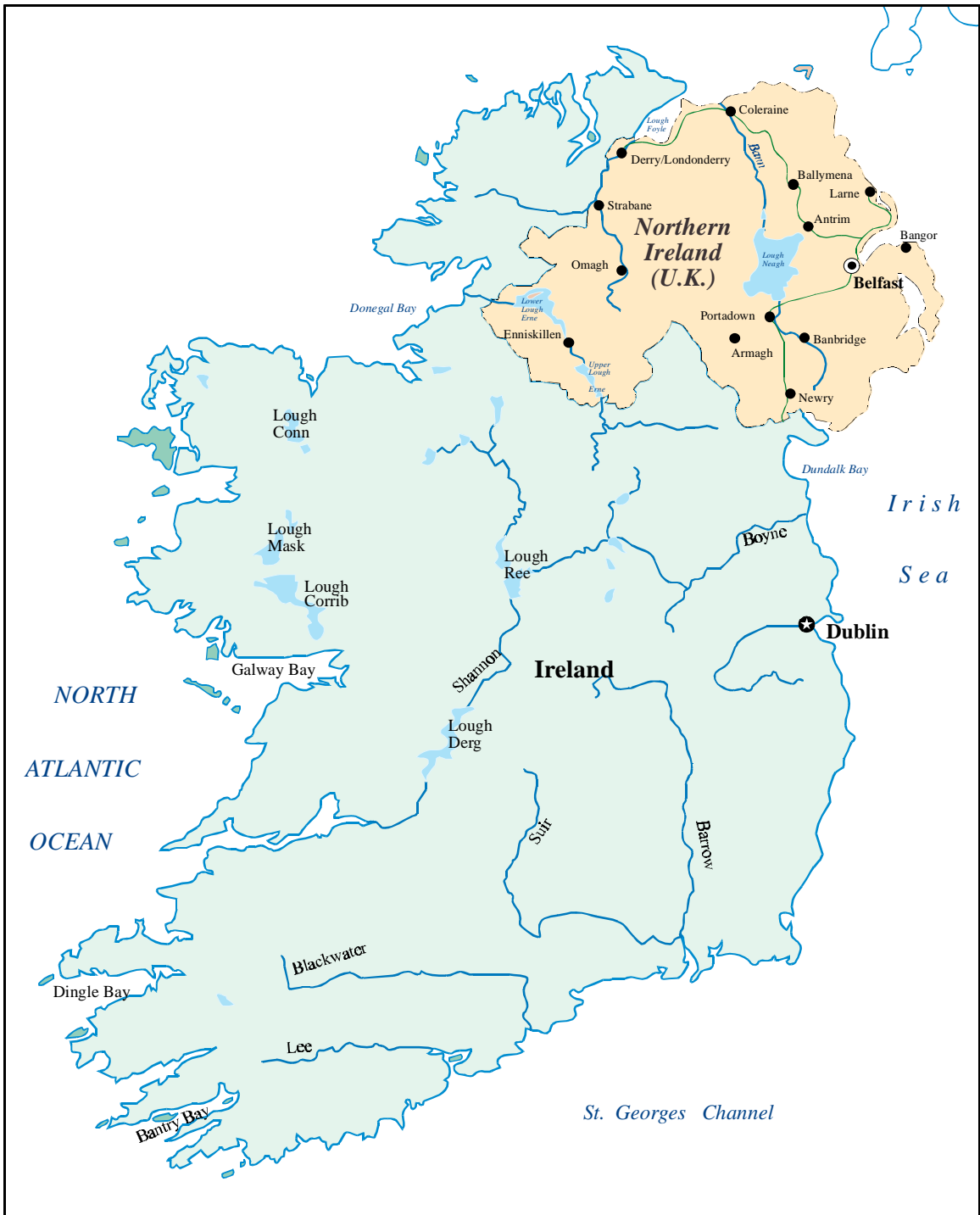
A resolution recognizing the historic significance of the first anniversary of the Good Friday Peace Agreement. Introduced and passed Senate March 17, 1999.

S.Res. 259 (Helms)

A resolution urging the decommissioning of arms and explosives in Northern Ireland. Introduced February 24, 2000 and referred to Senate Committee on Foreign Relations.

S.Res. 332 (Kennedy)

A resolution expressing the sense of the Senate with respect to the peace process in Northern Ireland and calling upon the British Government to fully and faithfully implement the recommendations contained in the Patten Commission report on policing. Introduced June 30, 2000 and referred to Senate Committee on Foreign Relations.



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