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## Beyond the “Band-Aid” Approach: An Alliance Party Perspective Upon the Belfast Agreement

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# Beyond the “Band-Aid” Approach: An Alliance Party Perspective Upon the Belfast Agreement

Stephen Farry and Sean Neeson

## **Abstract**

In the absence of a ready-made solution that could be adopted by the people of Northern Ireland, or a magical formula from the British and Irish Governments, the only alternative lay in locally-mandated political parties negotiating a political agreement. This alternative in turn entailed a common recognition that the zero-sum politics of “winner takes all” ultimately leaves everyone a loser. An accommodation, while requiring each party to sacrifice some of its aspirations, stood to benefit Northern Ireland society as a whole.

# BEYOND THE "BAND-AID" APPROACH: AN ALLIANCE PARTY PERSPECTIVE UPON THE BELFAST AGREEMENT\*

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## INTRODUCTION

The Belfast Agreement<sup>1</sup> marks an historic accommodation among the varied political traditions of Northern Ireland. Many of the proposals put forward by the Alliance Party are reflected in that deal. We accept the Agreement in full, but recognize that while it has many strengths, it also contains several weaknesses. There are both short- and long-term threats to its durability. Furthermore, it will not by itself bring about the creation of a liberal, pluralist, non-sectarian society. The Agreement is in practice a form of conflict management—a "Band-Aid" solution to the problem of Northern Ireland. However, many of the measures required to consolidate the Agreement are also fundamental to the healing of divisions and the eradication of sectarianism.

Historically, the Alliance Party has approached the Northern Ireland conflict from the perspective that any proposed system of governance had to achieve broad-based legitimacy across a divided society. Any set of political and security proposals that failed to acknowledge and to address the nature of society here would be bound to fail.

Therefore, in the absence of a ready-made solution that could be adopted by the people of Northern Ireland, or a magical formula from the British and Irish Governments, the only

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1. Agreement Reached in the Multi-Party Negotiations, Apr. 10, 1998 [hereinafter Belfast Agreement].

alternative lay in locally-mandated political parties negotiating a political agreement. This alternative in turn entailed a common recognition that the zero-sum politics of "winner takes all" ultimately leaves everyone a loser. An accommodation, while requiring each party to sacrifice some of its aspirations, stood to benefit Northern Ireland society as a whole.

### I. *THE NATURE OF THE CONFLICT*<sup>2</sup>

The Northern Ireland conflict is primarily ethno-nationalist in nature and is focused around a clash of political identities - Unionism and Nationalism. It is not fundamentally about religion, but the terms "Protestant" and "Catholic" all too often serve as convenient labels for Unionists and Nationalists.

This conflict is manifested through the difficulty of identifying political institutions that can carry widespread political legitimacy. Different national and constitutional aspirations are pursued by those associated with the above identities, and there is an absence of any substantial agreed-upon common identity among the people of Northern Ireland. Unionists and Nationalists primarily identify with the concepts of Britishness and Irishness respectively rather than any concept of Northern Irishness.<sup>3</sup>

The use of violence to achieve political ends was the most apparent aspect of the conflict within Northern Ireland. The litany of terrorist atrocities collectively constituting the "Troubles" have in some way affected almost every citizen of our society as well as those further afield. The use of political violence, however, was only a symptom of a much wider problem—a deeply divided society.

At its core, the conflict is essentially one in which Unionists and Nationalists seek to maximize the power and benefits for those associated with them. This is expressed through contests for the control of territory, demands for Unionist and Nationalist "group rights," and attempts to maximize the level of resources that are perceived to be going to each segment of soci-

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2. See JOHN WHYTE, *INTERPRETING NORTHERN IRELAND* (1990) for a comprehensive survey of the different schools of thought on the nature of conflict in Ireland.

3. Colin Irwin, *In Search of a Settlement: Summary Tables of Principal Statistical Results 11-12* (Jan. 14, 1998) (unpublished opinion poll, on file with the *Fordham International Law Journal*).

ety. Substantial segregation is the norm in Northern Ireland. There are many segregated housing estates, frequently marked out by the symbolism of the dominant group. Despite public demand for integrated education, ninety-seven percent of children attend schools that are almost exclusively Protestant (State) or Catholic schools. The people of Northern Ireland have few symbols that they share in common.

With the Republican and Loyalist cease-fires in place, the sectarian nature of Northern Ireland society has come into clearer focus. No issue better illustrates this point than the controversy surrounding Orange parades. The Protestant marching orders have claimed an absolute "right to march," even through areas that are predominately populated by Nationalists, who, in turn, have claimed an absolute "right" to determine which groups parade the neighborhoods. These competing claims of rights have been exercised without consideration for the wider impact on society as a whole. Terrorism was only ever practiced by small groups on the political extremes; however, the marching issue has demonstrated that there is an ambiguous attitude towards the rule of law on behalf of a wider section of the Unionist and Nationalist populations. Major confrontations have now occurred at Drumcree for four summers running. The events in 1996 brought Northern Ireland to the brink of civil war; the confrontation that occurred in 1998 happened despite the conclusion of the Agreement. The awful bombing at Omagh in August 1998 demonstrated that even with cease-fires from the mainstream paramilitary organizations in place, smaller groups on both the Republican and Loyalist fringe retain the potential to inflict death and destruction on a mammoth scale.

Northern Ireland, in general, cannot be described as a pluralist society. The Unionist-Nationalist cleavage dominates society. The other significant cleavage—religion—also has a very high correlation with this political one. Potential cross-cutting cleavages in Northern Ireland, such as class, ideology, gender, or simple differences of opinion on socio-economic issues, are of limited significance. Elections are sadly little more than tribal head-counts. There are few floating voters who are prepared to vote across the communal divide. The main interest for many observers is rather the distribution of support between more moderate and extreme factions within the Unionist and Nation-

alist blocs. Furthermore, politics in Northern Ireland have become even more polarized over the course of the "Troubles."

While this basic analysis may appear to be very depressing, some comfort can be taken in that it is, in fact, overly simplistic. There are substantial numbers of individuals who do not associate with either Protestantism or Catholicism, either because they belong to other denominations, follow no faith, or refuse to say. In the 1991 Census, such people amounted to eleven percent of the population. Politically, there are a substantial number of people who do not vote for either Unionist or Nationalist parties. In the 1998 Assembly elections, this share was almost nine percent of the population.<sup>4</sup>

In a January 1998 opinion poll, thirty-three percent of the respondents expressed a strong or moderate identification with the concept of a political "center ground," while forty percent and twenty-nine percent voiced similar affiliation with Unionism and Nationalism, respectively.<sup>5</sup> Although some of the former still voted for parties that are overtly Unionist or Nationalist, this is nevertheless an encouraging sign. While this center ground is substantially more pluralist than the population as a whole, it is diffuse and relatively less clear in its identity than Unionism and Nationalism. Yet it can quantify to what extent, if any, the wounds of a divided society have healed in the wake of the Agreement.

The Alliance Party is the strongest political manifestation of the political "center." The party does not define itself in terms of either Unionism and Nationalism. Instead, it is defined by its support for a shared, integrated Northern Ireland society with a political culture based on liberal and democratic norms. Alliance is fundamentally a liberal, pluralist, non-ethnic party, rather than a collection of soft Unionists and soft Nationalists cohabitating together in an uneasy coalition. Currently, only Alliance supporters more strongly associate with a concept of Northern Irishness ahead of Britishness or Irishness.<sup>6</sup>

In addition, there is substantial diversity both within Unionism and Nationalism, and within Protestantism and Catholicism.

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4. See Paul Wilder, *A Pluralist Parliament for a Pluralist People? The New Northern Ireland Assembly Elections, 25 June 1998*, 35 *Representation* No. 2/3, at 102 (1998).

5. Irwin, *supra* note 3, at 11-12.

6. *Id.* at 12.

It is particularly insulting to suggest to many Protestants that they have more in common with Ian Paisley than with any Catholics, and to suggest to many Catholics that they have more in common with Gerry Adams than any Protestants.

Finally, there is substantial evidence from a succession of opinion polls that people overwhelmingly support the concept of shared institutions within Northern Ireland rather than separate bodies for separate communities. In particular, there is considerable support for integrated education.<sup>7</sup>

For all these reasons, it is wrong to simply describe Northern Ireland as a problem of "two communities." Unfortunately, through institutionalizing tribal politics, that is just how the Agreement treats Northern Ireland. This flaw in the Belfast Agreement has implications for attempts to build a more liberal pluralist society upon the foundation of the Agreement.

## II. SOLUTIONS

Terrorism and the use of the political violence were only ever symptoms of a much deeper disease—a deeply divided society. A political problem requires a political solution. Therefore, security measures alone could not have constituted a successful response.

Purported solutions that fail to take account of the deeply divided nature of Northern Ireland's society could be easily dismissed. The constitutional integration into the United Kingdom, i.e., no longer treating Northern Ireland as a special case, would fail to address the needs of Nationalists. The creation of a United Ireland would not take into account the needs of Unionists. Similarly, a repeat of the majoritarian devolution of the Stormont regime between 1921 and 1972 was never seriously on the table. Although paying lip-service to liberal, democratic norms, this system was in practice an "ethnic democracy." A sufficiently large minority of the population saw the political system as illegitimate. The majority that viewed the state as legitimate was virtually the same majority that sustained the Ulster Unionist Party in single party rule for over fifty years. As long as politics is dominated by ethno-nationalism, majority rule will lead to one section of the population having exclusive access to power at the

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7. Tom Hadden et al., *Separation or Sharing?: The People's Choice*, FORTNIGHT 356, Dec. 1996, at Supp. 8-9.

expense of others, while the rotation of power between government and opposition necessary to sustain an effective democracy will be absent.

The repartition of Northern Ireland—into Protestant and Catholic areas—is a suggestion that does at least acknowledge a divided society. It is, however, an affront to universal liberal democratic norms. The idea of ethnically homogenous states is largely treated with disdain, notwithstanding their unfortunate creation in the Balkans. In any event, repartition would not be possible without substantial movements of population and probable violent ethnic cleansing. In the Talks, repartition was never an option. However, in the event of the collapse of the Agreement, it remains an ominous possibility. The other possible response would be a joint authority over Northern Ireland by the British and Irish Governments, leaving little scope for local decision-making.

Alliance ideally would prefer the creation of a genuine liberal democracy. Liberal democracy treats the individual as the cornerstone of society. Ethnic affiliations are formally ignored by the state. All individuals are accorded equal civil and political rights and are judged by merit. They are free to mix, integrate, assimilate, or, alternatively, form separate communities—provided they do not discriminate against others. “Liberal democracy fosters civility, namely, a common domain of values, institutions and identity, at the expense of communalism.”<sup>8</sup>

Pure liberal democracy is, of course, an ideal model. In practice, most countries can only approximate it, as the ethos and institution of the state tends to reflect the values and symbolism of a dominant group or influence. When a state falls well short of the model, it is better described as an “ethnic democracy.” To qualify as a liberal democracy, Northern Ireland would require the fusion of a new shared civic culture. It is not realistic or acceptable to expect one tradition to assimilate its culture into the other. Under this common umbrella, a diversity of sub-cultures should be maintained and cherished. Liberal democracy in a divided society cannot rest on the ethos of either Unionism or Nationalism hegemony.

The creation of a shared civic culture is much more feasible

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8. Sammy Smooha & Theodor Hanf, *The Diverse Modes of Conflict-Regulation in Deeply Divided Societies*, 33 *INT'L J. COMP. SOC.* 26, 33 (1992).



within immigrant societies. In the United States, Canada, and Australia, the process occurred at the expense of indigenous peoples; there were also frequently other groups excluded. African-Americans remained outside the "melting-pot" in the United States until the Civil Rights Movement, and in Canada, French and English speaking peoples did not fuse together. Nevertheless, despite the enormity of the challenge in an existing society such as Northern Ireland, the goal of liberal democracy should not be lost.

Within a divided society, a drawback of liberal democracy can be an actual or perceived failure to deliver equality and non-discrimination or to address adequately the demands from different groups for autonomy and the institutionalization of collective rights. While Alliance retains a vision of a liberal democratic society, we recognize that it may not be realistic to move directly to this from our divided society. Therefore, it is appropriate to look towards transitional models of democracy.

One such form is consociational democracy. Many commentators have described the Agreement as essentially a form of consociational democracy. Consociational democracy is a model developed by Arend Lijphart, to explain how democracy was able to function inside plural or divided societies, i.e., those with a fragmented political culture.<sup>9</sup> While not the antithesis of liberal democracy, this departs from it in several significant respects.

The main argument used to justify consociational democracy is that there is no other means of creating a functioning democracy within a divided society. It provides the lowest common denominator of acceptability. Consociational democracy recognizes, implicitly or explicitly, the religious, linguistic, class, ideological, or ethno-nationalist divisions within a deeply divided society. It can be characterized by one or more of the following techniques:

1. *a grand coalition* approach to executive and/or legislative decision-making (either formed voluntarily or institutionalized);

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9. AREND LIJPHART, *DEMOCRACY IN PLURAL SOCIETIES: A COMPARATIVE EXPLORATION* (1977); see ASBJORN EIDE, *A REVIEW AND ANALYSIS OF CONSTRUCTIVE APPROACHES TO GROUP ACCOMMODATION AND MINORITY PROTECTION IN DIVIDED OR MULTICULTURAL SOCIETIES* (1996).

2. *a mutual veto* (vetoes can be specifically assigned to communal groups, or weighted majorities used to ensure that one or more grouping cannot dominate outcomes);
3. *proportionality* (to ensure that all sections of society are fairly represented); and
4. *segmental autonomy* (giving control over certain areas of policy to communal groups, such as the control of the Catholic Church over education).

Consociational democracy is a form of power-sharing. However, the application of power-sharing to deeply divided societies does not necessarily have to be consociational.<sup>10</sup> For example, Timothy D. Sisk has set out two broad approaches to power-sharing in divided societies: the consociational and the integrative. Power-sharing itself is defined as the practices and institutions that result in broad-based governance generally inclusive of the major ethnic groups in society. The consociational approach reflects the main elements suggested by Lijphart and others; it is essentially geared towards preserving ethnic group autonomy while promoting elite accommodation. The integrative model focuses on inter-group cooperation, establishing majoritarian but ethnically neutral decision-making and devising ethnically-blind public policies. These models are intended to not be stark alternatives but offer a menu of measures to be applied depending upon the nature of the conflict and divisions within a society.<sup>11</sup>

Alliance, philosophically, was more in tune with this integrative form of power-sharing or what could be perceived as a milder form of consociationalism. This approach envisaged the creation of flexible power-sharing mechanisms which recognize the existence of a divided society but are linked to strategies to promote inter-communal reconciliation, greater pluralism, and the creation and maintenance of shared institutions. Furthermore, any power-sharing mechanisms should be capable of be-

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10. It should also be noted that power-sharing is not something that is restricted to divided societies. It can arise through simple majority coalitions or super-coalitions within liberal democracies. Frequently, the use of super-majorities to pass important decisions, such as constitutional amendments, act as vital checks and balances.

11. TIMOTHY D. SISK, *POWER-SHARING AND INTERNATIONAL MEDIATION IN ETHNIC CONFLICTS* (1996); see Paul Dixon, *Consociationalism and the Northern Ireland Peace Process: The Glass Half Full or Half Empty?*, 3 *NATIONALISM & ETHNIC POL.* 23 (1997).

ing superceded after they are no longer needed. This contrasts with more rigid forms of consociationalism openly based, or even dependent, upon the continued maintenance of communal divisions. Measures to promote cross-community contact, integration, and multi-ethnicity can be sometimes opposed by the separatists.

### III. *THE ALLIANCE TALKS AGENDA*

While the Alliance Party retained its long-term goal of the creation of a non-sectarian liberal democratic Northern Ireland, we sought an Agreement with at least four broad elements:

1. the creation of a power-sharing regional government;
2. the establishment of accountable North-South structures;
3. the entrenchment of the Principle of Consent; and
4. the establishment of sufficient protections of human rights.

While our primary role was to represent the interests of our political constituency, we were further conscious that through our center role we could play a useful role in bringing Unionists and Nationalists together. Alliance proposals reflected not only our own desires, but also what we felt could garner widespread support across the community.

There are two reasons for our advocacy of a regional Assembly and Government for Northern Ireland, operating on a power-sharing basis. First, Northern Ireland now constitutes a natural unit of government. It is increasingly the international conventional wisdom that while certain decisions remain best taken at the national level, some are better taken at an international level with others at a regional level. Regional government is now the norm throughout Europe. Indeed, there is a growing emphasis on a "Europe of the Regions."

Second, devolution can provide a framework for addressing the divided society of Northern Ireland. A genuine settlement to the political problem was only possible if all sections of the community had a perception that they shared in government. We had recognized that this was not possible under a majoritarian system. Alliance, in contrast, had been most closely associated with the advocacy of power-sharing since the early 1970s. In the long-term, a shared regional government would

aid efforts to generate a greater common identity and sense of shared destiny among the people of Northern Ireland.

The specific Alliance proposals were based on our policy paper, *Governing with Consent*.<sup>12</sup> This paper proposed that an executive be formed by voluntary coalition, which, *inter alia*, had to be acceptable to at least seventy percent of the members of an Assembly, and hence cross-community. Similarly, votes on contentious issues would have to meet a weighted majority of seventy percent.<sup>13</sup> This system carried the advantages of not entrenching communal differences and being sufficiently flexible to cope with changes in society. It was more compatible with bottom-up reconciliation strategies.

There are undoubtedly political purposes to the advocacy of North-South structures. They would serve to give some institutional expression to Irish Nationalism to balance any comfort Unionists obtained from Northern Ireland remaining as a *de jure* part of the United Kingdom. However, there are also powerful social and economic reasons to justify North-South bodies. Their creation would go a long way to overcoming the socio-economic dislocations caused by the partition of Ireland. The Framework Document had already cited four advantages that such structures could provide in various areas of social and economic policy:

1. the common interest in a given matter on the part of both parts of the island;
2. the mutual advantage of addressing a matter together;
3. the mutual benefit that may derive from matters being administered by the North/South body; and
4. the achievement of economics of scale and the avoidance of unnecessary duplication of effort.<sup>14</sup>

Issues that remained to be resolved included the identification of issues for cooperation, the nature of cooperation in each area, the powers and remit of any free-standing bodies, and the lines of accountability and decision-making authority. Alliance was clear that all North-South cooperation ultimately should be

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12. THE ALLIANCE PARTY OF NORTHERN IRELAND, *GOVERNING WITH CONSENT* (1988) (on file with the *Fordham International Law Journal*).

13. This threshold could have been lowered without much risk in any potential agreement in 1998 as Nationalism is numerically stronger now than it was in 1988.

14. A New Framework for Agreement, Dec. 1994, para. 25, 34 I.L.M. 946 (1995).

accountable to the Assembly and the Oireachtas. We were also conscious that Northern Ireland as a region in a sovereign state would suffer from asymmetries in cooperating with a fully sovereign state in terms of the powers and resources available to each. Therefore, it was imperative that the devolution of powers to Northern Ireland was as maximalist as possible. This would include the power to vary tax.

The Principle of Consent recognizes that it is the right of the people of Northern Ireland to determine their own future, i.e., to decide whether it remains part of the United Kingdom or joins a united Ireland. Northern Ireland suffers from historical counter-claims to self-determination. Nationalists argue that independence should have been given to the island of Ireland as a whole, while Unionists believe that their concentration in the north-east of the island entitled them to separate consideration.

Irrespective of the rights or wrongs of what occurred during the 1920s, international law is today quite clear that self-determination should only occur within currently existing borders, except where otherwise agreed by sovereign states. Additionally, it is supposed to be a right only for colonial territories to gain their independence.

The immediate problem for Northern Ireland was to arrive at a formula for self-determination to which both Unionists and Nationalists could agree. Considerable clarity had been given to the concept through unilateral statements made by the British Government in legislation and other documents. With the historic Downing Street Declaration, the British and Irish Governments reached a common understanding on this issue. In the Forum for Peace and Reconciliation (in which Alliance was the only non-Nationalist party to take part), all the participating parties, bar Sinn Féin, found agreement on this issue. It remained for the Northern Ireland political parties to give their agreement to this formulation formally through a Multi-Party Talks Agreement, and for the Republic of Ireland to amend Articles 2 and 3 of its Constitution to reflect these new understandings.

While Alliance recognizes the need for an agreed-upon formula for self-determination, it remains something that could hurt Northern Ireland if put into practice. Any border poll would provide a stark choice that would polarize the community and create perceptions of winners and losers; it would be pro-

foundly unhelpful to efforts made in trying to heal the divisions within Northern Ireland.

However, there are other elements of self-determination that are becoming increasingly recognized. If the maintenance of borders is judged to be necessary by the international community to maintain stability, then states, in return, are expected to ensure the highest standards of human rights and protections for minorities. It is also important that the institutions of governance carry broad-based popular legitimacy. Therefore, it was vital that any agreement produced by the Talks be ratified by the population of Northern Ireland.<sup>15</sup>

Alliance wished to see measures put in place to better guarantee human rights and to ensure equality within Northern Ireland. The British Constitution protected individual rights on the basis of a *de facto* "gentleman's agreement." It was assumed by successive Governments that any formal measures would clash with the peculiarly British concept of Parliamentary Sovereignty. Although the United Kingdom was a signatory to the European Convention for the Protection of Human Rights and Fundamental Freedoms<sup>16</sup> ("ECHR"), this was not incorporated into domestic law.

In Northern Ireland, there had been a long history of civil rights abuses under the Stormont regime. Considerable improvements in the protection of human rights did occur under direct rule. Nevertheless, given our history, it was imperative that formal protections were introduced into our domestic law. Alliance therefore welcomed the belated decision of the Labor Administration to incorporate the ECHR. It would be important that decisions of any Northern Ireland Government and Assembly could be struck down if they were regarded as unconstitutional. Alliance is further prepared to consider other international conventions that could be incorporated into a Northern Ireland Bill of Rights to give added protections.<sup>17</sup>

The issue of equality is linked to the human rights agenda. Equality entails ensuring equality of opportunity, equality of

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15. See Hurst Hannum, *The Specter of Secession: Responding to Claims for Ethnic Self-Determination*, 77 FOREIGN AFF. NO. 2 (1998); EIDE, *supra* note 9, ch. 3.

16. European Convention for the Protection of Human Rights and Fundamental Freedoms, Nov. 4, 1950, 213 U.N.T.S. 221.

17. See KEVIN BOYLE ET AL., *THE PROTECTION OF HUMAN RIGHTS IN THE CONTEXT OF PEACE AND RECONCILIATION IN IRELAND* (1996).

treatment, and equal protection under the law for every citizen. It requires steps to give every person in Northern Ireland a greater sense of being a full citizen. The equality agenda therefore entails measures to overcome the continuing legacies of long-past discrimination, for example, tackling the higher unemployment rate among Catholics compared to Protestants and making the symbolism and ethos of Northern Ireland more neutral. It is important to bear in mind, however, that equality in Northern Ireland is an issue that not only affects Protestants and Catholics, but also extends to gender, ethnicity, sexual orientation, and disability. Furthermore, there should be no hierarchy that treats one form of discrimination as more important than another.

Finally, Alliance was keen to ensure that the terms of any agreement were worked out between the parties according to the principles of democracy, negotiation and compromise, and the rule of law. The participants in the Multi-Party Talks ("Talks") included political parties with little or no association with paramilitary groups, and parties with implicit but nevertheless clear links to paramilitaries. The main—i.e., electorally strongest—parties were not those with the ability to influence the outcome of the Talks through either the threat of violence or the actual use of violence. Northern Ireland was not a situation that could be resolved according to the balance of forces at the cessation of hostilities.

After the Republican and Loyalist cease-fires, the decommissioning, i.e., the retirement from use, of paramilitary weapons was raised by Unionists as a major barrier to the start of all-inclusive negotiations. While decommissioning could create a short term barrier to renewed terrorism (and prevent weapons falling into the hands of ordinary criminals), there was nothing to prevent the acquisition of further arms if the paramilitaries so wished. To Alliance, decommissioning would serve essentially as one of many possible confidence-building measures, i.e., steps to give the people of Northern Ireland a greater sense that the threat of terrorist violence had diminished. Decommissioning, therefore, was never a formal precondition to Alliance opening up a dialogue with those parties with paramilitary links after cease-fires were in place; our only condition was the end of the political violence.

However, Alliance was concerned with ensuring that the

Talks did operate within the necessary peaceful and democratic framework. The Report of the International Body on Decommissioning from January 1996 navigated around the decommissioning barrier to Talks. The Mitchell Principles set out the guidelines for conduct during the Talks to which the parties were expected to give their allegiance. In addition, the elections to the Talks served not only to demonstrate which parties had the electoral strength to justify a place at the Table, but also to remind the participants that they would be negotiating on the basis of an exclusively democratic mandate. The notion that the paramilitary parties should be ignored or that no compromises should be made with them was fanciful.

During the process of the Talks, Alliance found it necessary to take out indictments against parties for breaches of the Mitchell Principles on three occasions: against the Ulster Unionists and the Democratic Unionist Party for threatening the integrity of the rule of law at Drumcree in 1996; against the Ulster Democratic Party for breaches of the UDA cease-fire in January 1998; and against Sinn Féin for breaches of the IRA cease-fire in February 1998. The indictments on the latter two occasions resulted in temporary exclusions from the process for the parties concerned.

#### IV. *THE TERMS OF THE AGREEMENT: AN ASSESSMENT*

The Belfast Agreement stands out as an enormous achievement. The successful conclusion of the Talks process confounded the doubts of numerous skeptics. It stands as a tribute to all the parties concerned, the three Co-Chairmen (Senator George Mitchell, General John de Chastelain, and Prime Minister Harri Holkeri), the British Prime Ministers (Tony Blair and John Major), and the Irish Taoisigh (Bertie Ahern and John Bruton).

The record of talks processes throughout the world, both contemporary and historical, in terms of the parties concerned freely negotiating new arrangements, is poor. In reality most conflicts have been dampened by one or more parties to the dispute becoming dominant and subjugating their opponents, or by the underlying issues behind the conflict changing to such an extent that the conflict naturally dies out.

The Belfast Agreement stands out as more of a classic com-



promise. Alliance had helped to introduce the concept of “sufficient consensus,” which was borrowed from the South African experience, to ensure that decisions in the Talks had majority support on both sides of the community. We saw it as a temporary voting arrangement necessary to reach agreement.

The Talks Agreement is primarily a political deal. It sets out political institutions that carry broad-based legitimacy. It is not strictly a “peace” agreement in the sense of a deal which delivers negotiated cease-fires from the paramilitaries. However, an important aspect of the Talks process was the consolidation of the cease-fires that already existed. This “peace process” became synonymous with the “political process” over the course of the Talks.

By definition, every party had to sacrifice some of their aspirations in order to benefit from the potential peace and stability provided by an agreed form of governance. Compromise, however, means that each of the participants supporting the Agreement has to accept it as a whole. They cannot “cherry-pick” over its terms. The Alliance Party accepts the Agreement in full. It reflects many of the principles and concepts advocated by us. We recognize, however, that it contains various weaknesses as well as strengths.

#### A. *Constitutional Issues*

The highlight of this section on Constitutional Issues is the now near universal acceptance of the Principle of Consent (notably now including Sinn Féin). While not resolving the counter-claims of Unionists and Nationalists over Northern Ireland’s constitutional status, this section does at least demonstrate the existence of a consensus that Northern Ireland will be the unit for self-determination and provides agreed rules for testing consent. Furthermore, the right of self-determination is correctly framed in civic terms. The changes in the Irish Constitution, through the amendment of Articles 2 and 3, mark a more liberal separation of the Irish “nation” from the Irish state.<sup>18</sup>

#### B. *Strand One*

Positively, Strand One creates a power-sharing Executive

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18. Belfast Agreement, *supra* note 1, Constitutional Issues, Annex B.

and Assembly for Northern Ireland. The level of devolution is more extensive than that currently being offered to Wales, but is regrettably less than that which is due to be delivered to Scotland. The most notable absence is the power to vary tax. In addition, the Secretary of State for Northern Ireland retains control over a number of functions, most notably security. It is reassuring that we are to run a government through an Executive composed of Ministers, rather than attempting to do this through committees as was suggested by some participants.<sup>19</sup> The principle of power-sharing has been accepted, and a comprehensive system of checks and balances created to ensure that decisions enjoy cross-community support.<sup>20</sup> Although Alliance would disagree with some of the details, we nevertheless warmly welcome these developments. Importantly, any legislation that does not conform to the human rights provision can be declared void by the courts.<sup>21</sup>

The Civic Forum is also an important initiative within Strand One.<sup>22</sup> Northern Ireland has an advantage over other divided societies such as Belgium in that, despite the polarizing effects of the "Troubles," it retains an active cross-community civic society. A civic society that can represent business, trade union, and voluntary/community sectors without being polarized into Unionist and Nationalist wings would provide a powerful demonstration of pluralism within Northern Ireland. The Agreement grants a Civic Forum a consultative role in relation to the Assembly. It should be able to complement the work of the latter by taking a look at cross-sectoral themes and trying to challenge conventional wisdom.

Some elements within Strand One cause particular concern. The designation of representatives as "Unionist," "Nationalist," or "Other" is problematic.<sup>23</sup> It can be deemed offensive to make people adopt such labels (although a similar practice also takes place in the Belgian Parliament). It marks a further corporatiz-

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19. *Id.*, Strand One, Democratic Institutions in Northern Ireland, Executive Authority ¶¶ 14-25.

20. *Id.*, Strand One, Democratic Institutions in Northern Ireland, Safeguards ¶ 5.

21. *Id.*, Strand One, Democratic Institutions in Northern Ireland, Legislation ¶ 26(a).

22. *Id.* ¶ 34.

23. *Id.*, Strand One, Democratic Institutions in Northern Ireland, Operation of the Assembly ¶ 6.

ing of society and the institutionalizing of divisions through granting group identities considerable weight at the expense of the individual. This will present greater obstacles to the project of creating a truly integrated non-sectarian society. The space for those who do not align with either of the main groups is treated negatively, as indicated by the use of the term "Other" in the Agreement. Alliance has in practice been able to use the designation of "Centre."

The use of designations creates some particular problems within the voting system. The use of thresholds linked to designations in both the parallel consent and weighted majority versions of cross-community voting can become a hostage to fortune if one group has difficulty in delivering sufficient votes.<sup>24</sup> The Assembly risks paralysis from anti-Agreement forces. Both Unionists and Nationalists are granted greater political rights than "Others." This institutionalization of sectarianism works against center parties; there are disincentives for voters to support them as they will at times have less influence in the Assembly. This could create barriers to the growth of the important center-ground in Northern Irish politics. These deficiencies could have been minimized through the use of a non-qualified weighted majority for contentious votes.

Rather than allowing the Executive to be created voluntarily by parties who together (or singularly) can achieve the support of the (weighted) majority of Assembly representatives, the Executive is to be formed (or imposed) institutionally according to a set formula.<sup>25</sup> This does facilitate all-inclusive government, subject to parties having sufficient democratic support to qualify to participate, but it can create unwilling partners in government and pose major problems for coordinating action between Departments, and the creation of a budget and a coherent program of action. A Northern Ireland Government could quickly become fragmented.

There are some further deficiencies in the Agreement that will limit Northern Ireland's ability to perform as a regional government. There is an asymmetrical balance between Northern

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24. *Id.*, Strand One, Democratic Institutions in Northern Ireland, Safeguards ¶ 5(d).

25. *Id.*, Strand One, Democratic Institutions in Northern Ireland, Executive Authority ¶ 16.

Ireland as a regional government cooperating—or competing, depending on the context—with the Republic of Ireland as a state with sovereign power (albeit limited *inter alia* by membership of the European Union). The absence of tax-varying powers for Northern Ireland further exacerbates this imbalance.

### C. *Strands Two and Three*

The North-South and East-West structures set out in Strands Two and Three provide an open and flexible approach to borders. Northern Ireland, as a region, is set to develop institutionally its links with the Republic of Ireland and the other parts of the United Kingdom.

The North-South Ministerial Council is the more significant creation. Enhanced opportunities to develop substantive cross-border relationships now exist. Alliance is satisfied that the decision-making processes in the Council, and the actions of the Implementation Bodies are fully accountable to the Northern Ireland Assembly and the Oireachtas. The British-Irish Council is a more embryonic idea. It recognizes the increasingly regional character of the British Isles and the need for horizontal network among its many parts.

### D. *Human Rights, Safeguards, and Equality of Opportunity*

The Agreement recognizes that some existing measures are already being implemented or planned by the British Government, namely the incorporation of the ECHR, the ratification of the European Framework Convention on the Protection of National Minorities,<sup>26</sup> and new “equality” legislation. Disappointingly, the Irish Government made only loose commitments to consider further formal protections for human rights.<sup>27</sup>

The Agreement creates a Northern Ireland Human Rights Commission. One of its tasks will be advising the British Government as to which supplementary rights should be defined to form part of a Northern Ireland Bill of Rights in conjunction

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26. Council of Europe, Framework Convention for the Protection of National Minorities, 34 I.L.M. 351 (1995) [hereinafter Framework Convention].

27. See Belfast Agreement, *supra* note 1, Rights, Safeguards and Equality of Opportunity, Human Rights, Comparable Steps by the Irish Government ¶ 9.

with the ECHR.<sup>28</sup>

There are both opportunities and threats within this task. There is a real danger that attempts to institutionalize Unionist and Nationalist "group rights" (beyond those political "rights" already in place through the Agreement) could result in the further entrenchment of sectarian divisions. Group rights, so expressed, risk undermining both the primacy and universality of individual rights. Many minority groups, however, do not believe that frameworks for the protection of individual rights are totally sufficient for their needs. Some states have now defined group rights in their constitutions. One notable example is Canada with respect to both its French speaking and indigenous populations. International and regional organizations have also recognized this demand through the drafting of several conventions. These are available for states either to ratify or to incorporate into their domestic law.

If some further human rights protections for (minority) groups are deemed necessary, then it is better to implement them by observing international standards as the Agreement suggests. This approach not only provides readily available options, but also, as international conventions do not seek to define "minorities," can avoid problems of delineation of minorities. Through references to "persons belonging to national minorities" a fundamental reference back to individual rights is preserved.<sup>29</sup>

#### E. *Decommissioning*

Decommissioning did not occur in parallel to the Talks as the Mitchell Report envisaged. However, it was not an issue that could be dismissed. A two-year time limit for the completion of this process was inserted.<sup>30</sup> With an Agreement in place, the paramilitaries can no longer have any reasonable or credible objections to decommissioning.

#### F. *Security, Policing, and Justice*

##### Security measures by the British and Irish Governments

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28. *Id.*, Rights, Safeguards and Equality of Opportunity, Human Rights, United Kingdom Legislation ¶ 4.

29. *See, e.g.*, Framework Convention, *supra* note 26.

30. Belfast Agreement, *supra* note 1, Decommissioning, ¶ 3.

could naturally be reduced in the context of a much diminished terrorist threat. Similarly, draconian aspects to the criminal justice system carried no further justification. Once again, the Irish Government's commitments in these respects are more vague than those of the British Government.

Policing is a much more contentious issue. Many Unionists perceive the Royal Ulster Constabulary ("RUC") to be "their" police force, while many Nationalists totally disassociate themselves from it. Polarized positions from outright opposition to any reform to calls for total disbandment have been adopted. Alliance is content with the terms of reference of the Independent Commission to recommend the way forward on policing.<sup>31</sup> The RUC played an invaluable role in upholding the rule of law over the past thirty years; it is the base on which to build a new force. There are reforms that in themselves are right, such as making the police service more representative of Catholics and women; changes of name and uniform are appropriate. Other likely reforms, such as a greater emphasis on community-policing, result from the opportunities arising from a diminished terrorist threat.

#### G. *Prisoners*

The proposed release of politically-motivated prisoners was the most contentious aspect of the Agreement during the Referendum campaign. Alliance never believed that paramilitary members were "political prisoners," i.e., people in prison for their opinions, but we did recognize that they were not ordinary criminals. The unease that Alliance felt over this section was related to the sensitivities of the victims rather than any great fear of re-offending. Ultimately, this section of the Agreement was necessary to obtain the support of the paramilitary-linked parties.

#### H. *Validation, Implementation, and Review*

It was important to seek endorsement of the Agreement in separate referendums in Northern Ireland and the Republic of Ireland.<sup>32</sup> The subsequent results of 71.1% and 94.4% "Yes"

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31. *Id.*, Policing and Justice, Annex A.

32. *Id.*, Validation, Implementation and Review, Validation and Implementation ¶ 2.

votes in the North and South, respectively, gave the Agreement a substantial boost of cross-community popular legitimacy.

There is also a commitment to a review of the terms and workings of the Agreement after four years.<sup>33</sup> Alliance looks forward to this event. It will be an opportunity to improve parts of the Agreement, especially some of the illiberal aspects and those which are counter-productive to long-term stability in Northern Ireland. Much of the wording of the Agreement was agreed during a frantic forty-eight-hour period; it would be surprising that with hindsight some of the terms could not be improved.

### V. CONFLICT MANAGEMENT

The Agreement essentially outlines a conflict management scenario. The Agreement is based on what is the dubious assumption of the rigid existence of "two communities." Both Unionism and Nationalism are recognized as legitimate political/ideological entities, each demanded and was granted a veto<sup>34</sup> and are in practice asked to manage the divided society of Northern Ireland between them. The language of "two communities," even though it is based on dubious assumptions, is given "respectability" through its formal usage in the Agreement.<sup>35</sup>

For Alliance, conflict resolution—a post-conflict scenario—would be characterized by the creation of liberal democracy. Northern Ireland would be a genuinely pluralist place in which societal divisions would be mainly cross-cutting, and no one division would be overly more significant than any other. People would be judged primarily as individuals rather as members of a community to which they belong or are perceived to belong. There would be a greater sense of common identity and collective consciousness. A new Northern Ireland would reflect the U.S. motto of *e pluribus unum*.

However, in the Agreement by itself, there is no obvious path to a post-conflict scenario; no conflict resolution strategy exists. Nevertheless, it does not exclude such moves. Several alternative futures can be built upon the foundation provided by

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33. *Id.*, Validation, Implementation and Review, Review procedures following implementation ¶ 8.

34. *Id.*, Strand One, Democratic Institutions in Northern Ireland, Safeguards ¶ 5(d).

35. *E.g., id.*, Rights, Safeguards, and Equality of Opportunity, Human Rights, United Kingdom Legislation ¶ 4.

the Agreement. This includes the Alliance vision, but several obstacles are thrown up to it.

A number of commentators have described the Agreement as a "plural one." Behind all the rhetoric that comes from John Hume and the SDLP, there is a profoundly illiberal vision of a Northern Ireland built around not one but two rigidly differentiated peoples, separate but equal. David Trimble has famously described the new Assembly as a "Pluralist Parliament for a Pluralist People."<sup>36</sup> This common Trimble-Hume vision is not one of pluralism but one of tribal dualism. Pluralism means more than two! This philosophical difference can be summed as the difference between an Agreement between two peoples and an Agreement among one people.

#### VI. *CONSOCIATIONAL DEMOCRACY IN PRACTICE: LONG-TERM THREATS TO THE AGREEMENT*

Consociational democracy has had a mixed record of success. An examination of the international experience can provide some lessons as to the conditions under which consociational democracy can work or fail. A key question for Alliance is how consociational democracy can become sufficiently successful in order to transform itself into what can be better described as a liberal democracy.

The Netherlands and Switzerland are considered to be successful cases of consociational democracy; Cyprus and Lebanon are judged to have been unsuccessful. The jury is still out over Belgium and Canada.

Consociationalism was not enough to prevent Bosnia descending into conflict in 1992. Bosnia possessed a seven-member collective Presidency, which deliberately included two Muslims, two Bosnian Croats, two Bosnian Serbs, and one Yugoslav/Other. Consociationalism resurfaced with the 1995 Dayton Agreement.<sup>37</sup> This document recognizes three constituent peo-

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36. First Minister David Trimble, Remarks at the Waterfront, preceding the keynote address from President Clinton on his visit to Northern Ireland (Sept. 3, 1998). This was a parody of the description of the then Irish Free State by Eamon de Valera, a former Irish Taoiseach, as a "Catholic State for a Catholic People," and the response of James Craig, Northern Ireland's first Prime Minister in which he described Stormont as a "Protestant Parliament for a Protestant People."

37. Dayton Agreement on Implementing the Federation of Bosnia and Herzegovina, Nov. 10, 1995, 35 I.L.M. 170.



ples, forms a fresh collective Presidency, and creates a system of complex checks and balances at the central level. Otherwise, there is substantial autonomy granted to the different groups; common institutions are rare. Bosnia remains dominated by the politics of ethno-nationalism; there is little more than international pressure and the international Stabilization Force (S-For) to hold the country together. There is little strategy outlined in the Dayton Agreement for breaking down ethno-nationalism and providing long-term stability.

In contrast, post-Apartheid South Africa is not characterized by consociationalism. There are deep historical reasons against making arbitrary distinctions among people on the basis of that group to which they are perceived as belonging. Instead, there is a heavy emphasis placed upon individual rights and building common institutions. The short transitory power-sharing period demonstrated that not all such arrangements need be consociational. A emphasis upon consensus rather than outright majoritarianism persists.

Consociational democracy has worked better within divided societies based on linguistic, class, ideological, and religious divisions, but rarely ethnic or ethno-nationalist divisions. This does not bode well for Northern Ireland. The implication is not that consociationalism is doomed here; rather it gives an impression of the enormity of the struggle.

Consociationalism requires that there is a widespread consensus on the nature and boundaries of the state and a common sense of loyalty to a shared sense of destiny. Conflicting claims of self-determination can be fatal to consociational democracy. Despite the rigorous separation of Flemings and Walloons, Belgium stays united because neither group wishes to secede to join the Netherlands and France, respectively. In contrast, consociationalism in Cyprus was a dramatic failure as the Greeks and Turks could not reconcile their competing national identities. In Canada, Francophone separatists are pushing for an independent Quebec.

Despite the now near-universal adherence to the Principle of Consent, there is a long-term problem in that the Agreement has been sold to Unionists as a means to safeguard the Union with Great Britain and to Nationalists as part of a long-term strategy to deliver a United Ireland. These mutually incompatible

aspirations could eventually be exposed. It remains to be seen whether the ring-fencing of Unionist and Nationalist aspirations through the Principle of Consent, and loyalty to the Agreement, will be sufficient to account for the lack of a common identity. It is noteworthy that the United States is held together in large measure through loyalty to its constitution and the rule of law. In the likely event, that the above loci prove insufficient, there is a fundamental requirement to build up a greater sense of collective consciousness—a regional identity—among the people of Northern Ireland. Any new identity should be civic, cosmopolitan, and multi-cultural. Alternatively, territorial aspirations could become less significant as the efficacy of the nation-state, and relevance of state sovereignty, breaks down both globally and particularly in Ireland. Emphasis should accordingly be placed on people rather territory.

Successful consociational democracy requires that the more moderate leaders/parties representative of communal segments are dominant over their more extreme versions. In Northern Ireland, this requires the UUP and SDLP to be stronger than the DUP and Sinn Féin, respectively. It is also helpful if centripetal rather than centrifugal forces are at work. It is preferable that the forces from the center place greater pressure on moderate Unionism and Nationalism to cooperate than electoral pressure from their respective extremes. If the more extreme forms of either Unionism or Nationalism became bigger than their more moderate rivals, then enormous pressure would be placed upon the continued existence of consociational arrangements.

There is a further deficiency in that if the UUP and SDLP underperform in their governmental duties, e.g., if they pursue the wrong policies, are corrupt, or are generally incompetent, outside of a realignment away from ethno-nationalist politics, the electorate must either bite their tongues with respect to these parties, defect towards center non-ethnic parties, or move towards more extreme ethno-nationalist parties. There is a danger that anti-system parties on either side could be best placed to exploit dissatisfaction, especially if they play on the fears of their group that they are not achieving a sufficiently good deal out of power-sharing arrangements.

This provides an obvious challenge therefore for center parties such as Alliance to provide an effective and constructive opposition to the UUP and SDLP and to position themselves to

build up support from dissatisfied Unionists and Nationalists. The danger of an extreme Unionist nor Nationalist party paralyzing the system by overhauling their more moderate equivalent is exacerbated by the arcane voting procedures set out in the Agreement; with weighted voting, the dangers would be much lower.

It is better if the divisions within society are cross-cutting rather than reinforcing, i.e., if religious, class, and ideological differences intersect rather coincide with each other. Four or five segments are judged to be optimal in consociational theory. If the reality is that Northern Ireland is indeed divided into "two communities," this will be fundamentally destabilizing to the Agreement. If greater pluralism already exists or can be encouraged, then the Agreement has a better chance. In any case, it is folly to institutionalize "two communities." It is better that Northern Ireland is held together by a complex web of interactions rather than dampening the collisions between two blocs. A growth of pluralism would make consociational approaches less necessary and would challenge the justification in labeling any society consociational. In the Netherlands, and to a certain extent in Switzerland, increasing pluralism has overtaken the segmentation of society, making consociational arrangements redundant or much less relevant.

Consociationalism carries certain democratic limitations. It places too much emphasis on the interests and rights of groups rather than individuals. The application of consociational democracy is often associated with the promotion of so-called "group rights." Consociational democracy has the potential to reinforce the divisions in a divided society by corporatizing the different groups. This is not pleasant for those who do not associate with any group. The main danger is that ethnic identities and therefore divisions would be reinforced, leading to long-term polarization. Divisions were well entrenched in Lebanon and Cyprus. In Belgium, the different linguistic groups are not only granted substantial autonomy, but are given their own separate parliamentary chambers.

There is a further danger in a consociational democracy when group political rights are institutionalized. The resulting system may not be flexible enough to cope with demographic changes. Placing minority groups on an equal political footing to larger groups may infringe the larger groups' perceptions of

democracy and further strain the system. For example, Lebanon introduced a very inflexible consociational settlement in 1943. As Muslim populations increased relative to the Christians, the system became less sustainable. The government became too timid to even take censuses lest the reality of the changing demography became apparent. In the 1970s, the influx of Palestinian refugees into Lebanon blew the system apart. In contrast, consociational democracy was not a serious proposition in post-Apartheid South Africa as the relatively low white population would not make formal equality for that group democratically sustainable.

In consociational democracy, there is often a lack of serious opposition and a readily identifiable alternative government. The same parties, and often individuals, tend to be present in successive governments. Consequently, elections carry less significance. Problems with accountability, conservatism and lack of vision or imagination, and corruption can all be anticipated. When the Belgian system struggled to cope with the infamous Marc Detroux pedophile case, it created a public backlash.

There is a lack of research on how consociational democracy distorts an economy. In a system where the interests of corporate groups are addressed ahead of the interests of the population as a whole, there is a danger of an over-duplication of services needlessly draining scarce resources. Economic inefficiencies could be tolerated, and specific interest groups rewarded, in order to keep a certain political arrangement alive. Again, it is surely no accident that Belgium has one of the highest public sector to GDP debt ratios within Western Europe. On the other hand, the potential political stability that could be granted to Northern Ireland from a durable Agreement should provide a better framework for economic growth and inward investment.

Finally, liberal, cross-community, non- or multi-ethnic parties, in general, do not prosper within consociational arrangements as opposed to within more general power-sharing arrangements. The Christian Democrat, Liberal, and Socialist parties in Belgium are now all split along linguistic lines. The Socialists were the last to give in after formal linguistic consociational measures were introduced in the early 1970s. Consociationalism is premised on and biased towards parties representing particular segments of the population. However, the presence

and relative strength of cross-community parties is an important indicator of multi-ethnicity. Ultimately, it is hoped that a realignment away from ethno-nationalist politics towards issue-based politics can occur in Northern Ireland. The difficulties of achieving this, however, should not be underestimated. For example, although elections in the Republic of Ireland are now issue based, the two main political parties—Fianna Fail and Fine Gael—are differentiated on the basis of different sides in the Irish Civil War, 1922-23.

### VII. *SHORT-TERM THREATS TO THE AGREEMENT*

There is not yet public confidence in either the stability or durability of the Agreement. There are widespread fears that minor disputes or problems on ordinary governmental issues could quickly escalate into full-blown crises.

The determination of the number and remit of Executive Departments and the identification of North-South implementation bodies took an excessive time to achieve after the establishment of the Assembly. Progress on decommissioning has remained elusive. However, the actual formation of the Executive has been most problematic. Although the Agreement does not make decommissioning of paramilitary weapons a condition for participation in the Executive, David Trimble and his Ulster Unionists have foolishly drawn a line in the sand and refused to participate in any Executive including Sinn Féin without a credible start to decommissioning. If Trimble moves forward, then he risks splitting his party. As the formation of the Executive needs to be ratified by the Assembly under a cross-community vote, Trimble needs to carry at least three-quarters of his Assembly representatives to pass the minimum threshold. Continued stalling will delay the formal transfer of powers to Northern Ireland from the British Government and risks paralyzing the Assembly.

The composition of the first Executive—apart from the First and Deputy First Ministers, which are determined separately by the Assembly—will not be quite representative of Northern Ireland society. The application of the d'Hondt system will produce a 50:50 split between Unionism and Nationalism rather than reflecting the communal ratio of 5:4:1 between Unionists, Nationalists, and Others. A fractured center ground means that

what would have otherwise been an Alliance seat fell by default to the SDLP.

In contrast to voluntary associations of individual political parties, the involuntary mechanisms of consociationalism are a recipe for weak government. There will inevitably be unwilling parties forced together and difficulties in reaching consensus. The presumption must be that the DUP and Sinn Féin will initially take on their Departmental responsibilities. The former could refuse to cooperate or to sit formally with the Executive as long as Sinn Féin are present. Sinn Féin could continue to hold their seats while the IRA presides over low to medium intensity violence. In the absence of either leaving voluntarily, it would take a vote of the Assembly to expel them, requiring either the UUP or SDLP to stand up bravely against their respective extremists. Weak and uncoordinated government can be expected.

Finally, tensions are also inevitable from the marriage of democratically based parties with paramilitary-linked parties. The latter have earned their right to be actors in the political process through their democratic mandates. It is not sustainable to democracy or the rule of law for political parties to be simultaneously involved in government and linked to "private armies." Although there are measures to ensure that any individual who is involved with or threatens violence can be expelled from office (but it is likely to be difficult to achieve in practice as it requires a cross-community vote in the Assembly), there are no explicit measures to require the disbandment of paramilitaries or a cessation of the beatings through which these organizations continue to exercise *de facto* control in certain parts of Northern Ireland.

The politics of the first Assembly could be dominated by the difficulties within the Ulster Unionists. Due to the rigidities of the voting system set out in the Agreement, at least twenty-four of the fifty-eight Unionists of varying descriptions are required to meet even the communal forty percent threshold under the weighted majority system. Struggles within the Ulster Unionists to compile the necessary votes may become all too frequent, leading to weak government and turning every crucial vote into one that threatens the durability of the Agreement.

### VIII. CONCLUSION: THE ALLIANCE AGENDA

The Agreement alone remains little more than a "Band-Aid" approach to the Northern Ireland conflict. In essence, it sets out a sufficient strategy for maintaining peace and political stability in the short term. Northern Ireland remains a deeply divided and sectarian society. While Alliance accepts the Agreement in full, we recognize that by itself it is not going either to produce long-term peace and stability, or to create the type of society that we wish to see. Yet, the Agreement provides a solid foundation on which to start.

In the short term, Alliance is committed to making the Agreement work, giving voice to the concerns of the "center ground," and providing a radical and constructive opposition to the policies pursued by the parties in the Executive. Our long-term agenda comprises the measures required to go beyond the "Band-Aid" approach, to move from "conflict management" to "conflict resolution."

As ambitious as our agenda appears, it is vital that our society tries to go as far as possible down this road. Appropriate steps include the promotion sharing rather than separation among the people of Northern Ireland, a playing down rather than an institutionalization of sectarian differences, an appreciation that a proper pluralist society involves multi-strands within one society rather than two communities based on separatism, greater emphasis upon the individual than the group, the promotion of a common cosmopolitan and multicultural civic identity for Northern Ireland, a down-grading of territorial aspirations in favor of uniting people, and ultimately progression towards a new type of politics that transcends sectarianism. With an Agreement in place, our challenge is now to turn these necessary measures into practical policies.