Northern Ireland After The 1998 Ceasefire

The History of Group Relations in Northern Ireland Prior To The 1998 Ceasefire

The first English conquest of Ireland dates all the way back to 1175 when Henry II of England was ordered by the English pope, Hadrian IV, to take control of the island and reform its church. However, complete English control over the Irish territory was slow and difficult to establish as English and Irish populations mixed - which led the Irish to successfully recovering control of their territory and function autonomously two hundred years later. Only a small and weak English colony in Dublin remained.

Henry VIII’s break with Rome and most of Catholic Europe in the early 16th century sparked his strong interest in regaining control of Ireland. To prevent this, the heir of the Kildares Irish ruling family, Lord Offaly, led a revolt against him in 1534 by mobilizing the Irish in a “Catholic crusade” against the Protestant English King - marking one early occasion when religion was mobilized in Irish politics. After the failure of this revolt, Henry
VIII imposed his Protestant Reformation by force, causing further religious divide. Offaly and members of the Kildares family were later executed, entirely dismantling their power and shifting control of Ireland back to the English. In 1541, the Irish parliament declared Henry VIII the king of Ireland.

**Beginnings of Horizontal Inequality: Plantations and Penal Laws**

Following Henry VIII’s declaration as king, policies such as ‘plantation’ were implemented in which lands owned by rebellious Irish families were confiscated and handed over to new English settlers. Oliver Cromwell overcame Irish opposition to these new policies by additionally giving a share of confiscated lands to those who helped defeat them. Resulting in an even stronger divide, massacres committed by both Catholics and Protestants erupted. To prevent future uprising by a Catholic majority, Ireland’s Protestant ‘Ascendancy class’ drafted a harsh post-war settlement in 1690 which including ‘penal laws’.

Rigid penal laws drove out the clergy, and limited Catholic property ownership, education and the right to bear arms. As a result of these laws, Catholic landownership dropped sharply. Yet, the Ascendancy Protestant class still lacked political representation since ultimate control rested in England. To increase and secure their power, the Ascendancy began a Protestant middle class reform movement in parliament lobbying for greater representation - which is considered the root Irish nationalism.

**1801: Formal Unification**

Catholics and other community groups such as the Society of United Irishmen and the Catholic Committee joined the Ascendancy Protestant class to fight for reform in parliament which led to a failed rebellion for Independence and the implementation of the Act of Union between Britain and Ireland. As a result of the Act of Union, Irish members of Parliament drawn from the Protestant Ascendancy gained seats in Westminster and the Irish Parliament was abolished.

In the early 19th century, Daniel O’Connell formed the Catholic Association which campaigned for Catholic emancipation. While the goal of his first campaign succeeded in 1829, his next campaign to reverse the union failed and instead, attracted special attention to Ulster (Northern Ireland), which began to be considered a separate case from the rest of Ireland.

**The Great Famine and the Creation of the Home Rule League**

Laissez faire economic policies by the British government perpetuated the death, disease and emigration already caused by the potato blight and famine of the late 1840’s. The severity of the situation caused reform to come to a halt and the Irish population fell by approximately 20%.

Emerging from the Great Famine were the Fenians (Irish Republican Brotherhood) who attempted to regain Irish autonomy using violent confrontation. While this strategy failed, it did capture the attention of William Ewart Gladstone, who developed the ‘Land Act’ to resolve the discrimination involved in land ownership.

The ‘Land Act’ was also a failure, yet sparked the Home Rule League in 1870 which was a parliamentary lobby group for Irish independence. Home Rule bills introduced in parliament continued to fail until the early 20th century, due to Protestant opposition in Ulster. Protestants in this area owed their economic success to the Industrial Revolution in the British Empire and thus opposed Irish independence. Political incentives in favor of unionism were introduced by Conservative administrations however Irish members of parliament continued to be in favor of independence.

Though Ireland could never be considered a country neatly divided into loyalists and nationalists or Protestants and Catholics, these divisions have played an important role in political mobilization and exclusion since the 12th century and they continue to hold sway, today.

**20th Century: Civil War**
A Resurgence of Republicanism

The early 20th century was marked by a cultural renaissance in Ireland aimed at preserving the native Irish language, Gaelic, and other aspects of Irish culture. Irish Republicanism came back into view with the reestablishment of the Irish Republican Brotherhood (IRB) and the founding of Sinn Fein meaning, "we, ourselves" in 1905. This rift deepened as unionists continued to oppose Home Rule - protestants formed the Ulster Volunteers and the nationalists formed the Irish Volunteers, both of which were composed of over 100,000 men and smuggled weapons. Unionists began to lobby for the secession of six of Ulster’s nine counties as the ability to resist Home Rule became weaker.

With the distraction of WWI in Europe, the Military Council of the Irish Republican Brotherhood led a rebellion, the Easter Rising, in Dublin in 1916 against the British government. The former Irish Volunteers involved in the insurrection became known as the Irish Republican Army (IRA). Although the rebellion itself was crushed by the British army, it was successful in achieving a major shift in public opinion towards the republicans. Groups in favor of Irish Independence unified under the leadership of Sinn Fein, formed their own legitimate administrative body, the Dail Eireann, and refused their assignments in Westminster. The first day the Dail convened, the IRA launched their guerrilla campaign strategy. The British government responded by instituting curfews and positioning their own military forces. Bitter violence became apparent on both sides as the conflict escalated.
Partition to Civil War

The modern state of Northern Ireland was created on May 3, 1921 by the Government of Ireland Act of 1920. It was the last of a series of acts of the Anglo Irish Treaty, which was drafted in order to keep the Irish conflict at bay while maintaining the Union, after the Irish War for Independence.

Here’s part one of Understanding Northern Ireland, which summarizes the conflict in Northern Ireland from the Irish War of Independence to the end of The Troubles.

According to the treaty, the 32 counties of Ireland would be divided along unionist and nationalist lines, which were also the lines that separated the six predominantly Protestant counties of Ulster from the remaining 26 predominantly Catholic counties in the south. The north, with a unionist majority, would have the option of remaining part of the United Kingdom, while negotiations between Irish nationalist leaders and the British government resulted in the treaty, the ‘Free Irish State.’ The treaty prompted a split in the IRA between pro-treaty and anti-treaty members and resulted in a bloody civil war that revived the Ulster Volunteer Force in the north and claimed the lives of many - including prominent Irish nationalist leaders.

By 1948, the Irish Free State achieved full independence from Britain and became the Republic of Ireland.
Seeds of Sectarian Antagonism

Essential to understanding the origins of the Northern Ireland Conflict is a thorough knowledge of the sectarian groups involved, as well as all their cross-cutting cleavages. In the case of Northern Ireland during partition, the main divisions were between nationalists, who wanted a free and sovereign Ireland, independent of Britain, and the unionists, who were loyal to the Crown and would do whatever they could to stay close to Britain.

Nationalist and Unionist Sentiment

Much of the antagonism in Ulster was driven by a certain, selective, memory of historical oppression. The nationalists saw history as a pattern of British oppression that dated from the Anglo-Norman invasion, and continued through the massacres carried out by Cromwell in the 1640s, the Famine years, and more relevant to the Irish Civil War, the execution of the leaders of the Easter Rising of 1916. The nationalists who were republicans during the Civil War were part of the Sinn Féin, which was lead by Éamon de Valera and split later during the civil war.

On the other hand, the unionists remembered a history of Catholic oppression and betrayal beginning with the massacres of Protestants in 1641. They also see themselves as loyal servants of the Crown who have always supported by Britain. While some identify themselves as Northern Irish first and then British, they still systematically favor the Union with Britain.

Unionists and their cross-cutting cleavages

It is a well-documented fact that there are attitudinal differences between Evangelical Protestants and their more moderate cousins. Authors like Claire Mitchell and James Tilley argue that it isn’t the unionist tendencies of some Protestants make them more likely to choose to support the Democratic Unionist Party (DUP), but rather, their rigorous moral conservatism. This party emerged in 1971, lead by Ian Paisley, a fundamentalist, strongly anti-Catholic leader who promoted a Northern Ireland for Protestants.

The other main unionist party was the OUP or the Official Unionist Party

Some of the rigidity of the unionist party is said to be in thanks to the moral rigor and conservatism of the Evangelist Protestant, who are more likely to align themselves based on this morality rather than constitutional issues.

This also meant that they were likely to have reservations about letting Catholics participate as much as unionists. Ian Paisley, in particular, spread the message of Northern Ireland for Protestants.

It is also important to consider the moderate unionists, who were more loyal to Britain than they were anti-Catholic. Rather than seeing Catholicism as an absolute threat to the integrity of Northern Ireland, they cite some pragmatic reasons for favoring the Union, such as the Welfare State and economic benefits to be gained from being part of Great Britain.

Populist unionists were also more likely to exclude Catholics by means of corruption and cronyism. This is evident in their policies, which included only allowing “rate-payers” and those who held land to vote in local elections. Catholics who had been historically impeded in their struggle for land and equal rights were further disadvantaged by such conditions.

Anti-Populists were more likely to allow the minority to participate on the basis of merit.

Social Democratic Labor Party (SDLP) was the main anti-unionist group that emerged in 1970 and was later headed by John Hume. It promoted broad socialist principles and was created to try and get a better foothold in Stormont Parliament for anti-unionists.

The Alliance Party is one of the few non-confessional parties in Ireland that appeals to both sides, especially the upperclass in Northern Ireland.

1922 - 1968: Poverty, Power Sharing and Escalation to the Troubles

The rival paramilitary gangs that were to be a legacy of the Irish Civil War, produced damage for a time after the war ended. In response to the sporadic bursts of violence that resulted, Stormont passed the Special Powers Act of 1922, which would give rise to enormous Catholic resentment. It was passed in order to give the Stormont government the right to do virtually whatever it took to keep the violence in the streets at bay. The act was largely used to oppress the minority nationalists in Northern Ireland.

In the years to follow the Irish Civil War, Northern Ireland would continue to be dominated by the Unionists. In 1925, the adoption of a new electoral system, in which winners were selected on a First Past the Post basis meant that even fewer representatives of the Catholic minority were elected to the Irish Parliament (Oireachtas). The Catholics who made up a third of the population of Northern Ireland could get no more than around ten of the 52 seats in Stormont Parliament. Gerrymandering exacerbated this phenomenon as populist leaders like Daniel Craig of the Ulster Unionist Party (UUP) redrew county lines so that unionists would have a majority where Catholic nationalists once held sway.

Despite these divisions, it is worth noting that the economic upheavals of the 20s and 30s drew the Irish together by way of other cross-cutting cleavages like social class. Parties like the Independent Unionists and the Northern Ireland Labour Party (NILP) made such efforts to reach over sectarian lines to rally those who were united by poverty and unemployment.

These attempts at conciliation were offset, however, by rivalry between paramilitary gangs, the legacies of the Irish Civil War.

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Until the Prime Minister of Northern Ireland in 1963, Brookeborough, stepped down, there were few significant attempts made at the executive level to bridge the sectarian divide. It was the rise of former army officer Terence O’Neill, that Northern Ireland saw a leader who was willing to address the deep sectarian rift for the sake of modernisation and radical change.

**Escalation to the Troubles**

With O’Neill’s decline, however, Ian Paisley took the spotlight and he voiced the fears of the unionist majority as well as O’Neill gave hope to the Catholic minority. The resulting tension gave rise to further violence and efforts on minority Catholic groups to echo the Civil Rights movement lead by Dr. Martin Luther King Jr. in the United States. Northern Ireland Civil Rights Associations (NICRA) made marches during this time and harassed by fellow citizens and police.

**The Troubles**

The frustration of Catholic workers and families in their attempts to achieve equal rights as well as the tension among conflicting factions within the unionist camp gave rise to the Troubles, a period of violent oppression of nationalists and Catholics by the unionist majority.

In echo to the Civil Rights movement lead by Dr. Martin Luther King Jr. in the United States, Northern Ireland Civil Rights Associations (NICRA) made marches during this time and harassed by fellow citizens and police.

The emergence of the UVF is what, to many historians, marked the true beginning of the Troubles. It formed in reaction to the IRA, which it treated as a terrorist organization. The result was massive violence in the streets inflicted by these paramilitary groups.

This period was marked by a few notable events that would define the and shape the conflict:

- **The Battle of Bogside in 1969**, which started as a riot in Derry. Tension between police and nationalist rioters rose until all out violence broke lose.
- **Internment from 1971 to 1975**: an amendment to the Special Powers Act allowed the Northern Irish government to put prisoners in what were basically concentration camps.
- **Bloody Sunday**: British paratroopers fire on peaceful protesters in Derry.

As the incidents of mutual violence became more numerous and damaging to both people and property, the UK government decided to intervene and, in 1972, set up Direct Rule of Northern Ireland from Westminster. Direct Rule was intended to be a temporary measure taken to keep the peace until Ireland’s government could be restored. It did not mean that the Northern Irish people lost all democratic say in their government. They could still elect their own representatives to parliament. Legislation, however, would be passed and amended by decree and the United Kingdom set up a Northern Irish administration without the mandate or say of Northern Ireland. The UK would also have the power to, and did on several occasions, suspend parliament in Stormont. The entire legislature of Stormont resigned, en masse, in reaction to the establishment of Direct Rule, which did nothing to deter Westminster from pursuing its course of action.

The government established by the Sunningdale Agreement met with radical opposition on both sides and collapsed after just five months. It was
an important lesson for Northern Ireland as well as consociationalists everywhere. It had been subject to skepticism from the start and would only be successful about a decade later. As a result of the failure of this joint government, Direct Rule was reimposed. In the meanwhile, unequal opportunity and oppression of the Catholic minority continued to pose a threat to peace and stability. The Troubles and the decades before had taken their toll on both Catholic and Protestant citizens. This is why the Northern Irish government took firm strides in remedying the problem of sectarianism by addressing discrimination in employment.

An Introduction to the Sectarian Division Hypotheses Following the Troubles

“High levels of religious segregation have long been a feature of Northern Irish society, especially in economically depressed, urban areas. This segregation is not only geographical, but extends to the level of friendship and, to a lesser extent, into the workplace. Endogamy, likewise, is a widespread feature of Northern Irish society which ensure limited cross-communal integration.” (Evans and Duffy, 1997, 61)

While “religion is important as a zero-order predictor of party support,” (see Table 1) there exist several other hypotheses to explain the sources of division that serve to strengthen or weaken the political divide in Northern Ireland as presented by the Northern Irish Social Attitudes (NISA) data.

Note: UUP - Ulster Unionist Party, DUP - Democratic Unionist Party, S. F. éin - Sínn Féin, SDLP - Social Democratic and Labour Party, APNI - Alliance Party of Northern Ireland, DK - "Don't Know"

The Strategies of Conflict Resolution in Ireland: A Legally Regulated System of Affirmative Action and Consociational Democracy

We tried to answer, spoke of Arab, Jew, of Turk and Greek in Cyprus, Pakistan and India, but no sense flickered through that offered reason to a modern man why Europeans, Christians, working-class should thresh and struggle in that old morass (John Hewitt, Ulster Poet)

Northern Ireland is truly a place apart.
(editorial staff, Belfast Telegraph, 5 April 2000)

For 30 years the politicians ... of Northern Ireland have insisted their conflict cannot be compared to others.
(Kevin Cullen, journalist, Irish Times, 13 May 2000)

'Ulster', the world's best laager!
(sign in Ulster Unionist Party leader David Trimble's Westminster office)

Say it once, Say it loud, I'm Black an' I'm proud ... The Irish are the niggers of Europe, lads.
(Roddy Doyle, author, The Commitments)

In March 1973, Britain attempted to create a Northern Ireland Assembly with the Sunningdale Agreement. Stormont was abolished, earlier that year, and replaced by a power-sharing executive. The new joint Assembly would consist of 60 members, 30 from the Dáil and 30 from Stormont. It was commonly agreed that it would take care of any decisions concerning Northern Ireland and the Republic of Ireland. This was Ireland's first experiment with consociational democracy, which is a form of government that guarantees representation. It had existed since 1917 in the Netherlands but was explained and codified into mainstream political science by Arend Lijphart.

According to scholars of the Northern Ireland Conflict, McGarry and O'Leary, successful consociational democracy must generally adhere to certain organizational principles. For example, it must 1) allow each of the main communities in a country to hold executive power in government as well as 2) proportional representation in legislature. At the same time, each main group, in this case the Catholic nationalists and the Protestant unionists, 3) must be given autonomy when concerning its own respective culture. Lastly, each group needs to have 4) veto-rights to...
block changes that could affect it adversely. Consociationalism is generally the prescribed remedy for democracies with constituencies moderately divided by ethnicity. As Horowitz explains in his Ethnic Groups in Conflict, “A key element in all of these [cases] is the need to mitigate the unfortunate effects of a majority rule in ethnically divided societies”. However, considering Northern Ireland’s experience with consociationalism should give us an alternate vision of how ethnic and sectarian conflict can be resolved.

The Lead Up to the 1998 Good Friday Agreement and Its Implications

The Fair Employment Act and the McBride Principles

A large part of the solution was seen in alleviating religious and political discrimination in the workplace through the promotion of equality and affirmative action. A 1971 census showed that Catholics were underrepresented in many occupational sectors and were more likely to be in less skilled and in lower jobs thus also making them at a disadvantage in their standard of living. Laws and policies were developed in Northern Ireland to secure “fair participation” in employment. Instead of focusing on a particular disadvantaged group and employing quotas, attention was given to fair representation and participation - in other words, affirmative action can be required for both Catholics or Protestants depending on the situation.

The Government of Ireland Act 1920s included a provision on the prohibition of discrimination, but did not prevent the dominance of Protestants/Unionists that emerged in the years following. Attempts began again in the 70s - in 1973, the Northern Ireland Constitution Act was passed and established the Standing Advisory Commission on Human Rights (SACHR) which dealt with discrimination in legislation and by public authorities. However, its success required a devolved government, so implementation was difficult as Northern Ireland was still under direct rule from Britain. The van Straubenzee Report of 1973 recommended the creation of the Fair Employment Agency, which was to promote the “equality of opportunity and to tackle discrimination on the basis of religious belief or political opinion” (Harvey 10). However, its mandate was too large and reforms developed by the Agency were voluntary, thus it was weak and obviously a more robust development was necessary. The Fair Employment Act of 1976 clearly identified the concern of equal opportunity and though it prohibited discrimination, did not actually make any provisions to enforce fair treatment and employment. It was subsequently amended and revised to legally regulate affirmative action in 1989.

The Anglo-Irish Agreement

The Anglo-Irish Agreement of 1985 was an important step in the cooperation between the two governments which made reform much easier to enforce and manage. Following the agreement was a political campaign which, with assistance from the US, advanced the adoption of the MacBride Principles established a commitment to equality in employment and anti-discrimination procedures. The MacBride Principles were aimed in large part at employers and investors and required signatories to:

- "make every reasonable lawful effort to increase the representation of under-represented religious groups at all levels of their operations in Northern Ireland; the protection of workers against intimidation and physical abuse in the workplace; the prevention of the display of provocative sectarian emblems; special efforts to attract applications from under-represented groups; ensure that layoff or termination policies did not impact disproportionately on one religious group; the abolition of all differential employment criteria; the development of training programmes; active recruitment of those minority employees who might advance further; and the appointment of senior managers to oversee these affirmative action efforts" (Harvey, 2012, 10-11).

Again, the United States and Irish Americans played a crucial role in the success of the Anglo-Irish Agreement. The American campaigns provide one example of how external actors promoted unity in a positive way in ethnically divided or sectarian communities. Following the agreement, the Fair Employment Act of 1989 followed up on recommendations made by SACHR reports but also excluded many of their important reforms. A Fair Employment Commission (FEC) eventually replaced the Fair Employment Act and the Fair Employment Tribunal (FET) was also set in place to conduct routine surveillances of the hiring practices of employers.

Explanation of the Good Friday Agreement

The agreement did meet a great deal of controversy from Ian Paisley and the unionists, who eventually lost their monopoly in Northern Ireland.

Affirmative Action Following the 1998 Good Friday Agreement

Fair Employment and Treatment Order (FETO) of 1998 emerged following the 1998 agreement and used aspects from the 1976 and 1989 legislation with some additions to frame fair employment law. FETO requires employers to conduct interviews of workers to ensure fair employment, monitor and collect data on the community and gender composition of their workforce, and send annual summaries of this data to the Equality Commission for Northern Ireland (ECNI) and if any discrepancies were discovered, to take the appropriate affirmative action measures. The ECNI is generally responsible for reaching an agreement on affirmative action with employers while the measures agreed upon are enforced by the Tribunal. While preferential treatment was prohibited in affirmative action policies in the workplace, measures by the Order encouraged applications for employment from people who were traditionally under-represented. Overall, quotas and reverse discrimination were not permitted and fair participation is achieved through affirmative action measures that coincide with the law.

This is an important distinction to make between Northern Ireland’s model of affirmative action and others, such as the one we employ in the United States, where anti-discrimination is legally enforced but employers are not required by law to make targeted recruitments or advertisements to minority groups. In other words, employers in the US are not required to monitor and send an inventory of the religious or ethnic composition of their workforce to any commission, to make sure that they are practicing fair employment. They reach out to minority groups by choice and for the perks of being given state subsidies. Northern Irish employers are not just enlivened by subsidies, but also denied access to grants or public contracts if they don’t comply with certain obligations. Employers are also required to set their own numerical goals to fight under-representation and achieve them. Going through the motions of affirmative action isn’t enough. Employers have to show the state results. A nother important distinction to make between Ireland and other cases is that “color-blind” or “sect-blind” policy was never proposed. There is widespread acknowledgement of group-based rights, whether you’re Catholic or Protestant.

Northern Ireland's Successful Experiment
The policies and work of these commissions are considered successful, as the 2010 report showed the monitored workforce to be representative of the social composition in Northern Ireland. The areas most successfully integrated in Ireland exist primarily in the area of employment. This success can be attributed to the strength of the regulatory regime but also on the fact that employers have been cooperative and have not viewed regulation as inhibitive to their economic goals. Regulations additionally took on the form of ongoing dialogue with employers on specific goals instead of strong legal enforcement measures. Overall, the objectives of fair employment were most successful in a transnational post-conflict environment, which generated strong political support and made the adoption of these policies much smoother.

The approach in affirmative action differed however when it came to policing. A system was developed to quickly increase Catholic representation in the police service and a targeted and direct manner. This was viewed and critiqued more as a quota system, which led to a feeling of reverse discrimination for Protestants. While this system was successful in increasing Catholic representation (30%), it was strongly critiqued politically and eventually dissolved since the goal was already met.

There was also measures taken in the 1990s in equal treatment in education. The government began to provide full funding for all schools and special funding to schools that had students from disadvantaged backgrounds. Studies today show that Catholic schools have fully caught up with their Protestant counterparts in educational qualifications but also that they outpass them in regards to students from disadvantaged backgrounds.

The case in Northern Ireland is special partly because it is not entirely an ethnic conflict but a sectarian one. A key assumption in Arend Lijphart’s vision of consociational engagements is that spiritual or sectarian divisions, such as those prevalent in Europe, are as divisive and rigid as caste, race, or ethnicity. Another singularly Northern Ireland is the influence of external actors on the consociational government. The other relevant cases of consociationalism in Europe, particularly Belgium, the Netherlands and Switzerland all indicated that even the most bitterly divided sectarian groups would unite in the face of a common, external, enemy. Northern Ireland shows how external actors can be integral to consociational agreements.

The United States opened its doors to both unionists and nationalists, paving the way for future talks. It also gave Northern Irish people faith in discussion and discourse, on both sides.

Resources


