

**THE GOOD FRIDAY AGREEMENT
AS A FRAMEWORK:
THE FUTURE OF PEACE
IN NORTHERN IRELAND**

by

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THE FUTURE OF PEACE

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ABSTRACT

In 1998, the Good Friday Agreement effectively put an end to decades of violence in Northern Ireland, a period known as “the Troubles.” Despite the levels of violence between the two main groups in Northern Ireland—groups divided along lines of heritage, religion, and political views— and the tensions that still exist today, the Good Friday Agreement succeeded. The Agreement has been lauded in the decades since for this accomplishment; however, it may not be the solution that it is often characterized as by its supporters. Rather, it is a framework for a solution, insofar as it requires other agreements, institutions, and legislation. Lawmakers recognized this immediately, and consequently set about crafting the legislation that the Agreement suggested. Unfortunately, as violence waned and major tenets of the Agreement were satisfied, effort to supplement the Agreement dropped off. This thesis first examines the Agreement to determine what makes it a framework rather than a solution, which sets the stage for two more questions: what supplements have fallen by the wayside, and what are the consequences of this? I hypothesized that the consequences for abandoning supplements would be more disastrous than many would guess, and may even set the stage for a resurgence of the Troubles, particularly in light of the British departure from the European Union. Overall, I found that Northern Irish peace is indeed fragile in a way that additional supplements to the Agreement could have prevented. Additionally, with the recent Brexit, the fragility of peace could spell disaster. Despite this, because the relationship between Northern Ireland, the Republic of Ireland, and Great Britain is no longer as aggressive as it was in the twentieth century, it is unlikely that the Troubles will return to the same extent. However, as I hope to show, continuing the supplements would certainly limit crises in the future.

Chapter 1

INTRODUCTION

As the world attempts to cope with numerous interstate and intrastate conflicts and prejudices that date back centuries, peace-seeking nations cling to hope for a bright future. In the current day and age, the best justification for hope is the Good Friday Agreement—one of the few treaties in recent history that, for the most part, resolved a bloody and long-standing conflict. The astounding success of the Good Friday Agreement caused a rapid increase in research on the country by political scientists hoping to apply this Northern Ireland “model” to other intrastate conflicts. Despite the great success of the treaty, some believe that the peace has been wavering in recent years—a notion based on disruptive arguments that have only intensified in the months since the British exit from the European Union in the summer of 2016. The claim that peace is wavering is justifiable, as the current status quo in Northern Ireland is certainly fragile. But how could that be the case, if the Good Friday Agreement is so successful? The answer is relatively simple: despite the fact that the Good Friday Agreement is popularly regarded as a solution to the conflict, it was never intended to be a solution, but a framework for a future solution. The Good Friday Agreement is not a resolution itself, but a tool for such, and a tool that must be supported by other institutions and legislation. Because of this popular outlook that the Troubles are solved, legislation meant to support the Good Friday Agreement has seen significant drop-off in the past decade, as distance between the Troubles era and the present grows. Unfortunately, because this drop-off occurred while there are still gaps in the legislation, the Good Friday Agreement is not living up to its potential. Further, much of this potential concerns aspects of Northern Irish society that makes peace so fragile: segregated communities, cooperation between civilians and government officials, et cetera.

Before delving into the consequences of the gaps in the implementation of the Good Friday Agreement in the following chapters, the next two sections will address Northern Irish history before and after the Good Friday Agreement of 1998 to contextualize the question. This introduction will conclude on an overview of the rest of this thesis as it attempts to address the why the Good Friday Agreement is simply a framework, why it has not seen its full potential, and what consequences that may have for the future of Northern Irish peace.

Northern Ireland Prior to Good Friday Agreement

Though the Northern Irish conflict is typically described as taking place in the latter portion of the twentieth century, the conflict can be traced back to the seventeenth century, when the British colonized Ireland and tensions flared as a result. In 1920, Ireland was divided into the independent Republic of Ireland in the south and six British-controlled counties in the north, known as Northern Ireland. When the Republic of Ireland was created, the Government of Ireland Act “guaranteed that Northern Ireland would remain part of the Great Britain as long as its citizens agreed.”¹ This vague status would contribute to struggles over governance of the region, largely beginning in the 1960s, when Northern Ireland faced an economic recession and the Irish truly began to feel the effects of second-class citizenship. The citizens of Northern Ireland were fairly firmly divided into two groups: the people whose heritage could be traced by to Ireland, and who tended to be Catholic; and the people whose heritage could be traced back to the colonizing British subjects, and who tended to be Protestant. Before 1920, the Irish were systematically discriminated against by the British colonizers—and this remained true for the Catholics in Northern Ireland after the division. The Irish Catholics tended to be awarded preference for adequate housing, plumbing, and civil rights during the economic downturn, while the Irish were forced to bear the burden of poverty. It is essential to note that while the two groups are often referred to by their respective religious denominations in popular discourse, the

¹ Joyce P. Kaufman and Kristen P. Williams, *Women, the State, and War: A Comparative Perspective on Citizenship and Nationalism* (Lanham, MD: Lexington Books, 2007), 159.

initial discrimination was more related to Irish ties than Catholicism; however, because religion was such a reliable marker for nationality, the discrimination was tied to both. Meanwhile, though the discrimination sparked the Troubles, the conflict concerned which group could influence the status of Northern Ireland, and was thus more political in nature (with nationality or religion serving as an identifier of the “sides”).

The conflict began to brew when news of the American Civil Rights Movement inspired the Irish to organize their resentment over discrimination into protests. These protests quickly escalated to sectarian violence that continued for three decades.² In the spirit of the American Civil Rights Movement, the protests began peacefully. However, a brutal police response convinced many on the side of the Irish of two points: one, that the only way to be heard would be to fight the violence of the ruling British with violence of their own; and two, the goal of their fight should be to force Northern Irish separation from the United Kingdom to join the Republic of Ireland, as that would be the only way to guarantee the rights of the Irish. Most Irish civilians did not necessarily agree with the former point, but many felt the latter had some merit. As such, as the Troubles escalated, it was no longer a conflict between Irish and British citizens, but between nationalists who wanted to unite with the Republic of Ireland, and loyalists who remained loyal to the United Kingdom. Meanwhile, the nationalists who believed that the best strategy was fighting violence with violence formed paramilitary groups.

One of these groups, the Provisional Irish Republican Army (the “Provos”) would later be branded a terrorist organization internationally for its deadly violence against citizens. This organization was an offshoot of the original Irish Republican Army (IRA), which had driven Britain from the Republic of Ireland decades earlier. The IRA split into groups following a series of riots over discrimination in 1969, allowing the Provos to form.³ Because the Provos is also colloquially known as the “IRA,” and because its reputation during the Troubles has all but

² Kaufman and Williams, *Women, the State, and War*, 160.

³ “IRA,” *BBC News*,

http://news.bbc.co.uk/1/hi/english/static/northern_ireland/understanding/parties_paramilitaries/ira.stm, (10 April 2015).

eclipsed the original IRA, whenever the IRA is mentioned throughout this paper, it refers to the Provos unless otherwise stated. As this IRA offshoot established itself as a violent paramilitary group and was joined by other similar groups, loyalists organized to form their own paramilitary groups. In the same manner that these paramilitary groups formed, violence naturally organized into a tit-for-tat pattern. Ultimately, three thousand people died between the beginning of the violence of the Troubles in 1969 and the last deadly attack in 2001.⁴ The frequency and deadliness of the attack saw a peak between 1972 and 1976, a period during which an average of about 300 people died per year. After that peak, terrorist attacks occurred about every other year until 1998—and during years that saw attacks, an average of 30-40 people died per year.⁵

With violence and fear essentially characterizing this time period, it is not surprising that attempts at peace agreements came before the Good Friday Agreement. Prior to 1998, there were three major attempts at peace by the collective British, Irish, and Northern Irish government. The first was known as “The Power-Sharing Executive and Sunningdale Agreement,” which created a new assembly to govern Northern Ireland. This assembly included representation of major political parties, as well as a council to link Britain, Ireland, and Northern Ireland. This plan was put into place in 1973 through 1974. It failed due to lack of agreement between political parties and continued outbreaks of violence.⁶ The outbreak of violence was in part due to tactics of the paramilitary groups; these groups often resorted to “spoiling” peace attempts with violence when they viewed the attempts as unbeneficial to their causes. In fact, this spoiling tactic is a typical tactic of terrorist organizations, and contributed to the labelling of the IRA as terrorist.⁷ Because of this threat, another major attempt at peace did not come until 1985, in the form of the Anglo-Irish Agreement. This agreement, drafted by British Prime Minister Margaret Thatcher and Irish

⁴ “History: The Day the Troubles Began,” *BBC News*, <http://www.bbc.co.uk/history/events/day>Obstacles to Peace - PoliticstroublesObstacles to Peace - Politicsbegan (2014).

⁵ Wesley Johnston and Patrick Abbot. “Major Killings in or Associated with Northern Ireland 1969-1998.” *The Ireland Story*, <http://www.wesleyjohnston.com/users/ireland/past/troubles/major>Obstacles to Peace - Politicskillings.html.

⁶ “Obstacles to Peace – Politics,” *Toot Hill School*, <http://www.toothillschool.co.uk/data/files/dept/hist/y10coursework/q3booklet.pdf> (2004).

⁷ National Consortium for the Study of Terrorism and Responses to Terrorism (START), Global Terrorism Database [Irish Republican Army], <http://www.start.umd.edu/gtd> (2012).

Taoiseach Garrett Fitzgerald (the Irish equivalent of Prime Minister), set up an “Intergovernmental Conference,” which allowed for cooperation between the Republic of Ireland and Northern Ireland⁸. It also involved both the British and Irish governments conceding key points about Northern Ireland’s status. However, the disagreement still plagued the political parties in Northern Ireland; they were not desperate enough to consider any plans that involved concession yet.

The third attempt at peace was far more successful than any previous ideas. The Downing Street Declaration of 1993 again involved both the British Prime Minister and Irish Taoiseach in an effort to revamp Northern Ireland’s government⁹. However, the Downing Street Declaration did not propose a new government (as the Good Friday Agreement later would), but simply set up talks to discuss the future of Northern Irish government. Additionally, a key aspect of the Downing Street Declaration was that only political parties that renounced violence could participate in the new government. Predictably, this was largely negotiated by political parties with moderate viewpoints, as opposed to major paramilitary-linked parties like Sinn Féin (linked to the IRA). Nevertheless, shortly thereafter, the paramilitaries declared a ceasefire, likely due to the requirements of the declaration.¹⁰ As such, the Downing Street Declaration set the stage for the Good Friday Agreement, not only by calming the spoilers who might threaten real peace, but also by setting up the discussions that would eventually result in a plan—a plan eventually proposed in the Good Friday Agreement.

Northern Ireland After the Good Friday Agreement

When the Good Friday Agreement was signed in 1998, it set up a new government for Northern Ireland. It created three institutions for the government: the Northern Ireland Assembly to bring together party leaders in an institution based on equality, the North/South Ministerial

⁸ “Obstacles to Peace – Politics,” *Toot Hill School*.

⁹ “Obstacles to Peace – Politics,” *Toot Hill School*.

¹⁰ “Obstacles to Peace – Politics,” *Toot Hill School*.

Council to maintain ties between the Republic of Ireland and Northern Ireland, and the British-Irish Council to promote relations between Britain and the island of Ireland.¹¹ These institutions were enacted swiftly, but soon faced struggles. In 2002, the British Secretary of State for Northern Ireland decided to suspend the institutions as a direct result of debates on the arrest of members of the Sinn Féin party on the charge of espionage. While there are many political parties for both Catholics and Protestants in Northern Ireland, the Sinn Féin political party is the largest Catholic political party, and was associated with the IRA at the time. In fact, in 2002, Sinn Féin had just recently earned the title of most popular nationalist party, as it had been steadily gaining growing in popularity over the more pacifistic Social Democratic and Labour Party since the IRA declared ceasefire. The assembly was suspended and a year later was formally dissolved due to an election in 2003 to determine the political party representation within the assembly. It was restored shortly after the elections, which firmly established the power of political parties within the assembly. Because of these complications, the St Andrews Agreement of 2006 was signed, creating a “Transitional Assembly” to assist in the devolution of the Northern Irish government. As such, the St Andrews Agreement resulted in returning power to the Northern Irish government—power previously held by Great Britain.¹² Since the St Andrews Agreement, the Northern Irish government, now holding power in its own right, has operated smoothly—a testament to the Good Friday Agreement. However, since 2006, the government—and the very peace that the government created—has been threatened multiple times, even to present day.

In the event of a government threat or societal crisis, Northern Ireland often experiences a period of uncertain panic. Every threat to the status quo is treated as an event that may spark retaliation from the other side, and until enough time has passed to make people believe that this retaliation will not come, they hold their breaths. Because of this, every crisis is considered a

¹¹ “The Good Friday Agreement,” The Department of Foreign Affairs and Trade, <http://www.dfa.ie/home/index.aspx?id=335>.

¹² “History of the Assembly,” *Northern Ireland Assembly*, <http://www.niassembly.gov.uk/about-the-assembly/general-information/history-of-the-assembly/>.

potential threat to peace. Since 2006, there have been a number of such crises. First, in 2012 protests shook Northern Ireland for over a year because Belfast decided to limit the days that the Union Jack would fly over city hall, thus symbolically deemphasizing Northern Ireland's place in the United Kingdom.¹³ The issue was complicated when initial protests ended with injury to police and security forces—a problematic subject in Northern Ireland due to the role of police in the violence of the Troubles (which resulted in them frequently marked as targets during the time). Another crisis came only a few years later, when a former IRA leader was murdered, and a few months later his killer was also murdered in what the police termed a “revenge killing” within the IRA.¹⁴ This incident inspired fear because it implied that the IRA—which the Good Friday Agreement had allegedly disbanded and decommissioned—is still active, and thus had the potential to reemerge as a violent player in future conflict. The most recent major crisis was “Brexit,” the British exit from the European Union. The hard borders on the island of Ireland that may result from the exit is a point of contention that will not be resolved until the United Kingdom firms up the conditions of its exit.¹⁵ Unless there can be an agreement put into place that ensures that the Republic of Ireland/Northern Ireland border can remain soft (despite the major role that limiting immigration had in the United Kingdom's reasoning), this could go so far as to inspire a referendum in Northern Ireland to join the Republic of Ireland. Another crisis is also on the horizon due to the controversy surrounding the recent snap election, which had to be held after the deputy First Minister resigned in protest.¹⁶

Meanwhile, these crises develop in an already complicated situation—there are annual sources of tension that make certain months particularly tense. Every July 12 (infamously known

¹³ “Q&A: Northern Ireland flag protests,” *BBC News*, <http://www.bbc.com/news/uk-northern-ireland-20651163> (28 Nov 2014).

¹⁴ Suzanne Breen, “This is payback for Jock Davison’ – IRA hitman Kevin McGuigan killed in a hail of bullets at his Belfast home,” *Belfast Telegraph*, <http://www.belfasttelegraph.co.uk/news/northern-ireland/this-is-payback-for-jock-davison-ira-hitman-kevin-mcguigan-killed-in-a-hail-of-bullets-at-his-belfast-home-31448284.html> (13 Aug 2015).

¹⁵ Edward Burke, “Who Will Speak for Northern Ireland?” *The RUSI Journal* 161.2 (2016): 4-12, *Taylor and Francis Online*, <http://www.tandfonline.com/doi/full/10.1080/03071847.2016.1174477>.

¹⁶ Because this controversy is extremely recent and still developing, it will be addressed in detail at the end of Chapter 4 in the last section.

as “The Twelfth”), Protestants march in “Orange Order parades,” which celebrates the Battle of the Boyne, a tide-turning battle that ultimately ensured Protestant influence in the United Kingdom with Prince William of Orange’s victory of the Catholic King James II.¹⁷ With such a military history inspiring this parade and others like it, it is no surprise that the Twelfth can often spark protests and riots. Further, the Twelfth is far from the only controversial parade in Northern Ireland, though it may be the largest and most worrisome to Irish and British citizens alike. In fact, Protestant and Catholic, nationalist and loyalist parades alike are such a large part of the Northern Irish tradition, a “Parades Commission” was put into place in 1998 after the Good Friday Agreement in order to “promote and facilitate mediation as a means of resolving disputes concerning public processions.”¹⁸ Adding to the annual tension, every November, Remembrance Day poppies become an issue. In the United Kingdom, citizens wear poppies to honor British armed forces, a tradition that began in 1921. The poppy has become controversial throughout the United Kingdom recently due to lack of public support for certain wars, but in Northern Ireland many find the poppy “deeply offensive,” as it also honors armed forces that acted violently toward the nationalists during the Troubles.¹⁹ This is the situation that Northern Ireland is in as it looks to the future. This is a future in which it must face developing conflicts and controversies against the backdrop of annual tensions, and do so with the same tools that it has used to survive in peace—but is that enough?

Thesis Question and Overview

The Good Friday Agreement of 1998 ended the violence in Northern Ireland, which had been plaguing the region for decades. However, Northern Ireland now faces a problem because of the Good Friday Agreement’s structure as a framework, which contradicts the popular

¹⁷ “The Twelfth: Thousands march in Orange Order parades,” *BBC News*, <http://www.bbc.com/news/uk-northern-ireland-36765294> (12 July 2016).

¹⁸ “About Us – Commission,” *Northern Ireland Parades Commission*, <http://www.citationmachine.net/bibliographies/182434422?new=true>.

¹⁹ James Fox, “Poppy Politics: Remembrance of Things Present,” in *Cultural Heritage Ethics: Between Theory and Practice* (Cambridge, UK: Open Book Publishers, 2014), 21-30.

assumption that it is a solution. The Good Friday Agreement was meant to contribute to the atmosphere of peace with the expectation that further systems would be set up to ensure resolution of the conflicts; it was not a system that would support peace in and of itself, despite being popularly regarded as such. With this in mind, I am investigating the following: What about the Good Friday Agreement makes it a framework for future peace rather than a solution itself; what would the supplemental, follow-up treaties and agencies intended by the Good Friday Agreement drafters look like; and what are the consequences for Northern Irish peace if these supplements are not put in place?

Chapter 2 will discuss the first of these questions via a close reading of the text of the Good Friday Agreement. This section will also support the conclusion that the Good Friday Agreement is a framework by presenting evidence in the form of the supporting institutions and agreements for which the Good Friday Agreement called, and which were accordingly put in place. Chapter 3 will address the second question in two separate sections: the first will discuss the supplements that were explicitly suggested but either dissolved or never put in place, and the second will suggest potential supplements inspired by the current conditions of Northern Ireland and conflict-resolution mechanisms in other countries. Chapter 4 will address the third question by analyzing the current situation in Northern Ireland, and using the current situation to determine the likelihood of a resurgence of the Troubles—the most disastrous of potential consequences. This chapter will look particularly at elements of Northern Irish society that make the peace in Northern Ireland so fragile—for example, the segregation within Northern Ireland that allows individuals to lack empathy for the “other side”—and how these elements could spell disaster in conjunction with recent events, particularly Brexit. Brexit takes center stage when determining the future of Northern Ireland, as the likely hard borders have dozens of consequences for not only the satisfaction of citizens of Northern Ireland, but for Northern Irish economy, trade, and politics. This all seemingly points to disaster, but another major element of Chapter 4’s conclusion is that the political situation between Northern Ireland, Great Britain, and

the Republic of Ireland is drastically different than it was in the twentieth century, providing hope for the country yet.

Chapter 2

THE INTENT OF THE GOOD FRIDAY AGREEMENT

Before suggesting further methods of supporting the Good Friday Agreement, the specific characteristics of the Agreement that make it a framework rather than a solution must be established. This can be done through two methods. First, a textual analysis of the Good Friday Agreement can reveal purposefully vague language or statements that indicate the need for supplementation. Second, supplements put in place in the two decades since the Agreement can highlight gaps in the original system in hindsight. Establishing that the Good Friday Agreement, while necessary to continue on to the remaining portions of the thesis question, is relatively straightforward. This is because by virtue of being a successful peace agreement, the Good Friday Agreement *must* be a framework—all similar peace agreements must leave room for supplemental legislation, and the Good Friday Agreement is no different. As such, the popular idea that the Agreement is a solution itself is flatly wrong, as it never has been and never could have been in order to be successful. The following textual analysis will go into detail regarding which aspects of the Good Friday Agreement are left vague—and why that is necessary for it to function.

Textual Analysis of the Good Friday Agreement

The Good Friday Agreement is separated into ten main sections. The first is a declaration of support that broadly states the aims of the Agreement and the support of those involved, followed by an acknowledgement of how the constitutions of the nations involved in the conflict may be affected by the Agreement.²⁰ Next comes three Strands: a detailed proposal for new democratic institutions in Northern Ireland, namely the Assembly of Northern Ireland (“Strand One”); a similar proposal for the establishment of a North/South Ministerial Council (“Strand Two”); and another proposal for a British - Irish Council (“Strand Three”).²¹ Following the

²⁰ The Good Friday Agreement (10 April 1998), 1.

²¹ The Good Friday Agreement (10 April 1998), 1.

Strands are multiple plans addressing Northern Irish societal stability in the aftermath of the Agreement, including: a comprehensive plan for ensuring the protection of human rights in Northern Ireland; a separate plan specifically for the decommissioning of paramilitary groups; an acknowledgement of how the Agreement fits in the tense security situation; a proposal to reform policing and the justice system in Northern Ireland; and an agreement on the fate of prisoners from the conflict. Finally, the Agreement ends with a review of the prior sections.²²

The separation of the sections indicates both the scope and the focus of the Good Friday Agreement. In terms of practical outlines for building peace in Northern Ireland, the Good Friday Agreement establishes a means to end the conflict—the three Strands that act as the basis for a new system of governance in Northern Ireland—and suggestions for maintaining peace once the conflict has ended—the plans for ensuring human rights, decommission, proper policing, and fair treatment of prisoners. The latter intention is arguably the distinguishing section of the Good Friday Agreement. As stated in paragraph 1 of the review portion—in which it is restated that a supplementary “new British-Irish Agreement [will replace] the 1985 Anglo-Irish Agreement” as per the third Strand—sections of the Agreement that establish forms of governance actually replaced forms of governance established by prior agreements.²³ The details of these replacement forms of government might be novel, but these sections are more akin to polished drafts of previous failed agreements. In contrast, the latter half of the Agreement sets it apart from previous failures by addressing topics of contention in the Northern Irish population, based on several years of negotiation with all actors involved. By putting forth solutions to problems that citizens face like discriminatory policing and arrest, it preemptively discourages major actors from undermining the Agreement on behalf of their dissatisfied supporters.

However, the Good Friday Agreement cannot accomplish anything on its own. Despite the years that went into the negotiation process, a close reading of the Good Friday Agreement reveals vague terminology and broad plans, as well as a reliance on other agreements and actors,

²² The Good Friday Agreement (10 April 1998), 1.

²³ The Good Friday Agreement (10 April 1998), 30.

whether stated or implied. It is this dependence on other agreements and systems that makes the Good Friday Agreement less of a solution in and of itself, and more of a framework for peace instead. Vague terminology appears as early as the opening declaration of support, which states that the Agreement “offers a truly historic opportunity for a new beginning.”²⁴ This opening statement makes no promises regarding the scope of the Agreement. Referring to it as an “opportunity for a new beginning” implies that while the Agreement is capable of opening the door to peace, it may not be able to hold that door for the entire process. In other words, the Agreement is meant to launch the peace process, but it is not designed to oversee it. This becomes even more clear in the bulk of the Agreement, particularly in the description of the government bodies that will be established. It is the lack of details in the Agreement of the functioning of these bodies that indicates that the Good Friday Agreement cannot be the sole document that oversees these establishments, and must be supported by further legislation.

In Strand One, the description of the Assembly of Northern Ireland begins with the description of “Safeguards”—essentially, the mechanisms to ensure equal and diverse representation in the new system of government.²⁵ The fact that this is the first point that needs addressing in the description of the Assembly of Northern Ireland’s organization is telling. It not only speaks to the importance of this concern, but when the description opens with unspecific statements like “arrangements to ensure key decisions [must be] taken on a cross-community basis,” it is unsurprising when later details of the functioning of the Assembly of Northern Ireland are likewise unspecific.²⁶ For example, paragraph 10 under “Operation of the Assembly” states that “Standing Committees other than Departmental Committees may be established as may be required from time to time.”²⁷ This paragraph clearly leaves plenty of room for interpretation for the protocol to, in this case, establish Departmental Committees. To be clear, the lack of specificity of the function of the Assembly of Northern Ireland is not a criticism of

²⁴ The Good Friday Agreement (10 April 1998), 2.

²⁵ The Good Friday Agreement (10 April 1998), 7.

²⁶ The Good Friday Agreement (10 April 1998), 7.

²⁷ The Good Friday Agreement (10 April 1998), 8.

the Good Friday Agreement; it is unreasonable to expect more detail from a document that adequately addresses such a wide range of topics. Additionally, in the previous vague statement, it would be impossible to word it more specifically, especially because at the time the Agreement was drafted, the Assembly of Northern Ireland had yet to be formed, as its formation began with the Agreement itself. If the Agreement dared to be more specific, it might unintentionally limit the function of the bodies of governmental it establishes. However, while acknowledging the Agreement's vagueness may not be a criticism, it still demonstrates the Agreement's dependence on other agreements or treaties. Almost half of the Good Friday Agreement is dedicated to describing the function of not only the Assembly of Northern Ireland, but also the North/South Ministerial Council and British - Irish Council—yet it is still so unspecific that it would require further documents to reasonably establish these organizations. The next section, which moves the focus onto preserving peace once the conflict is ended, also lacks detail. In the section on decommissioning the paramilitary groups, paragraph 6 states that “[b]oth Governments will take all necessary steps to facilitate the decommissioning process to include bringing the relevant schemes into force by the end of June.”²⁸ The detail of this paragraph is actually as extensive as it needs to be, as it states broadly what will be done, and even gives a deadline for it. However, “all necessary steps” and “relevant schemes” carry some doubt: what makes a step necessary, or a scheme relevant? The Agreement does not specify. As is the case with the descriptions of the governing bodies, the Agreement does not *need* to specify; however, at some point, some agreement or piece of legislation will need to specify, and this section of the Agreement relies on that happening. This is where gaps in legislation are possible while remaining in keeping with the Good Friday Agreement; the Agreement only asks that further legislation do *something*, rather than do *enough*. Because this is also the portion of the Agreement that impacts both short-term and long-term peace, the potential gaps could easily translate to a difference between the

²⁸ The Good Friday Agreement (10 April 1998), 25.

two. Doing “something” may support short-term peace, but it is possible that long-term peace requires doing “enough.”

These instances of vague wording may indicate that the Good Friday Agreement requires some support to function, but oftentimes the text of the Agreement goes beyond indication, actually stating outright that other agreements are required. Even more often, the Agreement implies that more agreements are needed by requiring the establishment of a committee or program. For example, in Strand One alone, the Agreement demands the establishment of a “Civic Forum,” to consult on “social, economic, and cultural issues.²⁹” The Agreement does not describe this Civic Forum outside of paragraph 34, instead leaving the specifics to the Assembly of Northern Ireland at a later date, primarily based on imagined agreements between the First Minister and the Deputy First Minister.³⁰ In describing the Strands, the Good Friday Agreement actually leaves a great deal to the government bodies that it establishes. In Strand Two, the Agreement states that the North/South Ministerial Council, while the Assembly of Northern Ireland is in the process of taking power, must “undertake a work programme,” through which it will distinguish “matters” that can be dealt with through existing bodies from matters that require new, “agreed implementation bodies” to be settled.³¹ In this instance, the Good Friday Agreement is specifically tasking the North/South Ministerial Council to craft agreements to determine which government bodies are most appropriate to ensure cooperation between Northern Ireland, the Republic of Ireland, and the United Kingdom in subject areas like education, environment, and health (to name a few).³² Of course, such a task would require supplemental materials on the part of the Council. These materials could take the form of a minor agreement, treaty, or legislation—whatever the case, though, the Good Friday Agreement leaves it to the Council to provide the supplemental materials.

²⁹The Good Friday Agreement (10 April 1998), 12.

³⁰ The Good Friday Agreement (10 April 1998), 12.

³¹ The Good Friday Agreement (10 April 1998), 15.

³² The Good Friday Agreement (10 April 1998), 16-17.

The Good Friday Agreement often goes beyond implying its need for supplements, instead stating its reliance on other legislation or actors. Of course, this is not surprising, given that all treaties rely on other actors to pass legislation as they had agreed—but this is even more solid proof that the Good Friday Agreement, in keeping with the standard format of peace treaties, is a framework. This trend becomes more apparent in the latter half of the Agreement, after the establishment of government bodies. When the Agreement begins to delve into human rights, paragraph 5 states that a “Northern Ireland Human Rights Commission, with membership from Northern Ireland reflecting the community balance, will be established by Westminster legislation...”³³ The only plan for this imagined legislation is that it would come from British law; aside from that, the Agreement leaves it entirely in Britain’s hands. The bold language that this Commission “will be established” of course indicates that the drafters of the Agreement have already confirmed that Britain would do this, but it also indicates that this legislation is necessary to the function of the Good Friday Agreement. It “will be established” because that is the only option if the Agreement is to survive. The same language is used similarly when the Agreement discusses prisoners: “Both Governments will put in place mechanisms to provide for an accelerated programme for the release of prisoners...”³⁴ While the Agreement mentions specifics in regards to the prisoners themselves, again, the “mechanisms” are largely left in the hands of the governments. Like the Northern Ireland Human Rights Commission, the fate of prisoners arrested during the conflict was an important and contentious issue.³⁵ It is no surprise, then, that the firm “will” is used here as well—the Agreement very well could have collapsed if the issue of the prisoners was not settled. In contrast to this strong verbiage, the Agreement uses softer language when it addresses certain future programs. For example, the paragraph 6 in the “Human Rights” section of the Agreement addresses a planned British program: “Subject to the outcome of public consultation currently underway, the British Government intends a new statutory

³³ The Good Friday Agreement (10 April 1998), 21.

³⁴ The Good Friday Agreement (10 April 1998), 30.

³⁵ Colin McInnes. “A Farewell to Arms? Decommissioning and the Peace Process,” in *A Farewell to Arms? From 'Long War' to Long Peace in Northern Ireland* (Manchester: Manchester University, 2000), 87.

Equality Commission...”³⁶ The softer language used here (“intends”), especially paired with a conditional statement, indicates that the drafters had reason to believe that this Equality Commission was not guaranteed (incidentally, this particular commission was set up with most of the other tenets of the Agreement by the Northern Ireland Act 1998). It also gives the impression that programs referred to in this way may be less crucial to the success of the Agreement, no matter how desirable they are. This is something else to consider in terms of lasting peace; clearly the Agreement is absolutely dependent on certain agreements and institutions (particularly ones explicitly named in the Agreement), but there may be other institutions that the Agreement provided for that never came to pass because they were not considered necessary.

Of the many agreements that the Good Friday Agreement claims or implies it requires, many have come to fruition. Without some, like the new British-Irish Agreement necessary to establish the British-Irish Intergovernmental Conference detailed in Strand Three, the Good Friday Agreement would not have survived more than a few years.³⁷ However, many supplements have been overlooked. While a textual analysis can make the intentions of the Good Friday Agreement clear in this regard, the best sources to determine whether satisfactory supplements were created or necessary is the recent historical record, which benefits from hindsight. In addition to the supplements that the Agreement clearly intended, certain legislation was needed in a way that the original drafters likely never predicted.

Supplements Since the Good Friday Agreement

In the nearly two decades since the signing of the Good Friday Agreement, multiple gaps in the Agreement have been identified and resolved. Some of the gaps that required supplements were identified in the Good Friday Agreement itself, while others were identified and supplemented after the Agreement. Supplements that were established but did not survive, or

³⁶ The Good Friday Agreement (10 April 1998), 21.

³⁷ The Good Friday Agreement (10 April 1998), 30.

have yet to be put into place—whether foreseen by the Agreement or not—will be addressed in Chapter 3. First, the remainder of this chapter will focus on the successful supplementations to the Good Friday Agreement.

The Agreement addressed several organizations and goals that required separate establishing legislation or agreements. Many of these goals were addressed by the Northern Ireland Act 1998, a piece of British legislature that codified most of the Good Friday Agreement’s specific stipulations into law.³⁸ The Northern Ireland Act 1998 legally gives the Northern Ireland Assembly legislative power, and delves into the details required for the Northern Ireland Act 1998 to act as the Assembly’s establishing constitution.³⁹ It also addresses the North-South Ministerial Council, the British-Irish Council, and the British-Irish Intergovernmental Conference.⁴⁰ The implementation of all of these institutions in Northern Ireland was so central to the Good Friday Agreement, their inclusion in the Northern Ireland Act 1998 was a basic necessity. However, the Northern Ireland Act 1998 also established many of the other institutions that the Good Friday Agreement addressed, whether they were institutions that the Agreement more-or-less required, or institutions that were more like suggestions. One of the requirements of the Good Friday Agreement was the Northern Ireland Human Rights Commission. The Northern Ireland Act 1998 not only details the “functions” and purview of this Human Rights Commission, but it dissolves its predecessor (the Standing Advisory Commission on Human Rights) and legally establishes the Human Rights Commission in its place: “There shall be a body corporate to be known as the Northern Ireland Human Rights Commission.”⁴¹ The Northern Ireland Act 1998 also paved the way for two of the institutions that the Agreement suggested more softly. One was the Equality Commission for Northern Ireland (which the Agreement simply “intended”).⁴² The Northern Ireland Act 1998 establishes the Equality Commission in the same way it establishes the Human Rights Commission (“There shall be a

³⁸ Northern Ireland Act 1998 (19 November 1998).

³⁹ Northern Ireland Act 1998 (19 November 1998).

⁴⁰ Northern Ireland Act 1998 (19 November 1998).

⁴¹ Northern Ireland Act 1998 (19 November 1998).

⁴² The Good Friday Agreement (10 April 1998), 21.

body corporate to be known as the Equality Commission for Northern Ireland”), including the detailing of its functions.

The other suggested institution was “a joint committee of representatives of the two Human Rights Commission, North and South, as a forum for consideration of human rights issues in and across Northern Ireland and the Republic of Ireland.”⁴³ The text of the Good Friday Agreement does not dwell on this concept—perhaps because it was considered secondarily important to the establishment of the Northern Human Rights Commission itself—and this is reflected in the text of the Northern Ireland Act 1998; it does not establish this joint committee. However, the text of this Act demands that “[The Northern Ireland Human Rights] Commission shall do all it can to ensure the establishment of the committee referred to in paragraph 10 of that section of that Agreement [addressing a joint committee].”⁴⁴ This passage in the Northern Ireland Act 1998 allowed the Joint Committee to be established in 2001: “Under section 69(10) of the Northern Ireland Act 1998, and section 8(i) of the (Irish) Human Rights Commission Act 2000, the Joint Committee was duly established in 2001 by the two Commissions.”⁴⁵

Outside of the Northern Ireland Act 1998, other requirements of the Good Friday Agreement were met, either through other legislation or as a consequence of the functioning of other parts of the Agreement. For an example of the latter, the “work programme” that the Agreement demanded that the North-South Ministerial Council undertake was indeed satisfied, simply because the North-South Ministerial Council was able to follow those instructions.⁴⁶ In accordance with the Agreement, the North-South Ministerial Council identified “6 matters for cooperation” from the list of the twelve potential matters that the Agreement provided: “transport, health, tourism, environment, agriculture, and education.”⁴⁷ The Council selected

⁴³ The Good Friday Agreement (10 April 1998), 22.

⁴⁴ Northern Ireland Act 1998 (19 November 1998).

⁴⁵ Great Britain: Parliament House of Commons: Northern Ireland Affairs Committee, *Cross-border Co-operation between the Governments of the United Kingdom and the Republic of Ireland: Report, Together with Formal Minutes, Oral and Written Evidence*, (London: TSO, 2009).

⁴⁶ The Good Friday Agreement (10 April 1998), 15.

⁴⁷ “Report into the Implementation of the Good Friday/Belfast and St Andrews Agreements,” *British-Irish Parliamentary Assembly*, <http://www.britishirish.org/assets/Uploads/2013-Files/Report-into-the-Implementation-of-the-Good-Friday-Belfast-and-St-Andrews-Agreements-FINAL.pdf> (May 2012).

these matters largely based on the results of negotiation between the United Kingdom, Republic of Ireland, and parties in Northern Ireland, during which the primary concern was assessing which matters of cooperation the Council would have the most positive impact.

Another suggestion of the Good Friday Agreement was to implement new “policing structures and arrangements,” which it set out to accomplish by establishing an Independent Commission on Policing tasked with identifying and solving problems in the Northern Irish police system.⁴⁸ Policing was a contentious issue in Northern Ireland throughout the Troubles, largely because the police played a large role in the Troubles, as employees with the United Kingdom government tasked suppressing the nationalist protests. For many nationalists, the police represented the enemy, as they were the primary perpetrators of violence on the loyalist side, especially near the beginning of the Troubles. Meanwhile, loyalists viewed the police as innocent targets for nationalist paramilitaries, as police were exceedingly common targets of violence. For this reason, addressing the policing system was necessary for the Good Friday Agreement. The Agreement itself was all that was necessary to set up the Independent Commission on Policing, but the success of the Commission rested on its reports and subsequent British legislation. The Independent Commission on Policing published “A New Beginning: Policing in Northern Ireland” (popularly known as the Patten Report) in 1999, detailing their findings and suggested solutions.⁴⁹ Many of these solutions were codified into law. The first legislation to incorporate these solutions was the Police (Northern Ireland) Act 2000, which renamed the police force, established functions and goals for both the police force itself and the Northern Ireland Policing Board, set a standard for interaction between “district and community policing,” and established avenues for complaints.⁵⁰ The second piece of legislation was the Police (Northern Ireland) Act 2003, which implemented more of the Patten Report’s

⁴⁸ The Good Friday Agreement (10 April 1998), 27-28.

⁴⁹ Independent Commission on Policing in Northern Ireland, “A New Beginning: Policing in Northern Ireland - The Report of the Independent Commission on Policing in Northern Ireland,” *Conflicts and Politics in Northern Ireland Web Service*, <http://cain.ulst.ac.uk/issues/police/patten/patten99.pdf> (9 Sept 1999).

⁵⁰ Police (Northern Ireland) Act 2000 (23 November 2000).

recommendations by updating the legislation from 2000, with a focus on powers appointed to the police and the internal structure of the police.⁵¹

The Good Friday Agreement also addressed decommissioning the paramilitary groups in Northern Ireland, calling for “all necessary steps for decommissioning” to be undertaken.⁵² This phrasing conveys both the importance of disarming these groups and the sensitivity of the issue. Decommissioning is absolutely essential to peace in Northern Ireland, but the “security dilemma” aspect of the groups laying down their arms makes the process difficult; each group would be reluctant to disarm if there is a chance the other group will keep their weapons. The difficulty of this process made it less practical to legislate, though not for lack of trying. For evidence of this, one only needs to know that the Northern Ireland Arms Decommissioning Act 1997 had not yet been effective enough to warrant excluding the matter from the Good Friday Agreement a year later.⁵³ In fact, decommissioning was still being negotiated years after the Agreement. The Northern Ireland Arms Decommissioning Act 1997 had to be amended in 2002 to extend the “amnesty period” agreed upon in the original agreement.⁵⁴ Additionally, the Northern Ireland (Monitoring Commission etc.) Act 2003 set up a commission to oversee “activity by paramilitary groups” and “security normalization.”⁵⁵ While decommissioning is not explicitly mentioned in the Act, it is likely one of the “security” issues which needs to be monitored; even if it is not, the fact that the paramilitary groups still needed to be monitored five years after the Good Friday Agreement is telling. At the very least, it certainly demonstrates that contentious matters like decommissioning require supervision, or at least check-ins—and this could also be applied to the other issues that the Agreement tackles.

Another contentious issue that the Good Friday Agreement addresses concerns the release of prisoners. The prisoners in question were paramilitary members who were promised release in negotiations leading up to the Good Friday Agreement, in order to win the support of

⁵¹ Police (Northern Ireland) Act 2003 (9 April 2003).

⁵² The Good Friday Agreement (10 April 1998), 25.

⁵³ Northern Ireland Arms Decommissioning (Amendment) Act 2002 (26 February 2002).

⁵⁴ Northern Ireland Arms Decommissioning (Amendment) Act 2002.

⁵⁵ Northern Ireland (Monitoring Commission etc.) Act 2003 (18 September 2003).

radicals on either side of the conflict.⁵⁶ This of course was contentious due to the objections of moderates concerned about terror, the crime for which many of the prisoners were jailed.⁵⁷ The Good Friday Agreement itself, however, does not detail specifics of the release of prisoners, including who should be released and when. For that, the Agreement relies on the Northern Ireland (Sentences) Act 1998.⁵⁸ The year that this legislation was enacted reflects the importance of the decisions regarding the prisoners to the peace process after the Agreement; the details of the release of prisoners—who, when, and in what circumstances—clearly had to be codified as soon as possible.

The Good Friday Agreement also provides for “Westminster legislation” to support certain areas of Northern Irish policy, including “regional development [strategies],” “economic development [strategies],” and “measures on employment equality.”⁵⁹ The Agreement also allows for outside influence to contribute to “measures to and appropriate with a normal peaceful society.”⁶⁰ British legislation has continued to enact Northern Irish policy in these subject areas, as per the Agreement’s expectations. Almost all of the legislation concerning Northern Ireland contributes either to the development of the country or a “peaceful society.” For example, the Northern Ireland (Location of Victims’ Remains) Act 1999 contributes to peace by providing closure to the families of victims of the Troubles whose remains have yet to be identified.⁶¹ Several pieces of legislation followed with the intention of keeping the peace by keeping elections and the justice system fair in Northern Ireland. The Northern Ireland Assembly (Elections and Periods of Suspension) Act 2003 dictated specifics of the functioning of the Northern Ireland Assembly, particularly in terms of representation.⁶² In regards to general elections in Northern Ireland, the Electoral Registration (Northern Ireland) Act 2005 was passed

⁵⁶ “Prisoner Release,” *The Search for Peace*, BBC News, http://news.bbc.co.uk/hi/english/static/northern_ireland/understanding/themes/prisoner_release.stm.

⁵⁷ “Prisoner Release,” *The Search for Peace*, BBC News.

⁵⁸ Northern Ireland (Sentences) Act 1998 (28 July 1998).

⁵⁹ The Good Friday Agreement (10 April 1998), 23.

⁶⁰ The Good Friday Agreement (10 April 1998), 25.

⁶¹ Northern Ireland (Location of Victims’ Remains) Act 1999 (26 May 1999).

⁶² Northern Ireland Assembly (Elections and Periods of Suspension) Act 2003 (15 May 2003).

in order to ensure that the names removed from the “electoral register” were restored.⁶³ The Justice (Northern Ireland) Act 2004 took the first steps to ensuring fair trials by formally incorporating new policing and human rights standards into trial procedure.⁶⁴ The Justice and Security (Northern Ireland) Act 2007 furthered these steps by outlining the legal powers of the police and specifying requirements for jury representation.⁶⁵ The Northern Ireland Act 2009 primarily addresses “policing and justice functions” as well, providing specifics on the relationship between “United Kingdom authority” and “Northern Ireland authority.”⁶⁶ Legislation concerning terrorism, welfare, and governance were also passed in the years following the Good Friday Agreement. The Terrorism (Northern Ireland) Act 2006 amended the Terrorism Act 2000, and the Northern Ireland (Welfare Reform) Act 2015 reformed Northern Ireland “social security, child support maintenance and arrangements for employment.”⁶⁷ Additionally, in order to formally clarify the structure of Stormont, the Northern Ireland government, the Northern Ireland (Stormont Agreement and Implementation Plan) Act 2016 was recently passed. Finally, Westminster passed legislation that was labelled “miscellaneous” in 2006 and 2014, which covered a wide range of topics from political donations to absentee voting.⁶⁸

A more recent supplement to the Good Friday Agreement was the 2012 formation of the North/South Inter-Parliamentary Association.⁶⁹ Although it was formed over a decade after the Agreement, the Inter-Parliamentary Association was suggested in the text of the Agreement that the Irish government and the Northern Ireland Assembly “consider developing a joint parliamentary forum, bringing together equal numbers from both institutions for discussion of

⁶³ Electoral Registration (Northern Ireland) Act 2005 (24 February 2005).

⁶⁴ Justice (Northern Ireland) Act 2004 (13 May 2004).

⁶⁵ Justice and Security (Northern Ireland) Act 2007 (24 May 2007).

⁶⁶ Northern Ireland Act 2009 (12 March 2009).

⁶⁷ Terrorism (Northern Ireland) Act 2006 (16 February 2006). Northern Ireland (Welfare Reform) Act 2015 (25 November 2015).

⁶⁸ Northern Ireland (Miscellaneous Provisions) Act 2006 (25 July 2006). Northern Ireland (Miscellaneous Provisions) Act 2014 (13 March 2014).

⁶⁹ Houses of the Oireachtas, “North/South Inter-Parliamentary Association,” <http://www.oireachtas.ie/parliament/tdssenators/northsouthinter-parliamentaryassociation/> (27 Nov 2015).

matters of mutual interest and concern.”⁷⁰ The timeline of the creation of the North/South Inter-Parliamentary Association is evidence of the tendency for supplements to the Good Friday Agreement to fall by the wayside if they are not addressed right away. There was a dramatic decrease in Troubles-related incidents after the Good Friday Agreement, which may have contributed to a sense of complacency; there is no urgency to implement supplements if peace appears stable without them. This would be especially true for an organization such as this, which would not have been a priority when other inter-governmental bodies covered the most important work until the new organization could be set up. The North/South Inter-Parliamentary Association may not have been a priority a decade earlier for this reason, but given that it was ultimately formed, it must have been deemed necessary. In fact, if it was considered necessary ten years later—the North/South Inter-Parliamentary Association was not even a serious consideration until 2008—it likely would have benefitted Northern Ireland to have created it earlier.⁷¹ Despite this, the intention to create it had to be restated in the St. Andrew’s Agreement in 2006—possibly the most extensive and well-known supplement to the Good Friday Agreement.

The St. Andrew’s Agreement of 2006 was a necessary update to the Good Friday Agreement, though the drafters of the latter Agreement could not have predicted it. In 2002, Northern Ireland’s Secretary of State decided to suspend the Northern Ireland Assembly as a direct result of debates on the arrest of members of the Sinn Féin party (the party most associated with the Irish Republican Army at the time) on the charge of espionage. The assembly was suspended and a year later was formally dissolved after an election in 2003 to determine the political party representation within the assembly. It was restored shortly after the elections, when power of political parties within the assembly was established, allowing a return to the peaceful society that the Good Friday Agreement had created.⁷² However, because of these

⁷⁰ The Good Friday Agreement (10 April 1998), 16.

⁷¹ “North/South Inter-Parliamentary Association,” *Houses of the Oireachtas*.

⁷² “History of the Assembly,” *Northern Ireland Assembly*.

complications, the St. Andrews Agreement of 2006 was signed, creating a “Transitional Assembly” to assist in returning power to the Northern Irish government (Britain had held that power until the St. Andrews Agreement).⁷³ The St. Andrews Agreement was the direct result of an emergency situation that threatened the peace in Northern Ireland, providing an example of an event that the Good Friday Agreement could not have predicted, and absolutely required supplementation. The necessity of the St. Andrews Agreement demonstrates that the plan stated in the Good Friday Agreement serves primarily as a framework. It is meant to direct the government and population of Northern Ireland in the direction of conflict resolution; it is not meant to offer a final solution.

Furthermore, although the Good Friday Agreement admitted that it required supplementation, and that supplementation was indeed implemented (primarily by British legislature and the institutions set up by the Agreement), it was not extensive. Additionally, the general outlook on the Agreement as a solution itself rather than a framework for that solution encouraged a drop in motivation to support the Agreement—after all, it seemed like it did not require that support. As such, not only were certain suggestions by the Good Friday Agreement left unresolved, but there are other possibilities for fulfilling the goal of the Agreement more completely that the original text did not even consider. The next chapter discusses what kind of legislature and institutions could fulfill this goal by fleshing out the framework of the Good Friday Agreement. Although the United Kingdom and Ireland did extensive work on supporting the Good Friday Agreement—particularly in the years immediately following its signing—there are other supporting mechanisms to consider.

⁷³ Northern Ireland (St Andrews Agreement) Act 2006 (22 November 2006).

Chapter 3

POTENTIAL SUPPLEMENTS TO THE GOOD FRIDAY AGREEMENT

Further methods of supporting the Good Friday Agreement can be considered based on a variety of sources. The more substantive methods have already been suggested in the text of the Good Friday Agreement, and have either been implemented and dissolved, or were never established in the first place. Less substantive methods of support can be identified by considering current or recent sources of tension in Northern Ireland, as well as mechanisms in place in other countries that overcame similar internal conflicts.

Supplements Suggested, But Not Enacted

Although the large majority of specific suggestions in the Good Friday Agreement were codified in British legislation, two institutions specifically were overlooked. The Civic Forum for Northern Ireland was created in 2000 in accordance with the Good Friday Agreement, but was suspended in 2002.⁷⁴ The Good Friday Agreement required the establishment of the Civic Forum as a “consultative mechanism” to connect the public with the government of Northern Ireland.⁷⁵ However, not only was the Civic Forum established under contention—with many detractors questioning its establishment in the first place—but it received mixed reviews on its effectiveness even through its two-year operation. Some members of the Northern Ireland Assembly noted that the Civic Forum may not accurately reflect the views of people who were not satisfied with the Good Friday Agreement in the first place, and that it was an unnecessary drain on funding and one more “layer of bureaucracy.”⁷⁶ In contrast, its supporters argued that the Civic Forum was effectively fulfilling its purpose of connecting the public to political organizations.⁷⁷ The primary point of contention in regards to the Civic Forum was not its

⁷⁴ McCaffrey, “The Civic Forum: Research and Information Service Research Paper,” (Northern Ireland Assembly, 5 Sept 2013).

⁷⁵ The Good Friday Agreement (10 April 1998), 12.

⁷⁶ McCaffrey, “The Civic Forum.”

⁷⁷ McCaffrey, “The Civic Forum.”

purpose or usefulness, but whether it “was the most appropriate platform for obtaining the views of civic society.”⁷⁸ In fact, the Civic Forum was only suspended due to the suspension of the Assembly (the event that also resulted in the St. Andrews Agreement), as opposed to suspension due to dissatisfaction with its accomplishments or functioning. As such, the likelihood of the reestablishment of the Civic Forum depends largely on whether members of the Assembly can agree on a platform that most efficiently represents the views of society. However, because both its supporters and detractors agree that a mechanism representing societal views is important, it would make sense to reestablish the Civic Forum until a better mechanism can be conceived, rather than leaving Northern Ireland without the mechanism at all until that time. In fact, knowing the views of the average citizen in Northern Ireland could be useful information as the Northern Irish government attempts to navigate the impending British exit from the European Union in a way that best protects the interests of the Northern Irish people. Unfortunately, the Civic Forum is not essential to the Northern Ireland government, allowing the Assembly to procrastinate on updating the Civic Forum.

The other institution, the North/South Consultative Forum, was more of a suggestion in the Good Friday Agreement. The nature of the North/South Consultative Forum would be similar to the Civic Forum, but it would provide a bridge between the Republic of Ireland and Northern Ireland governments, and be “representative of civil society, comprising the social partners and other members with expertise in social, cultural, economic and other issues.”⁷⁹ The North/South Consultative Forum was never realized, though the signers of the St. Andrews Agreement “[committed] to establish a North/South Consultative Forum.”⁸⁰ Despite general support for this Forum, it has been delayed in large part because the governments have agreed to consider the matter after a review of the Civic Forum for Northern Ireland to determine the view of Northern Ireland society—which, as described, has been delayed itself.⁸¹ In other words, the North/South

⁷⁸ McCaffrey, “The Civic Forum.”

⁷⁹ The Good Friday Agreement (10 April 1998), 16.

⁸⁰ Jean Allain and Siobhan Mullally, *The Irish Yearbook of International Law Volume 2* (Oregon: Hart Publishing, 2009), 160.

⁸¹ Allain and Mullally. *The Irish Yearbook of International Law*, 160.

Consultative Forum will not be established until the Civic Forum for Northern Ireland becomes functional enough to report on the Northern Ireland civic society. The North/South Consultative Forum would be another mechanism to ensure that Irish citizens in Northern Ireland do not feel disenfranchised. Doing so—i.e. ensuring that the views of these people are represented—would preemptively fight discrimination, targeting the heart of the cause of the Troubles in the first place. Additionally, as will be discussed next chapter, due to the United Kingdom’s future European Union status, another mechanism that connects Northern Ireland to the Republic of Ireland may counter expected future tensions. Though this could be helpful in maintaining future peace in Northern Ireland, institutions are not the only area of Good Friday Agreement supplements that have room for improvement.

Additionally, the vague subject areas in the Good Friday Agreement that call upon British legislation could stand for further legal support. These vague statements include demanding attention to “all necessary steps for decommissioning,” “new regional development strateg[ies],” “economic development strateg[ies],” “measures on employment equality,” “measures for a peaceful society,” and “new policing structures and arrangements.”⁸² Some of these statements indicate a point of conclusion; for example, “all necessary steps for decommissioning” does not require attention if the goal—decommissioning—is accomplished (incidentally, this particular statement is the only one of the above that can be—and was—definitively accomplished, and its vagueness served a purpose, as outlining the matter further in the Good Friday Agreement would have been impractical). However, nearly all of these statements do not inherently have a clear point at which effort is no longer necessary. In fact, all of the above statements (besides the statement on decommissioning) have goals toward which the Northern Irish people will need to continuously strive—they will never create perfect equality, a fully developed economy, or a problem-free police force. The possibility for improvement in these areas will always exist. “Measures for a peaceful society” is especially vague, and leaves the door open for any laws or

⁸² The Good Friday Agreement (10 April 1998), 23-25.

agreements that, at the very least, attempt to influence peace. However, the Good Friday Agreement does not merely leave the door open on this and the other subjects, but encourages active updates to related legislation in place. In the years immediately following the Good Friday Agreement, Westminster was very active in legislating these and other areas of Northern Irish law; however, as time passed, the legislation to develop and oversee society in Northern Ireland became less and less frequent. This makes sense, as much of the initial legislation did not require much follow-up (for example, once the Equality Commission is created, it requires nothing further). But some matters—like policing and other matters of societal reform—require focused attention and follow-up. The most recent major legislation dealing with societal reform was the Northern Ireland (Welfare Reform) Act in 2015, the first legislation on Northern Ireland to come out of Westminster in five years (besides a 2014 act that addressed “miscellaneous provisions”).⁸³ By contrast, policing in Northern Ireland seems to be constantly assessed and supervised; the repeated attention to policing in Northern Ireland demonstrated by British legislation (especially between 2003 and 2007) is the sort of dedication expected in the other subject areas. Admittedly, this is because Northern Irish policing reform is overseen by a specific commission. The Independent Commission on Policing for Northern Ireland investigates the problems in the structure of the Northern Irish police and suggests the solutions, giving legislators a detailed outline in crafting and passing legislation on the topic. For example, the Independent Commission’s reports resulted in diversity standards for hiring, a Complaints Tribunal so that citizens feel comfortable with the police (and so nationalists feel comfortable working on the police force), and renaming the “Royal Ulster Constabulary” to remove the implication that the police are strictly agents of the United Kingdom. This model of a dedicated commission releasing updated reports as necessary would be the ideal model for the other subject areas as well, including regional development, economic development, employment equality, and societal peace. Because this model seems to result in constant vigilance—reflected by the

⁸³ Northern Ireland (Welfare Reform) Act 2015 (25 November 2015). Northern Ireland (Miscellaneous Provisions) Act 2014 (13 March 2014).

amount of legislation passed regarding the problem—it would be ideal to apply it to the other areas of potential development in order to ensure the stabilization of Northern Irish society. Again, these areas are currently operating well, as evidenced by the current peaceful status of Northern Ireland; however, expanding on the current attention paid to these areas may *ensure* this stabilization for the future. This is especially true with the potential for hard borders to be drawn on Northern Ireland as a result of Brexit, which will be discussed in detail in Chapter 4 and would affect all of the aforementioned areas.

Finally, a 2013 report on the success of the implementation of the Good Friday and St. Andrews Agreements offers a comprehensive overview of the current gaps in the peace process in Northern Ireland. Committee A (Sovereign Matters) of the British-Irish Parliamentary Assembly conducted the report. Their conclusion, while taking into account the “significant and transformative effect” of the Good Friday Agreement, is as follows:⁸⁴

However, the Committee believes that the full potential of the Good Friday/Belfast and St Andrews Agreements has yet to be reached. As is the case in any comprehensive political agreement, implementation of all provisions is essential to the integrity and balance of the whole. Therefore, the Committee calls on all parties to the Agreements to maintain momentum to ensure that all outstanding provisions are implemented in their totality.⁸⁵ Essentially, the Committee notes that fulfilling the Good Friday Agreement just enough to create peace in the present was, in fact, *not* enough. Calling on all parties to “maintain momentum” supports a major observation guiding this paper: momentum has thus far not been maintained to the same extent that it was a decade ago, and this lack of more consistent attention could impact the future of Northern Ireland. The Committee notes the successful implementation of individual aspects of the Good Friday Agreement (largely covered in the prior chapter), but also notes the lack of (or unsuccessful) implementation of a few choice provisions. First, the Committee

⁸⁴ “Report into the Implementation of the Good Friday/Belfast and St Andrews Agreements,” *British-Irish Parliamentary Assembly*.

⁸⁵ “Report into the Implementation of the Good Friday/Belfast and St Andrews Agreements,” *British-Irish Parliamentary Assembly*.

addresses the absence of the Civic Forum, discussed in the opening of this chapter, and encourages the Northern Ireland Assembly to promote return, praising the organization as a way to “strengthen democratic accountability and to provide positive challenge to government.”⁸⁶ Next, the report turns to the North/South Ministerial Council, recommending that it “continue” its work in cooperation with “mutual economic and social benefit,” for “a prosperous all island economy is crucial to the ongoing success of the peace process.”⁸⁷ This suggestion is a reflection of the general conclusion of the report: the work that has been done is excellent, but that work needs to be ongoing in order to ensure that the positive results do not fade. Next, the Committee evaluates the British Irish Council, and concludes that “there is potential for greater co-operation between [the British-Irish Parliamentary Assembly] and the [British Irish Council],” suggesting that “BIPA’s work programme work more closely with the work sectors of the BIC.”⁸⁸ The suggestion is concrete, and is less a commentary on the Good Friday Agreement than the exact way in which this organization established under the Agreement operates. This, of course, supports the notion that the accomplishments of the Good Friday Agreement require further visitation after the fact. The Committee next turns to human rights, focusing on the current lack of a Bill of Rights for Northern Ireland, responsibility for which the Committee assigned “representatives from all parties in Northern Ireland.”⁸⁹ Another concrete suggestion, the Committee also acknowledges the difficulty that various organizations have faced in attempting to pass a Bill of Rights; like the Civic Forum, the issue of this Bill requires more focused attention—perhaps in the form of another committee—in order to pass the scrutiny of multiple representatives. The Committee also takes note of current events in regards to the “legacy of the past in Northern Ireland,” and suggests that the progress on these issues “should be built upon

⁸⁶ “Report into the Implementation of the Good Friday/Belfast and St Andrews Agreements,” *British-Irish Parliamentary Assembly*.

⁸⁷ “Report into the Implementation of the Good Friday/Belfast and St Andrews Agreements,” *British-Irish Parliamentary Assembly*.

⁸⁸ “Report into the Implementation of the Good Friday/Belfast and St Andrews Agreements,” *British-Irish Parliamentary Assembly*.

⁸⁹ “Report into the Implementation of the Good Friday/Belfast and St Andrews Agreements,” *British-Irish Parliamentary Assembly*.

immediately by parties in Northern Ireland, within the framework provided by the [recent political talks].”⁹⁰ Here, the Committee is referring to a common request in the aftermath of conflict: both sides want to “tell their story,” in order to heal both themselves and the societal divide.⁹¹ The place of current, prevailing strife in Northern Ireland in striving toward peace is largely important to this paper, as the following portion of this chapter and Chapter 4 will discuss. In examining the problem of “identity” in bridging the societal divide in Northern Ireland, the Committee also addresses language: it “encourages Northern Ireland parties to work together toward a scheme that fosters linguistic diversity, ... and that encourages respect for the Ulster Scots and Irish linguistic and cultural traditions.”⁹² Additionally, the Committee acknowledges controversial issues such as symbols, emblems, and parades, and “urges the parties in Northern Ireland to continue to talk to each other” in regards to these issues.⁹³ Again, the Committee draws on sources of current, unresolved tensions to point to improvements necessary for a more peaceful society, though it does not outline exact solutions. In addressing the linguistic and cultural identity of the group that was marginalized at the onset of the Troubles, the Committee is attempting to fill in gaps in the general state of equality in Northern Ireland. Further, by addressing controversial, current issues without stating specifics on the issues, or which group feels oppressed by prevailing attitudes on these issues, the Committee not only ensures that the Good Friday Agreement provisions stand the test of time, but also acknowledges that the situation has evolved such that the divide in the community is hurtful to both sides.

Amidst all the suggestions that the report on the success of the Good Friday and St Andrew’s Agreements put forth, none were voiced with as much urgency or disappointment as

⁹⁰ “Report into the Implementation of the Good Friday/Belfast and St Andrews Agreements,” *British-Irish Parliamentary Assembly*.

⁹¹ “Report into the Implementation of the Good Friday/Belfast and St Andrews Agreements,” *British-Irish Parliamentary Assembly*.

⁹² “Report into the Implementation of the Good Friday/Belfast and St Andrews Agreements,” *British-Irish Parliamentary Assembly*.

⁹³ “Report into the Implementation of the Good Friday/Belfast and St Andrews Agreements,” *British-Irish Parliamentary Assembly*.

the suggestion that the Good Friday Agreement be monitored “in a meaningful and regular way.”⁹⁴ The report had this to say on the glaring lack of other reports in the past decades:

There is a need to reflect on gaps that exist and where commitments remain unfulfilled.

As is the case in any comprehensive political agreement, implementation of all provisions is essential to the integrity and balance of the whole. The Committee believes a formal reporting mechanism which encourages, and requires, regular formal reporting on the implementation of the Agreement, would provide a platform for review and oversight of the components of the Agreement and ensure that issues are publicly noted.⁹⁵

The report further recommends that these reports should be undertaken by the British and Irish governments and the Northern Ireland Executive every three to four years, implying that at least three such reports from each of these bodies should have been published by the time this Committee made their report.⁹⁶ Their point essentially is that, despite the St. Andrews Agreement providing evidence that there is a level of oversight in prominent crises, a more formal mechanism must exist to monitor minor situations before they can snowball to the level of crisis. This point seemed to be the Committee’s primary, overarching concern in regards to the state of the Good Friday Agreement and its place in Northern Ireland society. However, this lack of a mechanism for reviewing the Good Friday Agreement is a reflection of the primary point of the first portion of this paper: since the signing of the Good Friday Agreement, there has been a decline in interest in implementing its provisions, especially if these provisions were not considered urgent or were not directly acknowledged in the Agreement. It is for this reason that the points outlined in this chapter thus far exist, and it is also the reason that the points outlined in the next section have not been resolved either.

⁹⁴ “Report into the Implementation of the Good Friday/Belfast and St Andrews Agreements,” *British-Irish Parliamentary Assembly*.

⁹⁵ “Report into the Implementation of the Good Friday/Belfast and St Andrews Agreements,” *British-Irish Parliamentary Assembly*.

⁹⁶ “Report into the Implementation of the Good Friday/Belfast and St Andrews Agreements,” *British-Irish Parliamentary Assembly*.

Unconsidered Supplements

In recent years, tensions in Northern Ireland have flared to the extent that they threaten the foundations of the Good Friday Agreement. In fact, the initial reason that the Northern Ireland Assembly was suspended in 2002 (requiring the St. Andrews Agreement) was sparked by the arrest of members of the political party Sinn Féin on charges of espionage.⁹⁷ It is no surprise, then, that similar controversies result in tonally-catastrophic media reports that acknowledge the possibility of a collapse of the Good Friday Agreement or return of the Troubles.⁹⁸ Despite the years that have passed since the Good Friday Agreement as well as its ultimate success, the peace is clearly still fragile in Northern Ireland. When Belfast attempted to limit the number of days that the Union Jack is flown over its city hall (from every day of the year to only eighteen days) in 2012, loyalist protests and riots injured police officers and security forces and continued for over a year.⁹⁹ Police were frequent targets during the Troubles, and threats to their safety are a particularly sensitive issue in present-day Northern Ireland, thus adding another level of seriousness to the flag protests. But this is not Northern Ireland's most recent or serious crisis; in 2015, the murders of two former members of the IRA brought fear to the country. The more recent of the two killings was the August murder of Kevin McGuigan, a former member of the IRA. The police labelled the incident a revenge killing, thus sparking speculation that the IRA did not disband and decommission (as they were meant to after the Good Friday Agreement).¹⁰⁰ The police labelled it as such because, in May of the same year, McGuigan had killed former IRA leader Gerard "Jock" Davison. For a reason undisclosed in the reports, police came to the conclusion that other former members of the IRA killed McGuigan because he killed Davison. The official label of "revenge killing" sparked rumors that the IRA was still active and willing to engage in violence on behalf of their former members.¹⁰¹ In the aftermath of the second murder,

⁹⁷ "History of the Assembly," *Northern Ireland Assembly*.

⁹⁸ Eamonn McCann, "The Troubles Are Back," *The New York Times*, <http://mobile.nytimes.com/2015/10/05/opinion/the-troubles-are-back.html> (5 Oct 2015).

⁹⁹ "Q&A: Northern Ireland flag protests," *BBC News*.

¹⁰⁰ McCann, "The Troubles Are Back," *The New York Times*.

¹⁰¹ Breen, "This is payback for Jock Davison," *Belfast Telegraph*.

media outlets reported dire circumstances: one Canadian magazine described the situation as “the country’s uneasy coalition government teeters on brink of collapse.”¹⁰² The *New York Times* even published an article ominously titled “The Troubles Are Back.”¹⁰³ The latter article, however, offers some insight into this fragile peace in Northern Ireland—insight that may inform a potential supplement to the Good Friday Agreement based on public discontent.

Eamonn McCann, author of the aforementioned *New York Times* op-ed, is a journalist and current member of the Northern Ireland Assembly (as of 2016).¹⁰⁴ He suggests that the manner in which Northern Irish elections are conducted—with each community selecting a representative—results in representatives in government who are “uncompromising.”¹⁰⁵ This, McCann claims, is the source of the crises that plague the Northern Irish government. Assuming that he is correct, mitigating these crises could be a matter of stocking the government with representatives less polarizing. This, of course, is easier said than done—even the United States struggles with the concept. Full papers can and have been written on this phenomenon, and many boil down to the idea that politicians must be uncompromising to campaign successfully, and compromising to lead successfully; however, politicians often never stop campaigning in order to win reelection.¹⁰⁶ Putting aside the nuance of the Northern Ireland situation for the moment, the same idea can very likely be applied to the Northern Ireland government. It has been suggested in the United States that longer terms and capping reelections could combat this issue; if, for example, the President was in office six years with no chance at reelection, he would never have to campaign throughout his term. This could be a possible fix in Northern Ireland as well, and may be better received in a country that already frequently undergoes substantial governmental restructuring. It could be argued that eliminating the possibility of reelection removes a way to hold elected officials accountable. In that case, a less extreme option could be

¹⁰² Leah McLaren. “In Northern Ireland, the Troubles are brewing again,” *Macleans Magazine*, <http://www.macleans.ca/news/world/in-northern-ireland-the-troubles-are-brewing-again/> (15 Sept 2015).

¹⁰³ McCann, “The Troubles Are Back,” *The New York Times*.

¹⁰⁴ McCann, “The Troubles Are Back,” *The New York Times*.

¹⁰⁵ McCann, “The Troubles Are Back,” *The New York Times*.

¹⁰⁶ Amy Gutmann and Dennis Thompson, “The Mindsets of Political Compromise,” *Perspectives on Politics* 8.4 (2010): 1125-1143, *Cambridge University Press*, American Political Science Association.

term limits that do not go so far as to prevent reelection campaigns entirely, so that elected officials are held accountable for most of their careers, but their last possible term allows them room to compromise.

It is also helpful to look at the general atmosphere of Northern Ireland, rather than simply its crises. Even in times of “peace,” the citizens of Northern Ireland are segregated along religious lines, and live in communities separated by walls. NPR interviewed Northern Irish professors and youth in 2014 about the divide. One professor claimed that the security situation is such that people are not comfortable with taking down the thirty-foot walls that separate some Northern Irish neighborhoods.¹⁰⁷ Additionally, ninety percent of students in Northern Ireland are segregated, and “many Protestants say they do not know Catholics personally, and vice versa.”¹⁰⁸ One student commented, “It’s always been like that, and it’ll never change.”¹⁰⁹ Unfortunately, when “one side” does not know anyone from “the other side,” it makes them susceptible to strong feelings of hatred, and allows them to dehumanize the other side. It is especially worrying that the students of the country are likely to develop this mindset. In theory, the more distance between the Northern Irish citizens and the memories of the Troubles, the easier peace will be to maintain; however, if the segregation and hatred are passed down to the youth, peace will not become more stable. In fact, NPR noted that many young people in Northern Ireland feel that they have “missed out” on the excitement of the Troubles—these young people have inherited the hate, but never experienced the horror.¹¹⁰ The obvious way to combat this is integration—of schools and of communities. While it is impossible to force people to socially interact with others, removing physical walls between communities and desegregating schools at least provides a certain level of contact. Unfortunately, the tense security situation makes this process unlikely if it relies on volunteers, and the fragile peace would prove problematic if the

¹⁰⁷ Ari Shapiro, “For Northern Ireland, Wounds From ‘The Troubles’ Are Still Raw,” National Public Radio, <http://www.npr.org/sections/parallels/2014/11/28/367183005/for-northern-ireland-wounds-from-the-troubles-are-still-raw> (28 Nov 2014).

¹⁰⁸ Shapiro, “For Northern Ireland, Wounds From ‘The Troubles’ Are Still Raw,” National Public Radio.

¹⁰⁹ Shapiro, “For Northern Ireland, Wounds From ‘The Troubles’ Are Still Raw,” National Public Radio.

¹¹⁰ Shapiro, “For Northern Ireland, Wounds From ‘The Troubles’ Are Still Raw,” National Public Radio.

government attempted to mandate integration. Despite this, the current climate among the civilians of Northern Ireland would certainly benefit from integration when the government is stable enough to mandate it.

In addition to looking at the Northern Irish community for areas of improvement, other communities that resolved ethnic conflict can provide inspiration for further work. For example, the Outreach Programme on the Rwanda Genocide promotes and the United Nations promotes community therapy through survivor testimonies, and has seen great success in terms of community healing.¹¹¹ Another resource is the University of Notre Dame's Peace Accords Matrix, a comprehensive list of modern peace accords and respective ratings of successful implementation.¹¹² The Peace Accords Matrix allows for comparisons of accords that were implemented successfully, and further breaks down the individual accords by goals. The Northern Ireland Good Friday Agreement, for example, has an implementation score of 95%.¹¹³ It can be assumed that, in the drafting of the Good Friday Agreement, the accords dated from years prior were considered accordingly, and so much of the focus will be on successful accords after the Good Friday Agreement. Additionally, due to the success of the Agreement, many of the following accords seem to be influenced in part by the structure and ideas presented in the Agreement. For example, the Accra Peace Agreement in Liberia from 2003 has a similar outline of points to the Good Friday Agreement; however, this allows it to improve upon tenets of the Good Friday Agreement. The Accra Peace Agreement also successfully disarmed its paramilitary groups, but included offers of "formal and vocational education" to prevent former combatants from returning to that mindset.¹¹⁴ The Sierra Leone Lomé Peace Agreement of 1999 similarly

¹¹¹ "Survivor Testimonies," *Outreach Programme on the Rwanda Genocide and the United Nations*, <http://www.un.org/en/preventgenocide/rwanda/education/survivortestimonies.shtml>.

¹¹² "Browse by Accords," *Peace Accords Matrix* (University of Notre Dame Kroc Institute for International Peace Studies, 2015), <https://peaceaccords.nd.edu/peace-accords>.

¹¹³ "Browse by Accords," *Peace Accords Matrix*.

¹¹⁴ "Accra Peace Agreement," *Peace Accords Matrix* (University of Notre Dame Kroc Institute for International Peace Studies, 2015), <https://peaceaccords.nd.edu/accord/accra-peace-agreement>.

enrolled paramilitary members in a reintegration program, making the absence of such a program in the provisions of the Good Friday Agreement even more apparent.¹¹⁵

Further, to emphasize an observation from the previous section of this chapter, other peace accords—like the 1998 Guinea-Bissau Abuja Peace Agreement—put in place a “verification/monitoring mechanism” to ensure proper implementation of the accord.¹¹⁶ Northern Ireland did, admittedly, successfully create a monitoring mechanism to oversee decommissioning, but the Abuja Peace Agreement’s mechanism encompasses much more than one point of the Agreement’s implementation. The details of this mechanism may not be relevant to Northern Ireland—while the Abuja Peace Agreement calls on the United Nations for assistance in maintaining peace, the situation is not so dire in Northern Ireland—but the very presence of the mechanism here highlights a weakness in Northern Ireland’s peace process. The 2001 Papua New Guinea Bougainville Peace Agreement offers a similar mechanism, one more appropriate for the Northern Ireland situation: Papua New Guinea requested that the United Nations simply observe the implementation.¹¹⁷ Again, calling on the United Nations may be extreme in the case of Northern Ireland, but perhaps another third party organization or state could serve a similar role in Northern Ireland. Although Britain and the Republic of Ireland have played that role, particularly in the drafting of agreements to end the Troubles, they each have their own interests in Northern Ireland. Britain would prefer Northern Ireland to remain part of the United Kingdom, though this attitude has become much less strong in the years since the Good Friday Agreement, especially because—even before the Good Friday Agreement—Northern Ireland’s status was more a point of pride than of economic or strategic importance. Meanwhile, the Republic of Ireland has supported Northern Ireland’s return, especially because the six counties were historically part of Ireland until 1920. Although tensions between Britain

¹¹⁵ “Lomé Peace Agreement,” *Peace Accords Matrix* (University of Notre Dame Kroc Institute for International Peace Studies, 2015), <https://peaceaccords.nd.edu/accord/lom-peace-agreement>.

¹¹⁶ “Abuja Peace Agreement,” *Peace Accords Matrix* (University of Notre Dame Kroc Institute for International Peace Studies, 2015), <https://peaceaccords.nd.edu/accord/abuja-peace-agreement>.

¹¹⁷ “Bougainville Peace Agreement,” *Peace Accords Matrix* (University of Notre Dame Kroc Institute for International Peace Studies, 2015), <https://peaceaccords.nd.edu/accord/bougainville-peace-agreement>.

and the Republic of Ireland regarding this issue have diminished since 1998, objectiveness, if possible, is ideal. Given that, a more objective third party would take the part in the future, if Northern Ireland were to adopt this mechanism.

Having outlined the supplements that could be implemented in Northern Ireland to ensure both the success of the Good Friday Agreement and a stable peace, it is time to consider the question of why it is important. Although the peace in Northern Ireland is fragile, it has remained intact for nearly twenty years. While the implementation of the Good Friday Agreement is not complete, it still adequately keeps the peace. However, every time a minor incident occurs, it seriously threatens both peace and the government structure; if that continues, it seems inevitable that a major incident will someday cause the foundations set up by the Good Friday Agreement to crumble. The next and final chapter discusses in detail such potential consequences of allowing the situation in Northern Ireland to proceed without supplementing the original Good Friday Agreement.

Chapter 4

FUTURE CONSEQUENCES

As established in the previous chapters, the Good Friday Agreement was simply intended to be a framework supported by further legislation and institutions, and there is a large enough discrepancy between this intention and what was actually done that there is reason enough for concern. But why does that matter? The peace in Northern Ireland is undeniably stable in the present state of affairs. However, as also mentioned, the peace is fragile enough that any change in the status quo threatens to completely destabilize it—and there are plenty of potential status-quo-altering events on the horizon, particularly in light of current events. The significant potential for peace to destabilize is the most concerning possible consequence of not supplementing the Good Friday Agreement. This chapter addresses that possibility, including the context for potential destabilization, how it could become a reality, and the likelihood of that happening.

First, this chapter will discuss how the nature of the Good Friday Agreement's proposed government has made Northern Irish society vulnerable to destabilization, as this context is essential to the overarching discussion of possible consequences. Next, the chapter will add to the context by laying out current or recent threats to peace and stability in Northern Ireland. Chapter 3 touched on this topic, but the section in this chapter will also cover threats that were not appropriate to include or expand upon previously. Finally, this chapter ends with an analysis of the context and expert opinions to determine the likelihood of a resurgence of the Northern Irish Troubles—potentially the worst possible consequence of viewing the Good Friday Agreement as a solution rather than a framework.

Consequences of Consociational Government

The ethnic conflict of Northern Ireland has historically been difficult to characterize, and thus even more difficult to address, as any government solution would have to take the ethnic

conflict into account. Ultimately, the solution that the Good Friday Agreement suggests was heavily influenced by consociational theory. The “key contention” of consociational theory is that “divided territories, be they regions or states, with historically antagonistic ethnically, religiously or linguistically divided peoples, are effectively, prudently, and sometimes optimally, governed according to consociational principles.”¹¹⁸ Simply put, consociational principles refer to a method of power-sharing in divided communities that allows the communities to maintain their own identities while cooperating with the other communities via community leaders. The Good Friday Agreement’s proposed government structure was a “model of multicultural government, more commonly characterized as consociational government” that emphasized the separate identities in Northern Ireland.¹¹⁹ Two esteemed scholars on consociationalism in Northern Ireland, McGarry and O’Leary, note that “consociational theory has been a central part of Northern Ireland’s ‘meta-conflict,’ i.e. the intellectual conflict about the nature of the conflict and the appropriate prescriptions to tackle it.”¹²⁰ In noting this, McGarry and O’Leary draw attention to a key point: the Troubles in Northern Ireland were so engrained in the consciousness of the country, so difficult to resolve, that it was a “conflict” to attempt to define, let alone solve, the Troubles. That was the nature of the ethnic conflict in Northern Ireland, and perhaps a consociationalist agreement was the only possible solution in the context of 1998. And so McGarry and O’Leary claim, in the face of anti-consociationalism critics, that the simple fact that an agreement steeped in consociationalism was able to create peace proves the potential for success of consociationalism.

Despite their excitement at the success of a consociationalist agreement, however, McGarry and O’Leary do not give its critics enough credit—and the downsides of consociationalism seem to have fed some of the problematic elements of current Northern Irish

¹¹⁸ John McGarry and Brendan O’Leary, *The Northern Ireland Conflict: Consociational Engagements* (Oxford: Oxford University Press, 2004), 1.

¹¹⁹ Chris Gilligan, “Austerity and consociational government in Northern Ireland,” *Irish Studies Review* 24.1 (2015): 35-48. *Taylor and Francis Online*, <http://www.tandfonline.com/doi/full/10.1080/09670882.2015.1112996?scroll=top&needAccess=true>.

¹²⁰ McGarry and O’Leary, *The Northern Ireland Conflict*, 2.

society. There are four main “organization principles” of consociational governments: “executive power-sharing,” “autonomy or self-government” for each community, “proportionality” in representation, and “veto-rights.”¹²¹ It is the second of these four principles that can prove problematic, as it has the potential to result in community segregation, and McGarry and O’Leary even acknowledge this common criticism: “consociationalism, far from resolving conflict, ‘institutionalizes’ divisions, casting them in ‘marble.’”¹²² However, McGarry and O’Leary’s primary—and, in fact, only—method of countering this is to point to the Good Friday Agreement and say, “but that doesn’t matter, because it was the best way to end the violence and it worked.”¹²³ But this counterargument does not address concerns of long-term segregation, or what the consequences for that might be. Additionally, when McGarry and O’Leary *do* address the limitations of consociationalism in respect to integration, they claim that integration rests on “wishful thoughts” and move on, as if dismissing the topic as unimportant in the grand scheme.¹²⁴ They may have been correct to assume the immense difficulty of integrating the communities, but that does not excuse the fact that the consociational government encourages segregation. Additionally, dismissing the concept of integration as near-impossible in turn dismisses the damage that long-term segregation can do to society’s stability. In fact, this book was published in 2004—long ago enough to notice that the violence of the Troubles had largely ceased, but not nearly long enough to determine whether Northern Irish society is at risk of relapse. Again, that is not to say that it was wrong for the Good Friday Agreement to adhere to the tenets of consociationalism; it may have indeed been the only strategy that could satisfy both sides enough to successfully implement the Good Friday Agreement. But that does not mean

¹²¹ McGarry and O’Leary, *The Northern Ireland Conflict*, 1-2.

¹²² McGarry and O’Leary, *The Northern Ireland Conflict*, 3.

¹²³ I do not intend to be dismissive of the more substantial arguments that McGarry and O’Leary make a few pages later in the chapter, but even then, their section “What Critics of Consociation Can Learn from Northern Ireland” still focuses largely on the conclusion that the success of the Good Friday Agreement means that consociation is a realistic solution, which misses the point that many of the critics put forth. McGarry and O’Leary, *The Northern Ireland Conflict*, 16.

¹²⁴ McGarry and O’Leary, *The Northern Ireland Conflict*, 102.

consociationalism should not be criticized, or that its societal consequences should not be mitigated—or that societal segregation should be dismissed as a minor problem.

Research as recent as 2015 has addressed this issue, benefitting from hindsight as scholars point to aspects of Northern Ireland society that appear problematic. One essay claims that the entire Northern Ireland Assembly is in crisis due to its “multicultural or consociational framework,” as the two parties represented have difficulty “[crossing] ethnic lines” to unite on any given contentious issue.¹²⁵ This author, Chris Gilligan, directly challenges McGarry and O’Leary’s claims, explaining that the innocent aims of consociationalism mean nothing when the practical result is a mean-spirited segregation that not only celebrates one culture, but demonizes the other. In other words, it does not matter that consociationalists do not intend to “[institutionalize] sectarian division” because when the sides are still hateful and uncompromising, there remains a problem.¹²⁶ In fact, Gilligan even goes so far as to conclude: “Without an alternative to consociationalism, the most likely outcomes are more muddling through or a collapse of the Assembly and a form of multicultural austerity imposed directly from Westminster.”¹²⁷ Until recent events in 2016 that may have signaled a change in the status quo, it seemed as if “muddling through” was the more likely of the two options—but what does all this say about the nature of ethnic conflict in Northern Irish society? Essentially, the success of the Good Friday Agreement speaks volumes about the preferences of the people of Northern Ireland, but these preferences have consequences that may have set up Northern Ireland to be vulnerable to a resurgence of violence. Specifically, segregation on the community level naturally increases the likelihood that one community sees the other as subhuman, which could help mild civil strife escalate into Troubles-era violence in certain circumstances. It is likely a result of the consociational government that ninety percent of Northern Irish students attend segregated schools, and that many people do not know anyone from the other community

¹²⁵ Gilligan, “Austerity and consociational government in Northern Ireland,” 35-48.

¹²⁶ Gilligan, “Austerity and consociational government in Northern Ireland,” 35-48.

¹²⁷ Gilligan, “Austerity and consociational government in Northern Ireland,” 35-48.

personally.¹²⁸ Naturally, a government divided along community lines would not be as likely to voice objections to walls separating communities, or to schools that focus on preserving one culture in particular. However, it is this type of community segregation that can lead to troubling attitudes in the public, from a naïve but dangerous feeling of “missing out” on the excitement of the Troubles (as reported in a recent NPR piece) to full-fledged resentment of the other community.¹²⁹

Current Threats to Peace

The ethnic situation in Northern Ireland may help explain why, as discussed in Chapter 3, even a high-profile murder snowballs into a potential crisis. The 2015 murder of former IRA leader Gerard “Jock” Davidson and subsequent revenge killing of former IRA member Kevin McGuigan shook Northern Irish stability to the point that multiple global news outlets anticipated the worst: the government would collapse and the Troubles would return.¹³⁰ The news reports were in hindsight too catastrophic, but their fears were not unfounded; these two murders had unnerving implications for Northern Ireland. The Good Friday Agreement had insisted that the IRA disband and decommission, and the murders—particularly the clearly organized revenge killing—implied that they did not do so. Given that the former IRA, labelled a terrorist organization during the Troubles, represents the extremes of violence that took place just a few decades ago, the fear that resulted from these 2015 murders was not unfounded. However, while the fear gradually dissipated and the government did not experience crisis, the implication that the IRA is more “dormant” than “disbanded” is an unnerving one for the future of Northern Ireland—the organization that has come to represent the violence of the Troubles has not dropped their guns but simply lowered them, so to speak. The circumstances have not changed since 2015, implying that similar murders of former high-profile people related to the Troubles

¹²⁸ Shapiro, “For Northern Ireland, Wounds From ‘The Troubles’ Are Still Raw,” National Public Radio.

¹²⁹ Shapiro, “For Northern Ireland, Wounds From ‘The Troubles’ Are Still Raw,” National Public Radio.

¹³⁰ McCann, “The Troubles Are Back,” *The New York Times*.

could again send a wave of panic through the country that threatens to destabilize the peace. Worse, if the rumors of IRA activity are true, a major event that changes the status quo in Northern Ireland could cause their return. This becomes even more concerning in light of a 2016 event that could very well cause a major change in the status quo in Northern Ireland.

In 2016, the United Kingdom voted to leave the European Union. This decision is predicted to come into effect in 2019, but in the meantime, it is contentious; there have been protests throughout the United Kingdom, and the possibility that it is impractical for the United Kingdom to leave the European Union by the 2019 deadline.¹³¹ Nevertheless, the vote has been cast, so it must be assumed that the United Kingdom will go through with its British exit (“Brexit”). This could have devastating effects in territories at risk of separation in the United Kingdom, such as Scotland and Northern Ireland; both of these areas voted to remain in the European Union (82% of votes in Scotland and 55.8% in Northern Ireland).¹³² A small majority of Northern Ireland was thus displeased with the results of the vote, giving nationalists a case for separation from the United Kingdom, as separating would allow them to stay in the European Union. However, there is a more problematic factor in the results of United Kingdom’s referendum: it puts an undue burden on the Northern Irish citizens who wish to remain connected to the Republic of Ireland, and may even result in damage to the Good Friday Agreement. The free borders associated with the European Union and, more specifically, with the island of Ireland allowed nationalists to easily accept the Good Friday Agreement in 1998, as they could be guaranteed access to the Republic of Ireland as they pleased. However, Brexit will harden the borders between Northern Ireland and the Republic of Ireland, potentially destabilizing the region.¹³³ This is evidenced in recent and consistent calls for a “united Ireland” (largely from the nationalist political party Sinn Féin), which is allowed for under the Good Friday Agreement

¹³¹ Joe Watts, “Brexit: UK must leave EU by early 2019, says European Parliament president Martin Schulz,” *The Independent*, <http://www.independent.co.uk/news/uk/politics/brexit-latest-uk-must-leave-eu-by-2019-theresa-may-martin-schulz-european-parliament-president-a7323411.html> (22 Sept 2016).

¹³² “The Twelfth,” *BBC News*.

¹³³ Burke, “Who Will Speak for Northern Ireland?” 4-12.

pending a referendum.¹³⁴ Just a few months ago, Gerry Adams, president of Sinn Féin, brought up another problematic element of Brexit: the United Kingdom, in removing itself from the European Convention of Human Rights, may “undermine the fundamental human rights elements of the Good Friday Agreement.”¹³⁵ Adams, of course, says this with his own agenda: he seeks a united Ireland, and claiming that one of the most important elements of the Good Friday Agreement itself may be undermined is a way to rally support for his vision. Experts in the Northern Irish government disagree, claiming that the Good Friday Agreement itself will not be affected by the Brexit; however, that is not to say that the stability of Northern Irish peace will not be affected.¹³⁶ Sinn Féin’s reaction to the referendum itself is an indication that they will be willing to fight for a united Ireland in the coming years. This fact is even more unnerving when Sinn Féin’s historic ties to the IRA are considered. Even if Sinn Féin does not succeed, their heavy campaign for their vision, in light of the new hard borders on the island, could reignite tensions. As noted in Chapter 1, the Troubles themselves were caused by an escalation of tensions between the two primary groups in Northern Ireland until a pattern of violence developed. If anything were to reignite the Troubles, it would be a similar escalation of tensions that already exist.

Clearly, the consequences of Brexit are the most realistic threats to peace in Northern Ireland. When (or “if,” given the public uproar since the vote) the departure becomes real and official in 2019, it could be the biggest threat to peace that Northern Ireland has seen since the suspension of the Northern Ireland Assembly in 2002. However, it would be a mistake to think that Brexit, or even the risk of IRA revenge killings, are the only potential threats. There is always the risk of smaller disagreements or social unrest spiraling out of control, especially if the context of these disagreements is meaningful. For example, the Union Jack controversy was

¹³⁴ David Young, “Brexit is unique chance for united Ireland, Sinn Fein president Gerry Adams says,” *The Irish News*, <http://www.irishnews.com/news/brexit/2016/11/28/news/brexit-is-unique-chance-for-united-ireland-says-gerry-adams-806758/> (28 Nov 2016).

¹³⁵ Michael Mchugh, “Gerry Adams: Brexit will destroy the Good Friday Agreement,” *The Independent*, <http://www.independent.co.uk/news/uk/politics/brexit-northern-ireland-gerry-adams-sinn-fein-good-friday-agreement-peace-eu-a7539011.html> (21 Jan 2017).

¹³⁶ Mchugh, “Gerry Adams,” *The Independent*.

contextualized by the sensitivity of the issue of policing during the Troubles. In 2012, loyalist protests to a decision to limit the number of days the Union Jack is flown over city hall resulted in injury to police officers and security forces.¹³⁷ During the Troubles, police were frequent targets of the IRA and other nationalist groups, as they represented agents of the British. Adding another level to the policing issue, the nationalist hatred of police was not unfounded; the structure and mission of police at the time put them in direct opposition to nationalists, with little Irish representation in Northern Irish police and little accountability. Hence the inclusion of police reform in the Good Friday Agreement and subsequent successful legislation that addressed such reform.¹³⁸ Given this sensitive issue, it is no surprise that the flag controversy snowballed into protests and riots that lasted over a year. The flag controversy is the best example of a disagreement that snowballed due to the atmosphere in Northern Ireland, but it is not the only example of a disagreement with the potential to snowball. The annual parades that celebrate the tradition of each group spark so much antagonism that the Good Friday Agreement set up a “Parades Commission” to ensure peaceful celebration.¹³⁹ The annual parade that encourages the most anxiety in the population is the “Twelfth,” a large-scale July parade celebrating the beginning of Protestant rule in the United Kingdom.¹⁴⁰ Parades may be the most famous annual source of tension, but they are not the only one. Every November “since 1921,” people across the United Kingdom have worn poppies to remember those who have fought for their country, a tradition that began following the first World War.¹⁴¹ This practice has become controversial even in Britain because the poppy is also associated with more recent wars that have been controversial in and of themselves (Afghanistan leaps to mind), but it is most controversial in Northern Ireland due to the British Army’s involvement in the Troubles. Many

¹³⁷ “Q&A: Northern Ireland flag protests,” *BBC News*. This topic was discussed in Chapter 3.

¹³⁸ “Q&A: Northern Ireland flag protests,” *BBC News*.

¹³⁹ “About Us – Commission,” *Northern Ireland Parades Commission*.

¹⁴⁰ “The Twelfth,” *BBC News*. The background of the parades, in particular the Twelfth, were also discussed in Chapter 1.

¹⁴¹ Fox, James. “Poppy Politics: Remembrance of Things Present.” *Cultural Heritage Ethics: Between Theory and Practice*. Cambridge, UK: Open Book Publishers, 2014, pp. 21-30. Print. This topic was previously discussed in Chapter 2.

nationalists consider the poppy “deeply offensive” because the British Army was often involved in the death of Irish civilians during the tit-for-tat violence of the Troubles; the IRA even “targeted [the poppy] specifically, detonating a bomb at the Enniskillen war memorial on Remembrance Sunday”¹⁴² Given the nationalists’ intense rejection of the symbol, it was natural that the loyalists “embrace” it, leading to the controversy of the poppy as an identity marker.¹⁴³ Northern Ireland peace has successfully survived this controversy every November since the Good Friday Agreement, but this background source of tension always holds the risk of contextualizing and thus escalating, say, a police murder on Remembrance Day. To contrast this constant source of tension, there are plenty of small controversies that hold the risk of escalating as people jump to the defense or condemnation of the people involved in such controversy; for example, in 2015, “Republic of Ireland footballer James McClean” entered international news for “turning his back on the British national anthem during his club’s pre-season tour in the US.”¹⁴⁴ Ultimately, this minor symbol of political protest did not bring about any more societal consequences than a recent similar incident in the United States when quarterback Colin Kaepernick refused to stand during the national anthem. However, the “McClean incident” could have easily escalated on a grand stage, given that because McClean was an Irish player in a British league protesting in the United States, he was acting under maximum visibility in terms of international news. As it happened, the incident was only reported by minor British and Irish news outlets; however, a more prominent figure could have created controversy that carried more risk. In fact, McClean’s simple political statements (which include not wearing the Remembrance poppy on his uniform) have earned him death threats so serious they resulted in police action.¹⁴⁵

¹⁴² Fox, “Poppy Politics,” 21-30.

¹⁴³ Fox, “Poppy Politics,” 21-30.

¹⁴⁴ Rajvir Rai and Kieran Gill, “Republic of Ireland international James McClean sparks anger by turning back on British national anthem during West Bromwich Albion’s pre-season tour,” Daily Mail, <http://www.dailymail.co.uk/sport/sportsnews/article-3167564/Republic-Ireland-international-James-McClean-sparks-anger-turning-British-national-anthem-West-Bromwich-Albion-s-pre-season-tour.html> (19 July 2015).

¹⁴⁵ Michael Hann, “Wearing a poppy is only meaningful if it’s voluntary,” *The Guardian*, <https://www.theguardian.com/commentisfree/2016/nov/01/wearing-poppy-meaningful-voluntary-footballers> (1 Nov 2016).

Because high-tension is the status quo in Northern Ireland, evidently anything from a highly-publicized murder to major British political decisions pose a threat to Northern Irish peace. This is understandable to an extent given the level of ethnic tension discussed earlier, but how likely is it that these threats develop into real action? To date, threats to peace have been neutralized, either because the government was able to solve the problem (à la the St Andrews Agreement), or because the problem did not escalate to the extent that people feared that it would. The next section addresses the likelihood that one of these threats actually causes damage to Northern Irish peace in the worst possible way: by reviving the Troubles.

Likelihood of Troubles Resurgence

As clearly emphasized thus far, the possibility of a Troubles return has come up during every recent controversy in Northern Ireland. That has resulted in many false alarms over the years, and makes it difficult to determine what threats might truly be destabilizing. At the very least, it is apparent that trusting global news as a predictor for crisis in Northern Ireland is a mistake. This makes sense; when the New York Times ominously declares “The Troubles Are Back,” they draw in more readers than a title that more accurately reflects what the author is claiming (in this case, a more appropriate title might be “Recent Crisis Points Out Flaws in the Good Friday Agreement’s Political System,” as the author is not nearly as catastrophic as the title would suggest).¹⁴⁶ On the opposite side of the spectrum, the civilian population of Northern Ireland remains calm through crisis—perhaps too calm. In late 2014, the Belfast Telegraph conducted a poll that revealed that only 3% of Northern Ireland believed that the country would return to “Troubles-era violence by 2024.”¹⁴⁷ The poll was more complicated than a simple “return or no return” question—the remaining 97% was relatively evenly divided between the opinions “nothing much will change,” “[we expect] a more stable and peaceful society,” and

¹⁴⁶ McCann, “The Troubles Are Back,” *The New York Times*.

¹⁴⁷ Liam Clarke, “Only 3% believe Northern Ireland will return to Troubles-era violence,” *Belfast Telegraph*, <http://www.belfasttelegraph.co.uk/news/northern-ireland/only-3-believe-northern-ireland-will-return-to-troublesera-violence-30628073.html> (1 Oct 2014).

“things ... will get worse”—but a return of the Troubles is the primary concern of this section.¹⁴⁸ Like the news outlets, though, there is a reason that this opinion is so far to one side of the spectrum. With the option of the less disconcerting “things ... will get worse,” only the most pessimistic citizens would predict the worst-case scenario. Additionally, at the time of the poll, it had been a year since the last incident (the Union Jack controversy mentioned previously) and, more importantly, the revenge killing that prompted the aforementioned bleak New York Times article (and other similarly-toned news reports) would not occur for another year. It would be another year until the Brexit referendum. No doubt the figure would be higher if Northern Ireland was polled today, but 2014 is the most recent poll. So if the news outlets have an ulterior reason to be catastrophic, and the Northern Irish citizen opinion is too dated to be reliable, the best authority to turn to is scholars and their research.

There has been an overwhelming amount of scholarship published in the months since Brexit, as such a major change to the status quo in Europe breeds a multitude of questions. I will discuss Brexit-influenced scholarship shortly, but it is also helpful to consider recent research unaffected by Brexit. One such 2016 publication concerns paramilitary violence, to which the authors of the research refer as “unfinished but finishable.”¹⁴⁹ The research that Campbell, Wilson, and Braithwaite present in their publication indicates that “residual paramilitary domination” could be ended via the same “restorative justice” that helped end the Troubles in the 1990s.¹⁵⁰ During the Troubles, the violent IRA had to be trusted with leading restorative justice in the communities that it influenced, which detractors claimed would never work—but it did. Campbell, Wilson, and Braithwaite see the “crackdowns on residual paramilitaries” for which Sinn Féin calls, and counter that trusting these groups to implement restorative justice in the communities they still control would yield more positive results.¹⁵¹ This is because attempting to

¹⁴⁸ Clarke, “Only 3% believe Northern Ireland will return to Troubles-era violence,” *Belfast Telegraph*.

¹⁴⁹ Kirsty Campbell et al., “Ending residual paramilitary domination in Northern Ireland? Restorative economic and social inclusion strategies,” RegNet Research Paper, No. 123, School of Regulation and Global Governance (2016).

¹⁵⁰ Campbell et al., “Ending residual paramilitary domination in Northern Ireland?” RegNet Research Paper, No. 123, School of Regulation and Global Governance (RegNet).

¹⁵¹ Campbell et al., “Ending residual paramilitary domination in Northern Ireland?” RegNet Research Paper, No. 123, School of Regulation and Global Governance (RegNet).

punish community leaders who have to date been “marginalised from the electoral process” and who already feel, in their own words, “demonised,” will incentivize them to push back, not cooperate.¹⁵² Campbell, Wilson, and Braithwaite maintain that this strategy of including extremist leaders will work due to the “paradox of Northern Ireland politics” that shows, historically, compromise has been achieved without the violent interference of spoilers most often under extreme leaders on both sides of the spectrum.¹⁵³ The conclusion presented from this research is that paramilitary influence can reasonably cease with consistent effort. As the authors state, Northern Ireland has successfully navigated this process before with the IRA and its loyalist counterpart, the Ulster Volunteer force; all the research suggests is that Northern Ireland “[build] on its exemplary history of taking restorative justice standards seriously.”¹⁵⁴ This example of pre-Brexit research paints a positive view on the future of Northern Ireland. The authors admit what the past two chapters have argued: there are gaps in the implementation of the Good Friday Agreement, and aspects necessary for total peace have been overlooked. However, they also outline exactly how one of these gaps—the residual paramilitary activity—can be filled, and frame their solution as perfectly reasonable and possible. In terms of the future of peace in Northern Ireland, this research views the peace process as successfully completed overall, and now is the time to clean up the remaining problems.

The research affected by Brexit, in contrast to the last piece of research, generally views the Northern Irish peace process less as completed with flaws, and more as ongoing. One of the first research pieces on the effect of Brexit in Northern Ireland was published before the referendum results were even determined, and thus analyzed the potential effect of Brexit preemptively. This policy paper on “Brexit, Northern Ireland and Ireland” analyzes trade and

¹⁵² Campbell et al., “Ending residual paramilitary domination in Northern Ireland?” RegNet Research Paper, No. 123, School of Regulation and Global Governance (RegNet).

¹⁵³ Campbell et al., “Ending residual paramilitary domination in Northern Ireland?” RegNet Research Paper, No. 123, School of Regulation and Global Governance (RegNet). The paradox referenced here is also known as the “Nixon in China effect,” which gets its name from U.S.-China diplomacy under Nixon, who managed to engage in friendly relations by virtue of being known as “tough on” China.

¹⁵⁴ Campbell et al., “Ending residual paramilitary domination in Northern Ireland?” RegNet Research Paper, No. 123, School of Regulation and Global Governance (RegNet).

travel, but also peace and prosperity in light of Brexit.¹⁵⁵ This paper of course acknowledges the problematic “Ireland-UK Common Travel Area” which the next paragraph discusses in more detail; essentially, the hard borders referenced in the previous section limits nationalist freedoms that had been taken for granted when the Good Friday Agreement was agreed upon.¹⁵⁶ This is the primary point on Northern Ireland for the first half of the paper, and the second half—on peace and prosperity—addresses more complex issues. The conclusion on the “prosperity” issue is that Northern Ireland will experience a net economic loss; not only will international trade be costlier and more complicated when the United Kingdom leaves the European Union (further worsened by a prediction that businesses wishing to access the European Union will move from the United Kingdom to Ireland), but Northern Ireland will experience a loss of funding, as the European Union had identified it as “a region in transition” in need of funds.¹⁵⁷ As for the “peace” aspect of peace and prosperity, the paper states that while “the peace process will not implode in the event of Brexit,” “Brexit will impose new strains on the relationship [between the United Kingdom and Ireland].”¹⁵⁸ As has already been established, strained relations between these two countries can motivate protests in Northern Ireland, as the relationship between the United Kingdom and the Republic of Ireland needs to be cooperative enough for Northern Irish citizens to feel like members of either community depending on individual preference. Worse, the paper points out, is the human rights issue that Sinn Féin president Gerry Adams has pointed out in recent months, as Brexit would involve the United Kingdom leaving the European Convention of Human Rights, so Britain would no longer be subject to outside oversight on this issue. The paper is dismissive of this concern, claiming the easiest way to solve the issue is to do so preemptively, by “the UK government seeking a Bilateral Interpretive Agreement with the Irish Government in advance of the EU Referendum.”¹⁵⁹ This also serves as the conclusion of the

¹⁵⁵ Sylvia de Mars et al., “Policy Paper: Brexit, Northern Ireland and Ireland,” <https://ssrn.com/abstract=2797948> (1 June 2016).

¹⁵⁶ de Mars et al., “Policy Paper.”

¹⁵⁷ de Mars et al., “Policy Paper.”

¹⁵⁸ de Mars et al., “Policy Paper.”

¹⁵⁹ de Mars et al., “Policy Paper.”

paper, so it ends on a tone that sees Brexit as potentially damaging, but manageable.

Unfortunately, in hindsight, that has not been the case, as recent post-Brexit scholarship has pointed out. Post-Brexit scholarship tends to touch on similar issues to this policy paper, but now that Brexit is a reality (not to mention, the agreements that the paper suggested on managing Irish relations in case of Brexit were not pursued), the tone is less reassuring.

One of the most recent opinions appears in the *Journal of Democracy*'s most recent issue, under its "Brexit" section: "The Risk to Northern Ireland" by Adrian Guelke.¹⁶⁰ Guelke outlines the elements of the Good Friday Agreement that Brexit puts at risk, beginning with the fact that Brexit allows the nationalists who originally opposed the Good Friday Agreement (namely the IRA) to "argue that the unanticipated change in circumstances created by Britain's withdrawal from the EU invalidates the Irish people's endorsement of the [Good Friday Agreement]," where the "change in circumstances" refers to the understanding during the signing of the Good Friday Agreement that Northern Irish citizens could exercise "self-determination" and have full control over which country with which they chose to associate.¹⁶¹ A related issue is the "cross-border cooperation" that Brexit threatens, as drawing that hard border across the island threatens the partnerships that the North-South Ministerial Council oversees.¹⁶² Guelke also challenges the experts in the government who claim that Brexit would not affect the Good Friday Agreement whatsoever; a major challenge to the Agreement is the "explicit guarantee that the people of Northern Ireland may freely choose to be either British or Irish citizens or both—a freedom that [the Agreement] affirms as their 'birthright.'"¹⁶³ Obviously, Brexit complicates this. These points all boil down to one aspect of Britain's departure from the European Union: with the Republic of Ireland still a European Union state, free passage is not guaranteed like it was in 1998. Although some consideration has been given to the possibility that Northern Ireland and Scotland could remain in the European Union while still being in the United Kingdom, the complexity of such a

¹⁶⁰ Adrian Guelke, "The Risk to Northern Ireland," *Journal of Democracy* 21.1 (2017), *Project Muse*, <http://muse.jhu.edu.udel.idm.oclc.org/article/645536>.

¹⁶¹ Guelke, "The Risk to Northern Ireland."

¹⁶² Guelke, "The Risk to Northern Ireland."

¹⁶³ Guelke, "The Risk to Northern Ireland."

plan has led to its dismissal, so it seems that a hard border on the island of Ireland will be difficult to avoid.¹⁶⁴ In addition to the border problems, Guelke points out another issue that may drive Northern Ireland away from the United Kingdom, which previous scholarship had also anticipated: while “the United Kingdom as a whole ... has been a net contributor to the EU budget, Northern Ireland is a net beneficiary,” indicating that Northern Ireland will face serious economic difficulties when European Union funding halts.¹⁶⁵ Guelke’s conclusion supports the majority of what has been stated throughout this paper thus far: “Brexit represents a major setback for Northern Ireland’s peace process. That a political settlement nearly two decades old is still so central to the maintenance of peace reflects just how fragile the resolution of the conflict remains.” Although Guelke remains uncertain of the future of Northern Ireland, his tone is bleak. He focuses on the problems that Northern Ireland will face in light of Brexit, and they are not insignificant. It is easy to see why he is so pessimistic though; with how high-maintenance Northern Ireland’s stability has been in the years since the Good Friday Agreement, such an extreme alteration to Northern Ireland’s status in Europe as a whole could spell disaster. While Guelke refrains from making specific predictions, the evidence he lays out for crisis ahead makes it difficult to maintain hope for peace.

Clearly the scholarship is divided, though post-Brexit scholarship is more catastrophic—a perfectly understandable reaction. But one idea is consistent throughout these scholarly opinions: if the Troubles return, the gaps in the Good Friday Agreement will not be the primary reason. Before Brexit, the gaps were acknowledged, but not major causes for concern; in contrast, immediately before and after the referendum, the gaps in the Good Friday Agreement became the least of anyone’s concerns. However, if some of the gaps in the implementation of the Good Friday Agreement had been filled as outlined in Chapter 3, Northern Ireland would have been more stable as Northern Irish peace attempts to survive through the consequences of Brexit. If legislation had been more diligent in supplementing the human rights points of the Agreement,

¹⁶⁴ Guelke, “The Risk to Northern Ireland.”

¹⁶⁵ Guelke, “The Risk to Northern Ireland.”

for example, Sinn Féin president Gerry Adams would have sounded less authoritative when he attempted to convince Northern Ireland that Brexit and the subsequent removal from the European Convention of Human Rights would “destroy” the Good Friday Agreement.¹⁶⁶ That is only one example; many of the suggestions for supplementation from Chapter 3 would have directly targeted some of the primary causes of a return to the Troubles, assuming this return comes to pass.

If the Troubles return—whether it be because of Brexit, another revenge killing, or simply a protest becoming violent—it will not be because of one event. It will be because that event will set off a chain reaction that will find fuel in the current structure of Northern Irish society. Brexit will not cause Scotland to descend into civil conflict, and not simply because Scotland lacks the historical context to prompt such a reaction. There are societal constants in Northern Ireland that have gone unchecked, and make society more susceptible to allowing a major event to escalate into Troubles-era conflict and violence. For one, the community segregation is a problem that cannot be understated. Between the physical walls separating communities and the much more problematic segregation in schools, “many Protestants say they don’t know Catholics personally, and vice versa.”¹⁶⁷ There are three specific reasons why this problem is significant enough to make the idea of a return to the Troubles realistic.

First, lasting societal change is near impossible without people having connections throughout the community. This point is so obvious that it hardly needs a source, but in Malcolm Gladwell’s highly-popularized research novel “The Tipping Point: How Little Things Can Make a Big Difference,” he credits “connectors” as one of three types of people necessary to the success of social movements.¹⁶⁸ The “connectors” to whom Gladwell refers are people who interact with large amounts of people, to the point that they can facilitate introductions and communication across the aisle, so to speak. Obviously, segregating communities to the point

¹⁶⁶ Mchugh, “Gerry Adams,” *The Independent*.

¹⁶⁷ Shapiro, “For Northern Ireland, Wounds From ‘The Troubles’ Are Still Raw,” National Public Radio. Community segregation, particularly in relation to this particular NPR article, was also discussed in Chapter 3.

¹⁶⁸ Malcolm Gladwell, *The Tipping Point: How Little Things Can Make a Big Difference* (London: Abacus, 2015).

that few people know someone from “the other side” limits the amount of connectors, thus limiting how long any societal change may last. This first reason that this is a significant problem is straightforward, but the second reason draws on research of more sinister events: Second, separate communities allow hatred of the other community to spread, according to research on genocide. The Northern Irish Troubles have never risen to the level of genocide, but research on how individuals can bring themselves to kill—or order the killing of—their fellow countrymen and neighbors is still relevant. James Waller presents a relevant model to answer this question in his text “*Becoming Evil: How Ordinary People Commit Genocide and Mass Killing*.”¹⁶⁹ While the model is complex, and Northern Ireland only fits the elements of the model about half the time (accordingly so, for if the country had fit all the elements, the Troubles certainly would have been much deadlier), the elements that Northern Ireland does fit are cause for concern, particularly in the context of segregated communities. One of the primary social constructs that Waller cites as a contributor to genocide is “group identification—the emotional attachment to a group,” as this inevitably leads to the exclusion of the “outgroup,” and can escalate to outright hatred and demonization of that outgroup.¹⁷⁰ This is where the community segregation is a problem: it reinforces the group attachment of each respective side, and makes it easier to think of the other side as subhuman, and thus acceptable targets of attack. While this may seem like just a small portion of Waller’s model, he frames this mentality as a necessary (though not sufficient) condition for genocide, and many aspects of his model lead back to group identification—from euphemistic labelling that identifies the other groups as subhuman, to genocidal regimes encouraging careerism because it feeds into the type of strong group identification that encourages killing.¹⁷¹ During the Troubles, Northern Ireland actually displayed euphemistic labelling; Protestant leader Ian Paisley “referred to the pope as a ‘black-coated bachelor’” in an attempt to “make [him] subhuman through belittlement and humiliation.”¹⁷²

¹⁶⁹ James Waller. *Becoming Evil: How Ordinary People Commit Genocide and Mass Killing* (New York: Oxford University Press, 2007), 211-243.

¹⁷⁰ Waller, *Becoming Evil*, 211-243.

¹⁷¹ Waller, *Becoming Evil*, 211-243.

¹⁷² Daniel E. Price, *Sacred Terror: How Faith Becomes Lethal* (Santa Barbara, CA: Praeger, 2012), 120.

That is not to say that Northern Ireland is in danger of escalating past Troubles-era violence to genocide—but the parallels between current Northern Irish society and Waller’s model, combined with Northern Ireland’s violent history, are unnerving. Departing from these frightening implications, the third and final reason that community segregation is concerning is specifically because the youth are segregated in their schools. When ninety percent of students “attend segregated schools,” and some of these students already think they have “missed out” on fighting in the Troubles because it is “sexy,” hope for the future dims.¹⁷³ First, the segregated school system does nothing but harm. Even the United States—which has been struggling with desegregation in schools since *Brown v. Board of Education* declared school segregation illegal in the 1950s—still makes active attempts to reverse segregation in the form of court orders to integrate.¹⁷⁴ The problems with this are similar to the problems with larger community segregation previously detailed—with the difference being that passing down the “group” divide to young generations prolongs the problems with society that make it susceptible to another descent into the Troubles. If that were not bad enough, the active excitement about the Troubles displayed but some youth is so problematic, it hardly warrants explanation. As the youths that NPR describes grow older, they may carry that eagerness to fight with them—and when civil strife comes to a head, they may be old enough to escalate the conflict.¹⁷⁵ Tempering this concern, though, is that this article reflects one opinion—this opinion could be shared by all Northern Ireland youth on one extreme, or just one particular young person on the other extreme. As it happens, the general atmosphere among Northern Irish youth leans heavily towards the latter extreme, but the existence of this NPR interview is testament to some disturbing viewpoints in at least a small portion of these young people.

Given these factors, it is a real possibility that civil strife could return to Northern Ireland—but if that happens, it is more likely than not that this unrest will stop short of the

¹⁷³ Shapiro, “For Northern Ireland, Wounds From ‘The Troubles’ Are Still Raw,” National Public Radio.

¹⁷⁴ Nikole Hannah-Jones, “School Districts Still Face Fights—and Confusion—on Integration,” *The Atlantic*, <https://www.theatlantic.com/education/archive/2014/05/lack-of-order-the-erosion-of-a-once-great-force-for-integration/361563/> (2 May 2014).

¹⁷⁵ Shapiro, “For Northern Ireland, Wounds From ‘The Troubles’ Are Still Raw,” National Public Radio.

Troubles at its deadliest. The community segregation and non-unanimous youth opinion do the society no favors, but those that have lived through the Troubles will cling to peace. Furthermore, the opinions of a few young people does not necessarily mean that all young people would like to return to the Troubles decades. More significant, while fear and anger may become extreme enough to cause isolated violent incidents and general civil strife, the context is entirely different from the context leading up to the Good Friday Agreement. This primarily because the Great Britain of today is not the same Great Britain of the late twentieth century. It is a real possibility that Northern Ireland may attempt to unite with Ireland—but that is a situation for which the Good Friday Agreement now allows. In the case of such a referendum, there may be violent spoilers attempting to influence the vote—one of the potential sources for the aforementioned isolated incidents and civil strife—but Northern Ireland now has the unobstructed choice to leave the United Kingdom. The Great Britain of today is one that vowed to honor the results of the Scottish referendum, and would very likely do the same for Northern Ireland.¹⁷⁶ In terms of violence following a referendum, this is also influenced by Great Britain's reaction; in contrast to its attitude during the Troubles, if Northern Ireland votes to leave the United Kingdom, Great Britain will likely find the task of backing loyalists too onerous to undertake. Without the support of Great Britain, loyalists would find themselves at a significant disadvantage, enough so to decrease the odds of violent protest. Even then, if Northern Ireland unites with Ireland, loyalists would not face the same risks as nationalists during the Troubles, as Northern Ireland (and its new Irish government) would once again be subject to the European Convention of Human Rights. That is not to say that a united Ireland is a certainty, or that there will not be violence no matter the outcome. However, there is one conclusion that can be drawn regarding the future of Northern Ireland: The Good Friday Agreement will need to be further supported, either to compensate for the departure from the European Union, or to compensate for new governance under the Republic of Ireland. Ignoring the changing atmosphere in terms of

¹⁷⁶ “Scottish independence referendum (Archived),” GOV.UK, <https://www.gov.uk/government/topical-events/scottish-independence-referendum>.

supplementing the Good Friday Agreement would be as impossible as ignoring the need for the supporting St Andrews Agreement after the Northern Ireland Assembly was suspended in 2002. And if the legislature needs to supplement the Good Friday Agreement anyway, they might as well make an attempt to fill in the original gaps that have been left empty since 1998—if only to ensure that another Brexit-magnitude event does not seem as devastating to Northern Ireland.

Addendum: The Current Situation

In addition to the current events discussed above, there has been an extremely recent development that has rocked the political stability in Northern Ireland. Given the potential that effect such a destabilizing event could have, it would be remiss not to address it; however, because it is still developing, it would be too difficult to work into the main text of this chapter as a predictable element.

The event in question began with the Renewable Heat Incentive scandal, a political scandal involving a failed plan to pay applicants to use renewable energy; due to the high rate applicants were paid, the plan would cost taxpayers £300 million. The plan had been set up by Arlene Foster, who was Northern Ireland's First Minister (a joint head of the Northern Ireland Executive, along with the deputy First Minister) when her involvement in the scandal came to light in December 2016. When she refused to step down as First Minister during the inquiry, deputy First Minister Martin McGuinness resigned in protest, removing Arlene Foster as First Minister.¹⁷⁷ At this point, the whole problem seems relatively straightforward and inconsequential to the Troubles—but the problem snowballed. Additionally, the political parties tie the problem to the overall conflict in Northern Ireland: Arlene Foster was the leader of the loyalist Democratic Unionist Party, and Martin McGuinness leader of the nationalist Sinn Féin. Because of the broader meaning that both political parties are assigned, the issue was more likely to escalate, and escalate it did.

¹⁷⁷ “Timeline: Renewable Heat Incentive scandal,” *BBC News*, <http://www.bbc.com/news/uk-northern-ireland-38301428> (25 Jan 2017).

In January 2017, Sinn Féin refused to nominate a deputy First Minister to replace Martin McGuinness, causing the Northern Ireland Executive to collapse, triggering the dissolution of the Northern Ireland Assembly on January 26.¹⁷⁸ This also triggered another election on March 2. The preliminary results of the election saw the loyalist parties losing their majority in the Northern Ireland Assembly for the first time.¹⁷⁹ Further consequences will not be apparent until the parties elected form a new administration (if they fail to do so, there will be another election). However, Sinn Féin, the largest of the nationalist parties that form the new majority, stated that they will refuse to return to the power-sharing arrangement of Arlene Foster remains First Minister.¹⁸⁰

This becomes problematic when viewed as evidence of how even a controversy seemingly unrelated to the Troubles can escalate until it enflames both sides. The dissolution of the Northern Ireland Assembly has not occurred since 2002, and though tensions may have already been high with the impending Brexit, it is troubling that a renewable energy scandal is threatening to bring down the system of government in Northern Ireland. Essentially, this event does not inspire confidence that Northern Ireland can pull through the Brexit without tensions flaring violently. However, it is far too soon to pass judgement on Northern Ireland's ability to survive this controversy, and thus it is too soon to use it as evidence for whether Northern Ireland can survive Brexit.

¹⁷⁸ "Timeline: Renewable Heat Incentive scandal," *BBC News*.

¹⁷⁹ "Northern Ireland Results," *BBC News*, <http://www.bbc.com/news/election/ni2017/results> (3 March 2017).

¹⁸⁰ "'No revolt within DUP,' says Foster," *BBC News*, <http://www.bbc.com/news/election-northern-ireland-2017-39173640> (6 March 2017).

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