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Peace Agreement - Or Last Piece in a Sellout Agreement?

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Abstract

Indeed, it is the distress caused by the content of the Agreement that has provoked such widespread alarm and division within Unionism. The proposals contained in the Agreement are not remarkably new in content, but they now have the endorsement of those who were previously opposed to such mechanisms that will fundamentally undermine the status of Northern Ireland within the Union and impose a system of government so alien that it is far removed from any known concept of democracy and fairness. According to the author's copy of the Mitchell draft, the UUP lost out on the number of seats for each of the eighteen constituencies, on the issues that the parallel consensus mechanism should be applied, on the party from which the Chair of the Assembly should come, on the sharing out of committee posts, on where executive authority ought to be vested, on the content of the pledge of office, and on the status of the Executive Committee.

PEACE AGREEMENT—OR LAST PIECE IN A SELLOUT AGREEMENT?

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INTRODUCTION

In Northern Ireland today there prevails an unbelievable situation. British democracy has been trampled into the ground. The civil rights and cultural heritage of the Protestant and Unionist majority are being systematically eroded because a Government that has totally failed to deal with Irish Republican terrorism is instead continuing its headlong capitulation to the violence and threats of the IRA and its political wing, Sinn Féin.

Northern Ireland is paying for England's peace. In order to avoid a repetition of the atrocities of the Warrington and Canary Wharf bombs, the British government is selfishly appeasing the crocodile of a violent terrorist minority. Britain has shamelessly abandoned its support for the democratic and constitutional rights of a peaceful majority, which it is attempting to sedate with the contrived propaganda of a counterfeit peace.

The depth of political depravity to which the British government has sunk in its self-destructive urge to appease the forces of the pan-Nationalist conspiracy is perfectly symbolized in the current mass release of terrorist prisoners onto the streets of Northern Ireland, many of them guilty of the vile maiming, butchering, and murdering of their innocent victims, and all of them now enabled to return to and to use their intact stockpile of weaponry and explosives when their fascist aims are not achieved—an arsenal that, despite the provisions of the so-called Good Friday Agreement, the IRA now says that it will not decommission.

This situation is the fruit of three decades of appeasement of the Irish Republican agenda. It has been brought about by the progressive and ill-disguised treachery of the British government through the signing of the Anglo-Irish Agreement,¹ the

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1. Agreement Between the Government of the United Kingdom of Great Britain and Northern Ireland and the Government of the Republic of Ireland, Nov. 15, 1985, U.K.-Ir. Cmnd. 9657, *reprinted in* TOM HADDEN & KEVIN BOYLE, *THE ANGLO-IRISH AGREEMENT* 15-48 (1989) [hereinafter *Anglo-Irish Agreement*].

Downing Street Declaration,² the Framework Document,³ and the Downing Street Communiqué⁴ without the consent of the people of Northern Ireland, followed by the most recent deception in the form of the Belfast Agreement (or "Good Friday Agreement"), which most Unionists rejected and which was foisted on the people of this Province by means of a massively-financed campaign of misrepresentation by the government and the Official Unionist Party, the latter of which fell headlong for the ploy. Each of these documents proved to be a successive stage in an orchestrated campaign to remove Northern Ireland from the United Kingdom and to force the Province into a united Ireland against the will of its majority.

They succeeded in eroding the Constitutional position of Northern Ireland by stealth; in shedding its lifeblood through the destruction of the Government of Ireland Act; and in silencing the democratic voice by corrupting the universally accepted principle of consent and self-determination so that it became submerged in an all-Ireland dimension.

A. White House Interference

One of the prime authors of the present chaos has been President Clinton, whose blatant interference in Northern Ireland's affairs, to the extent of overtly promoting the Sinn Féin/IRA cause out of electoral self-interest, was nothing short of open encouragement of terrorism, besides breaching the U.N. Charter and the Helsinki Accord. The fact that this so-called "peace" deal was soon followed by the mindless atrocity carried out by depraved Irish Nationalist fanatics in Omagh is in large measure a result of Clinton's elevation of the Sinn Féin President to the disguised status of a respectable democratic politician.

The full truth has still to be revealed about how much of the money secured by Gerry Adams' fundraising trips sponsored by Clinton and the White House went towards paying for the ingredients and logistics of the Omagh bomb. A man who, without

2. The Joint Declaration by An Taoiseach, Mr. Albert Reynolds, T.D., and the British Prime Minister, The Rt. Hon. John Major, M.P., Dec. 15, 1993, U.K.-Ir., Cm. 2442 [hereinafter *Downing Street Declaration*].

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

4. Downing Street Communiqué, Nov. 29, 1995.

shame, was ultimately forced to make the ignominious admission that he misled his country, his Government, and his wife as a philanderer must be considered equally capable of misleading the people of Northern Ireland about the real extent of his involvement with Sinn Féin/IRA as a politician. He displayed his hypocrisy in portraying himself as the great warrior against terrorism in Africa and Iraq while overtly welcoming the godfather of Irish Republican terrorism to the White House. While legitimizing retaliatory strikes against Sudan, he did not bomb IRA weapons dumps in the Irish Republic from where the IRA is predominantly operational. While denouncing the "twisted logic" of terrorist attacks on U.S. embassies, the arch-sponsor of Irish Republican terrorism displayed his own twisted logic by donning the garb of the world's anti-terrorist policeman.

B. *The Fruits of Appeasement*

What the so-called peacemakers have sown, they have now begun to reap, and it is the people of Northern Ireland who are still being targeted in the process. The fact is that if decommissioning had not been shelved and if IRA/Sinn Féin had been forced to surrender its weapons and explosives, the Omagh atrocity could not have occurred. By the same token, if the precipitation of concessions by the government had not included the dismantling of security, the grief at Omagh would have been avoided.

Having ignored all past warnings—together with all their vindication—that the "peace process" was a tactic and a fake, Mr. Blair's Government still incredibly continues its obstinate pursuit of the selfsame agenda, attempting to extricate itself from its own mess by blaming the Omagh bomb on so-called "dissidents" and peddling the lie that the only choice facing Northern Ireland is the choice between continuing the farcical "peace process" and a return to violence. The truth is that the "peace process" is the violence and the violence is the peace process. The concessions that hold it in place have bred the violence, and the violence will continue to thrive on the concessions, simply because no compromise can ever satisfy the absolutist fascist ideals of Irish Republicanism. If the British government has not by now learned the lesson that violence is not assuaged by endless concessions to a false peace process, but generated and culti-

vated by them, then it is time for a radical reversal of its disastrously failed policy.

The price of appeasement of Sinn Féin/IRA in the wake of the Belfast Agreement, far from bringing an end to violence, has been the continuation of a campaign of terror and intimidation that has cost the taxpayer almost £10 million. Staggering figures have been compiled by FAIT, Families against Intimidation and Terror. The costs involved hospital treatment for victims, compensation paid to victims, and rehousing of both civilians and members of the security forces. FAIT spokesman Vincent McKenna has said that the figures reflect the hidden cost of terror, even in this so-called period of peace. The vast majority of attacks, he says, have been carried out by the military wings of those political groupings already sitting in the Assembly at Parliament Buildings, Belfast. In a breakdown of costs, compiled with the assistance of government agencies, FAIT says that treatment for victims of loyalist shootings (34) cost £340,000, while IRA shootings (38) cost £380,000. Compensation for loyalist shootings was £272,000 and IRA shootings £304,000. Loyalist beatings (85) cost £510,000, while IRA beatings (80) cost £480,000. Compensation for loyalist beatings cost £425,000 and for IRA beatings £400,000. Rehousing members of the security forces threatened by terrorists cost £2.4 million and rehousing 242 families £1.75 million. Relocating a total of 440 families exiled by both the IRA and loyalists cost £1.5 million with £44,000 being paid for travel out of the country. Social security payments to victims amounted to £1,114,000.

Such has been the result of the early release of unrepentant and unreformed terrorist prisoners with no linkage whatsoever to arms decommissioning, and yet more than 250 unrepentant and unreformed terrorist murderers are already being released. If the Omagh bombing could take place even before the prison floodgate has been opened, what can the people of Northern Ireland expect when all the murderers and wreckers are finally released onto our streets to return to their intact stockpiles of weaponry and deploy them when events do not move in the direction that they desire.

I. THE CONTEXT OF THE AGREEMENT

Since 1981, when Margaret Thatcher and Charles Haughey

first discussed the “totality of relationships within these Islands,” the principle was established that the British government would only move in unison with the Irish Republic in relation to Northern Ireland. British sovereignty was weakened, and in 1985, with the signing of the Anglo-Irish Agreement⁵ (or “1985 Agreement”), the integrity of the Union between Great Britain and Northern Ireland was further damaged by a formal interference in our affairs, over the heads of the people, and with the express purpose of legitimizing the Irish Republic’s claim to have a say in how the people of Northern Ireland are governed.

The 1985 Agreement gave the Dublin government a right to be consulted on policy and a direct say through the Anglo-Irish Conferences on any area of government policy. It has only been with time that the powerful and interfering nature of this body has come to public attention. From suggesting minor government appointments to demanding changes in security policy, the remit of the Conference is unmeasurable. The Irish government has even secreted funds for the purpose of making payments to those who collaborate with the Anglo-Irish Agreement.

Publicly, the two governments claimed that a tandem approach would help to marginalize the men of violence; secretly, they hoped that it would strengthen the SDLP, but in reality the reason why there was an agreement was because of the men of violence. A feature of the British-Irish relationship has been their inability to have the will to tackle terrorism effectively. Instead, they have moved to a different kind of *deal* with terrorism.

Unionists with a single voice in political solidarity opposed the Anglo-Irish Agreement. They protested about it, they campaigned against it, they asked questions in Parliament about its operation, they fought elections over it, and some went to jail because of it; but it has remained in place. Northern Ireland, although part of the Union, is not governed like any other part. Government response to terrorism, instead of rejection of terrorism, has seen to it that Northern Ireland is a place apart.

Failing to marginalize the men of violence but rather spurring them on, the governments refused to draw back from this policy of failure. Instead, since 1985, they have built upon these unsteady and uncertain foundations. The governments have also selectively picked off those in the Unionist circle who they

5. Anglo-Irish Agreement, *supra* note 1.

believed could be bought, bribed, or beaten into embracing the principle of Dublin having a say in Northern Ireland. No one imagined just how successful they would be in undermining Unionist unity. On a policy front, the wordsmiths began to re-spin the Anglo-Irish Agreement.

After the failure of the first round of Multi-Party Talks at Stormont, ending in November 1992, the governments were able to expose a division within Unionism in the way Unionists believed Ulster should be governed. On the last day of the Brooke-Mayhew Talks, the UUP produced a paper proposing "all-Ireland bodies with executive power."

The issue of all-Ireland bodies with executive powers had now been placed on the negotiating table without the removal of Ireland's illegal territorial and jurisdictional claims. It was clear there were Unionists who could tolerate Dublin's involvement in our affairs!

The two governments got to work, and in December 1993 they produced the Anglo-Irish Agreement's successor, the Downing Street Declaration,⁶ which formalized further the concept of all-Ireland executive authority in Northern Ireland's affairs. This short communiqué had over thirty references to the new designation for the people of Northern Ireland. From the Downing Street Declaration onwards we became the "People of Ireland North and South."

Unionism's response to that Declaration was one of division, not unity. At last the chink in the armor had been found. The Ulster Unionist Party was prepared to move on the issue of principle—Dublin's say was now recognized as legitimate.

Political events in Northern Ireland have at their center violence emanating from Republicanism. Throughout this period from the signing of the Anglo-Irish Agreement to the latest Good Friday deal, the UUP has been forced to change political direction because of the violence of the IRA. They were bombed into negotiations with the IRA and stayed in those negotiations while the IRA continued their bombing and murder campaign.

Successive British Governments have failed in their duty to deliver effective security measures and to introduce accountable structures of government to the Province. The legacy of the An-

6. Downing Street Declaration, *supra* note 2.

glo-Irish Process has been to give the whip hand to IRA/Sinn Féin as they drive forward the vehicle for Irish Unity.

Responding to violence in this manner only pays political dividends to those who are violent. Those committed to democratic means, armed only with the power of the ballot box and the arguments for their case, cannot achieve any momentum for their cause if they enter into dialogue, negotiations, or dealings with those who use both politics and the bullet, bomb and balaclava.

The IRA has used both violence and politics to achieve their political ends. In a policy paper outlining how to deploy violence and politics as a dual strategy, the IRA accept the legitimacy of "the tactical use of the armed struggle." Since the 1994 they have demonstrated how adept they can be at using the two-pronged approach and they can show their political supporters and their violent volunteers gains made as a result of this practice.

Today, the political atmosphere is so putrefied by their presence that the threat of violence is as potent as actual violence. The use of violence extracted the Downing Street Declaration; it was brought about by the blackmail of the "permanent cessation of IRA violence." The threat of a return to violence and the breakdown of that ceasefire with a murderous bomb at Canary Wharf in London's Docklands brought about the publication of the Framework Document in February 1995, which is the blueprint of the current Good Friday deal. Violence really does pay!

With the Government fixated on the promise of peace, they have pursued a peace process that is in the shape and image of what the IRA will accept. It is not about finding a real, lasting, or just peace, but is about finding what will be enough political concessions to buy the support of IRA/Sinn Féin.

In 1996, the Government established a new talks process designed to produce a new agreement that would have the support of the parties, Parliament, and the people. It was to operate on a three stranded basis to include relationships in Northern Ireland, between Northern Ireland and the Republic of Ireland, and between the two Islands. Those at the table had to be committed to "exclusively peaceful means."

The only way democrats could be satisfied that the parties

were committed to exclusively peaceful means was by the surrendering of illegal weapons. After all, if the parties were committed to peace, they would never again need those weapons to wreck the peace. The issue of decommissioning, however, has proved to be the searchlight of truth. The Governments refused to let the "peace train" leave the station until the politicians had abandoned the principle of decommissioning. The refusal of the Government to proceed without the IRA permitted sufficient space and time for the IRA to put in place a second phony ceasefire. For one year democrats were expected to tread water until the IRA was admitted to the talks in September 1997.

Only by holding on to decommissioning could the parties at the table be persuaded that the terrorism was over for good. Every excuse in the book of excuses was deployed to avoid decommissioning. Claims that it is not in the psychology of republicanism to surrender, that the guns will rust, even the absurdity that decommissioning would wreck the peace, were all used to avoid the issue. It has subsequently emerged that throughout the period the Government was in secret communication with the leadership of the IRA and, according to Judge Travers, had given several assurances to the IRA that members would not be prosecuted and an immunity granted to certain terrorist organizations.

Decommissioning could have kept IRA/Sinn Féin out of the process. In September 1997 the Leaders of the DUP and UUP met to draw up principles that would help guide them in the process. The two Leaders identified two issues that they said were fundamental. One was the issue of consent; the second was decommissioning. They agreed the following joint communiqué:

Joint Statement by Ulster Unionist Party and Democratic Unionist Party:

The Leaderships of the UUP and UDUP had a constructive meeting this afternoon.

The two parties are totally agreed that the principle of consent which is the right of the people of Northern Ireland alone to determine their own future is a fundamental governing principle which must apply in all circumstances. This principle must be accepted by the Government and all parties.

Our two parties are also agreed that the issue of the

decommissioning, i.e. the handing over of illegal terrorist weaponry, must be resolved to their satisfaction before there could be substantive political negotiations.

Recognising the need for greater Unionist unity of approach at this critical time, the parties have agreed to meet again shortly.⁷

Within a matter of weeks Trimble abandoned these principles. He moved from demanding the actual decommissioning of weapons before negotiations commenced to having the issue "pigeon-holed." Effectively, he gave up on the issue. The abandonment allowed the IRA to enter with their terrorist machinery intact and their credibility inflated.

The process itself was fundamentally flawed. The chairmanship of the talks was predetermined before the process commenced. An American (Sen. George Mitchell), a Canadian, and the former Finnish Prime Minister were charged with the task of chairing the Multi-Party Talks process. Putting them into the process insured the United States' crucial involvement. It internationalized a domestic political and terrorist situation and has removed forever the prospect of the people of Northern Ireland having real control over their own destiny. We are now a puppet on an international stage being pulled this way and that in an obscene effort to please the international community.

Not only was the chairman predetermined, but so too was the agenda. Far from the participants' having a "blank sheet of paper," they were presented with an agenda designed to produce the Framework Document outcome. Participants had little function in the process other than to agree an already produced deal between the two Governments in anticipation that the IRA would accept it. The whole center of gravity of the process was to appease terrorism.

The predetermined agenda was matched by an unalterable outcome. The Framework Document blueprint can be read side by side with the Good Friday Deal and there is little to distinguish between the two documents.

With the IRA's inclusion in the talks, the DUP, in accordance with its mandate, left the process. It is to the eternal shame of the Leader of the UUP that he, too, did not disembark at that

7. IAN PAISLEY, JR., *PEACE DEAL?* 8 (1998) (quoting the Joint Statement by Ulster Unionist Party and Democratic Unionist Party).

point. He was committed to staying in because he did not want to be "blamed" for bringing the talks to an end. At his side he kept the gangsters and murderers of loyalist paramilitarism. He used them to hide behind, but was in reality being used by the Governments whose aim was to get the Leader of the UUP to sign up to a deal acceptable to the President of IRA/Sinn Féin.

Sinn Féin/IRA made no secret of their strategy. Speaking to IRA activists in South Armagh, IRA/Sinn Féin "peace" negotiator Francie Molloy outlined the movement's plan. He exposed the so-called peace process as a mere phase of the armed struggle and said: "This phase of negotiations may fall apart, it may not succeed. And whenever that does happen then we simply go back to what we know best."⁸

He encouraged the crowd to examine the Agreement carefully and to consider if it advances their goal of a United Ireland, asking whether it was "a good tactic or a bad tactic. If you go a way with one message today, go away with the fact that the struggle continues. We will not give up until we reach our goal."⁹

He was following a similar strategy to that outlined by Gerry Adams. Twenty-four hours after the Agreement, Adams told a Republican rally: "The struggle continues and will continue until the British army are out of our country, until partition has ended. We want freedom, demilitarisation, the equality agenda, the release of all the political prisoners. We are sticking with this. We need your support. We need you to get your heads around what is happening and let's move forward together."

Clearly, the IRA leadership views this Agreement as only part of a continuing process. Unionists have fallen into a trap that it is possible to find a settlement with Nationalists, yet Republicans are not playing the same game. They are seeking eternal process until Unionists accept a United Ireland. The Ulster Unionist Party Leader lost the plot some time ago, believing that he could find a settlement, when in reality he has been contributing to the politics of process, not the politics of progress. Bertie Ahern, the Dublin Prime Minister, when asked the week following the Agreement if he believed that a United Ireland was now possible, said: "Britain is now effectively out of the

8. *Id.* (quoting Francie Molloy).

9. *Id.*

equation. There is nothing to stand in the way of unification.”¹⁰

Throughout the process the British Government has acted with gross contempt for the Unionist people of Northern Ireland. On coming to office, Prime Minister Tony Blair visited the Balmoral Show and proclaimed his Unionist credentials—that the Union would not end in his lifetime. However, since May 1997 he has driven forward a process that has visibly weakened the Union and supports a deal that will end the Northern Ireland’s place in the Union. His Government has schemed and has planned this dismembering of the Union. The Government has been assisted in its plan by the compliance of the UUP Leader.

That compliance was exposed in February 1998 in a leaked secret communication from Tony Blair’s private Secretary John Holmes to Mo Mowlam’s office. The letter revealed details of a meeting held in Washington between the Prime Minister and senior American politicians. It revealed that as early as February 1998, David Trimble had agreed to the concept and model of all-Ireland bodies but that certain “presentational difficulties” remain unresolved. The Prime Minister believed David Trimble had “signed up to the all-Ireland structures,” that his “differences of substance” with Sinn Féin/IRA, the SDLP, and the Irish Government are “not as great as is often thought.”¹¹ The Prime Minister is reported to claim that “Trimble had come a great deal further than many Unionists wanted him to, for example accepting North-South structures,” and the Government believes “that giving comfort to the Ulster Unionists was vital.”¹² Trimble must be encouraged to “advocate change without making himself vulnerable to charges of betrayal.”¹³

Trimble had, the previous January, agreed to the “Proposed Heads of Agreement.” This document was not far removed from the final version of the Agreement. The Prime Minister had realized from then on that it was not a matter of “if” Trimble would sign up to the final deal but “when.” From February an elaborate plan was put in place to manipulate public opinion behind the peace process and pressure Unionists into an agree-

10. *Id.* at 10 (quoting Bertie Ahern).

11. *Id.* at 21 (quoting Prime Minister Blair).

12. *Id.*

13. *Id.*

ment with the IRA. A fall-back position of going to the people "over the heads of their political leaders" was outlined by Tony Blair.

This manipulation of public opinion was revealed in March when another leaked NIO document written by the Secretary of State's new Director of Communications highlighted the devious meatheads to be deployed in the selling of this Agreement. The plan included using taxpayers' money to manipulate opinion polls. The Government strategy document outlined how the Government would lie to the people. It says: "Not all of the results of opinion polling, etc., will be in the public domain." In other words, the truth has to be hidden. It continues: "Senior media people" will be encouraged to do certain polling where "the results are likely to be supportive" of the Agreement.

A Public Relations company McCann Erickson has already been commissioned to carry out research "without it being seen to be Government-inspired."

A Civil Servant, Tony McCusker, was commissioned to identify a list of "key movers and shakers" to be used as puppets on a string to serve the Government's agenda. "Representative figures" from business, religion, and community are to be exploited. The paper says: "We should, where possible, be enlisting the help of these people to champion our cause, e.g. Robin Eames and other church leaders, the heads of community organizations and trade unions and other members of the G7."

The Government paper concludes: "While overt manipulation could only be counter-productive, a carefully co-ordinated timetable of statements from these people will be helpful in giving our message credibility with those they represent. It has the added benefit of providing a fresh face for that message, and ensuring that it is not only the Government which is seen to be selling the process." The voice would be the voice of the movers and shakers, but the words would be the words of the Government!

It is clear that all the pieces of the jigsaw puzzle to remove Unionists from the Union have been identified and are now being put into place. Unionists are being asked to commit an act of collective communal suicide by voting themselves out of the Union. We have been told that we have a "choice" and the "decision is ours," but in reality there is no choice on offer. The

Agreement before the people does not allow for any alternatives to be considered. The Government has refused to concede that if it fails to gain the support of the people, it should implement a Unionist alternative. The Government and all the parties to the Agreement appear interested only in a solution that appeases IRA terrorism. The problem is that no solution other than the surrender of Unionism is acceptable to Republicans.

The claim that there is “no alternative” does not mean that a better, more broadly acceptable alternative does not exist, but that a violent and absolutist terrorist minority will not allow it to be considered.

II. *THE CONTENT OF THE AGREEMENT*

All the participants in the negotiations pledged that they would “in good faith work to ensure the success of each and every one of the arrangements to be established under this Agreement.” Furthermore, they stated that “in a spirit of concord” they strongly commended the Agreement to the people, north and south, “for their approval.” Each “pledged” itself to ensure the success of—among other things—IRA/Sinn Féin in government, an all-Ireland Executive Council, the mass release of terrorist prisoners, the decimation of the RUC, and the removal of security with no requirement for the handing over of illegal weaponry.

A. *Intent*

The “Declaration of Support” is a statement of intent to promote a new relationship. Fashioned in the sentimental language of “rapprochement” and “reconciliation,” the declaration is a carefully and cunningly crafted statement supposedly ushering in a “new beginning” or “turning point” on the road to peace and harmony in Northern Ireland. The declaration has the imprint of those who support the intentions of the Deal identified as the “participants in the multi-party negotiations.” Importantly, that includes the Leader of the UUP, David Trimble, and the President of IRA/Sinn Féin, Gerry Adams.

A reference to the tragedies of the past is quickly passed over with a statement that the best way to honor that legacy is through a fresh start. The declaration fails to point the finger at those responsible for the tragedies because those responsible

have not and will not accept responsibility or even apologize for that violence waged on the innocents of Northern Ireland.

The signatories commit themselves to "strive" towards reconciliation but only within this limited and predetermined framework of "agreed arrangements." This rules out a commitment to real and genuine democracy by the IRA/Sinn Féin participants and is a bogus commitment to reconciliation.

Those making the declaration "accept" that the arrangements are "interlocking and interdependent and in particular the functioning of the Assembly and the North/South council are so closely related that the success of each depends on that of the other."

This is the crucial commitment because it explains that the Agreement must be taken as a whole. Participants cannot cherry-pick those aspects of it that suit their particular political interpretation and disregard those matters which do not. It commits David Trimble to the release of IRA terrorist prisoners, to the undermining of the RUC, or, as he once colorfully expressed it, "putting prisoners into police uniforms," and to an Assembly that guarantees an executive role to IRA/Sinn Féin members.

The Assembly is not a stand-alone body or a predominant partner in a relationship. It is "so closely inter-related" with the North-South Council to be effectively one. For any Unionist to argue that they have secured a Northern Ireland stand-alone Parliament is to misrepresent just how far those same Unionists who negotiated this Agreement with Sinn Féin/IRA have been prepared to go down the road of United Ireland intentions. Those intentions are affirmed in a "spirit of concord" or close unity between Trimble and Adams.

B. *Framework*

The framework of the Agreement traces the pattern established by the Framework Documents. It sets out the three key areas indicating its all-embracing nature. The Preamble is a declaration of intent that commits its signatories to a new inter-relationship. It deals with the ideology of the Union versus that of Irish unity, favoring the latter.

With the constitutional parameters of the Agreement established, it moves on to the substance—the institutions of govern-

ment. In detail, it proposes the mechanism of the relationship at all levels, including Strand One: institutions in Northern Ireland; Strand Two: an all Ireland Ministerial Council; and Strand Three: the British-Irish or Anglo-Irish Council and Intergovernmental Conference.

The deal then moves from institutions to identity issues. These are summed up by the euphemistic title: "Rights, Safeguards and Equality of Opportunity." This fancy, non-partisan jargon has become well-known shorthand for "Republican supremacy" over Unionists. Rights and opportunities are for one community—the Republican community—while safeguards are without balance. Here, more fundamental changes to British legislation are outlined, thus distinguishing this part of the United Kingdom from every other of its regions.

A joint all-Ireland committee is proposed to administer rights issues, while the memory of the victims of violence is insulted by including an all-embracing approach that considers the perpetrators of violence as equal victims to the sufferers of their violence. Tucked away in this part of the Agreement are included economic, social, and cultural proposals that are designed to alter the very identity of this region of the United Kingdom.

The Agreement then moves on to issues concerning security and protection. These include some of the most immediately controversial proposals dealing with decommissioning, security, policing, justice, and prisoners. Yet more institutions are established including an International Commission on policing that removes forever policing and the dispensing of justice from the hands of the British government and puts them into the international arena.

Finally, the Agreement outlines how it should be implemented. It is surprisingly short in its duration. It is not the end or a permanent settlement of this long dispute, but rather an interim phase to be implemented and then reviewed within four years.

C. Constitutional Issues

Instead of fulfilling the original objective of "balanced constitutional change," the Agreement provided for the immediate abolition of the Government of Ireland Act 1920, which forms

part of the title deeds of the United Kingdom's sole sovereignty over Northern Ireland.¹⁴ In contrast to this, the illegal claims contained in Articles 2 and 3 of the Irish Constitution would merely be amended. Furthermore, the changes in Articles 2 and 3 would take place on the condition that it is in exchange for the subsequent illegal setting up of "institutions with executive powers and functions" for the whole of Ireland. Other parts of the Irish Constitution that form the basis of Dublin's illegal claim remain intact.¹⁵ Achieving the objective of Articles 2 and 3 meant that there would be no further need for the Articles to be retained in their original form.

Dublin made it clear, however, that even if the referendum would be passed, as it was, it could revert to the original Articles 2 and 3 for up to one year later if the all Ireland executive powers were not implemented.¹⁶ Hence, while the legal U.K. assertion of supremacy is done away with irrevocably and immediately, the changes to Dublin's illegal claim are only conditional and provisional.

As far as the so-called principle of consent is concerned, it is provided that it is "for the people of the island of Ireland alone . . . to exercise their right of self-determination."¹⁷ The right to self-determination should be a matter for the people of Northern Ireland alone.

It is made clear throughout the document that while there are built in mechanisms to prevent any exercise of majority will in Northern Ireland, as soon as there is a 50% + 1 majority for a united Ireland, then legislation will be enacted at once to put us into a united Ireland regardless of the views of the Unionist population.¹⁸

D. Strand One: The Administration of Northern Ireland

The Assembly created by this Agreement is undemocratic and gives nationalist parties an absolute veto on any key decisions. Its existence depends explicitly on the continued existence of the all-Ireland North/South Ministerial Council set up

14. Agreement Reached in the Multi-Party Negotiations, Apr. 10, 1998, Constitutional Issues, Annex A.

15. *Id.*, Constitutional Issues, Annex B.

16. *See id.*

17. *Id.*, Constitutional Issues ¶ 1(ii).

18. *See id.*, Constitutional Issues, ¶ 1(iv), Annex A.

under Strand Two. Without the all-Ireland body, the Northern Ireland Assembly has no role.

1. The Assembly

The new Assembly will not operate on any democratic basis along the lines of Westminster or even our local Councils where a simple majority vote is sufficient. In this Assembly, “key” decisions are to be taken on a so-called “cross-community basis,” which means that no decision can be made unless it has the agreement of John Hume’s SDLP and/or Gerry Adams’ Sinn Féin.¹⁹

While certain decisions are designated in advance as being key decisions, the fact is that if thirty Assembly Members so desire any decision can be turned into a “key” decision, which then requires the approval of John Hume’s SDLP or Gerry Adams’ Sinn Féin. The figure is set at thirty to ensure that between them the SDLP and Sinn Féin can always make sure that decisions will need their approval.²⁰

Within the Assembly there is to be a series of Committees. It is provided that the parties, including Sinn Féin, have automatic guaranteed places on all Committees and an automatic guaranteed share of Committee Chairmanships.²¹

The SDLP’s policy of “parity of esteem” acquires a statutory effect, and there will be an obligation to promote this SDLP policy.²²

2. The Executive

The Executive Committee will be the Cabinet of Northern Ireland.²³ The First Minister and Deputy First Minister are to be elected jointly. Throughout the document the First Minister is given no role independent of his deputy. They act together at

19. *See id.*, Strand One, Democratic Institutions in Northern Ireland, Safeguards ¶ 5(d).

20. *See id.*

21. *See id.*, Strand One, Democratic Institutions in Northern Ireland, Safeguards ¶ 5(a); *id.*, Strand One, Democratic Institutions in Northern Ireland, Operation of the Assembly ¶ 8.

22. *See id.*, Strand One, Democratic Institutions in Northern Ireland, Safeguards ¶ 5(e).

23. *See id.*, Strand One, Democratic Institutions in Northern Ireland, Executive Authority ¶ 14.

all times as joint leaders. Only those who have the consent of John Hume's SDLP and/or Gerry Adams' Sinn Féin can be elected to these posts.²⁴

As well as the First Minister and Deputy First Minister, there are to be up to ten other Ministers. The bigger parties in the Assembly, including Sinn Féin, have an automatic guaranteed right to a place in the Executive as Ministers. Such Ministers "will have full executive authority in their respective areas of responsibility."²⁵

There is absolutely no bar on Sinn Féin's taking their automatically guaranteed places in the Executive even if the IRA holds on to all its illegal weaponry.²⁶ Once in office a Minister can only be removed by a "cross-community" vote in the Assembly. This means that the SDLP and/or Sinn Féin would have to vote in favor of removal.²⁷

The Agreement maintains that those who hold office should use only "democratic non-violent means, and those who do not should be excluded or removed from office under these provisions." Because the support of the SDLP and/or Sinn Féin will be needed, it is hard to imagine this ever happening. In any case Sinn Féin would argue, as they did in the Talks, that they are committed to democratic, non-violent means while the IRA are separate and carry out violent activity on their own behalf.²⁸

Once in Government it will be impossible ever to remove Sinn Féin. Gerry Adams and Martin McGuinness will have day to day control of government departments with "full executive authority."

E. Strand Two: North-South All-Ireland Arrangements

1. All-Ireland Ministerial Council

There is to be an all-Ireland Ministerial Council with executive powers. It is to be set up by Westminster and Dublin so it is a free-standing body independent of the Northern Ireland Assem-

24. *See id.*, Strand One, Democratic Institutions in Northern Ireland, Executive Authority ¶ 1.

25. *See id.*, Strand One, Democratic Institutions in Northern Ireland, Executive Authority ¶ 24.

26. *See id.*, Strand One, Democratic Institutions in Northern Ireland, Executive Authority ¶ 25.

27. *See id.*

28. *See id.*

bly. The Northern Ireland Assembly will cease to exist if the all-Ireland body ceases to function.²⁹

The purpose of this all-Ireland body is threefold, namely to develop: (a) consultation, (b) co-operation, and (c) action-on an all-Ireland basis.³⁰ It has, therefore, a wide remit that goes far beyond mere discussion and consultation. It is obliged to reach agreement on the adoption of common policies. It has the ability to take decisions and is, therefore, a body with executive powers.³¹

2. All-Ireland Bodies

There is to be a series of all-Ireland bodies set up subservient to the all Ireland Ministerial Council to implement decisions taken by the Council.³² It is prescribed that by October 31, 1998—a deadline already passed—the all-Ireland Ministerial Council must have in place a work program covering at least twelve areas including agriculture, education, transport, environment, waterways, social security, tourism, EU programs, inland fisheries, marine matters, health, and urban and rural development. It is provided that there may also be other areas. It is required that at least six of these areas must be identified for implementation through the all-Ireland implementation bodies on an all-Ireland basis. No powers will be transferred to the Assembly until this work is completed.³³

Membership of the Council is organized so that there will always be a permanent Unionist minority. There are to be three Ministers from the Dublin government and three from Northern Ireland (always including the First Minister and his deputy). In cases where there will be a Sinn Féin or SDLP Minister, the Council will therefore comprise three Dublin Ministers, two nationalists/republicans from Northern Ireland, and one Unionist.³⁴

Decisions can be taken in the Council without reference back to the Northern Ireland Assembly. The only time that the Assembly would be required to give approval to any decision of

29. *See id.*, Strand Two, North/South Ministerial Council ¶¶ 1, 13

30. *See id.*, Strand Two, North/South Ministerial Council ¶ 1.

31. *See id.*, Strand Two, North/South Ministerial Council ¶¶ 1, 5(iii)-(iv), 6.

32. *See id.*, Strand Two, North/South Ministerial Council ¶¶ 8, 9.

33. *See id.*, Strand Two, North/South Ministerial Council ¶ 8.

34. *See id.*, Strand Two, North/South Ministerial Council ¶ 2.

the Council would be in the unlikely event of a Minister going beyond his departmental responsibility. If he stays within it, there is no approval of the Assembly needed.³⁵

Participation in the Council is an essential responsibility of being a Minister.³⁶ An all-Ireland Secretariat is set up to staff the Council (one of two all Ireland Secretariats set up under this Agreement).³⁷

The all-Ireland Council acquires a role in representing the whole of Ireland at European Union meetings.³⁸ The all-Ireland dimension is further intensified through the creation of a joint Dáil/Assembly parliamentary forum.³⁹

F. Strand Three: The Relationship Between the Irish Republic and the United Kingdom as a Whole

1. Institutions

There are two new institutions created under this strand. The first institution is a British-Irish Council. This is simply a consultative body for representatives of the British and Irish Governments and devolved institutions in the United Kingdom. It has no role whatsoever in relation to the North-South All-Ireland Council, which is a totally free-standing, independent body.⁴⁰ The second institution is a British-Irish Intergovernmental Conference. This body takes over the role of the Anglo-Irish Conference set up under the Diktat of 1985.⁴¹

It is wrong to claim that the Anglo-Irish Agreement has gone. It is simply being renamed and recreated. The only difference is that (as provided for in the Anglo-Irish Agreement) those areas that are now devolved to a new Assembly will no longer come under the jurisdiction of the Conference. Otherwise its role is the same.⁴²

The Irish government is described as having "a special interest in Northern Ireland." Dublin receives the right to put forward views and proposals in relation to all non-devolved North-

35. See *id.*, Strand Two, North/South Ministerial Council ¶ 6.

36. See *id.*, Strand Two, North/South Ministerial Council ¶ 2.

37. See *id.*, Strand Two, North/South Ministerial Council ¶ 16.

38. See *id.*, Strand Two, North/South Ministerial Council ¶ 17.

39. See *id.*, Strand Two, North/South Ministerial Council ¶ 18.

40. See *id.*, Strand Three, British-Irish Council ¶¶ 1-12.

41. See *id.*, Strand Three, British-Irish Intergovernmental Conference ¶¶ 1-9.

42. See *id.*, Strand Three, British-Irish Intergovernmental Conference ¶ 5.

ern Ireland matters in particular the areas of rights, justice, prisons, policing, and security in Northern Ireland.⁴³ The governments are obliged to make determined efforts to resolve disagreements between them. The all-Ireland and cross-border aspects of these issues are to be intensified. The Conference is to have a Secretariat. Maryfield may have gone in name but not in substance.⁴⁴

G. *Sinn Féin's So-called 'Equality' Agenda: "Rights, Safeguards and Equality of Opportunity"*

The Agreement provides for a wide range of further concessions to IRA/Sinn Féin and Nationalists.

1. *Discrimination* - Policies are to be introduced aimed at "eliminating the differential in unemployment rates between the two communities," which means more discrimination against Unionists and Protestants in jobs. A new Northern Ireland Human Rights Commission is to be set up to advise how in Westminster legislation certain rights can be enshrined. These are to reflect, among others, the SDLP's policy of "parity of esteem." There is to be an obligation on all government and public bodies to give equal validity to the "identity and ethos of both communities" in Northern Ireland.

In a further boost to all-Ireland structures, human rights issues are to be considered by a joint committee of the Northern Ireland and Irish Republic's Human Rights Commissions.

2. *Economic, Social and Cultural Issues* - The Irish language is to be facilitated and encouraged by the British government. There is an eight-point action plan to ensure that the Irish language is promoted by the government with strong financial support. There is no commitment whatsoever to equality for Unionist heritage and culture, nor is the Ulster-Scots language given equal treatment.⁴⁵

3. *Decommissioning* - There is no requirement for the handing over of illegal weaponry by any terrorist organization. Just as the parties in the Talks proved their total weakness on this issue during the Talks, they once again simply express the hope that

43. See *id.*, Strand Three, British-Irish Intergovernmental Conference ¶¶ 4-6.

44. See *id.*, Strand Three, British-Irish Intergovernmental Conference ¶ 8.

45. See *id.*, Rights, Safeguards and Equality of Opportunity, Economic, Social and Cultural Issues ¶ 4.

decommissioning will occur. The governments undertake to set up schemes for decommissioning, but there is no requirement actually to hand over any weaponry.

4. *Security* - The Agreement provides for the removal of the army including the Royal Irish Regiment from its present role; the removal of all security installations; and the removal of the security forces' emergency powers to deal with terrorists. The Dublin government is to have an input about other measures.⁴⁶

5. *The Royal Ulster Constabulary* - The RUC is to be destroyed in its present form. An independent commission with an international input is set up with terms of reference that make clear that the RUC will be emasculated and destroyed.

6. *Criminal Justice* - There is to be a wide-ranging review of criminal justice. The implementation of any recommendations is to be discussed first with the Dublin government and the political parties. The review covers appointment of judges, the prosecution process, law reform, and all-Ireland co-operation.

7. *Terrorist Prisoners* - All terrorist prisoners, including those convicted of murder, are to be released within two years at the latest and in most cases much earlier.

H. *Future Development*

This is not the end of the process. It is merely another staging post on the road to a united Ireland, which builds upon all the other initiatives including the Anglo-Irish Agreement, the Downing Street Declaration, and the Framework Document. It is provided that the all-Ireland institutions and bodies set up under this Agreement are capable of further development.

I. *The Terms of the Agreement Are the Only Arbiter*

It is this Agreement with all the arrangements established under it and this Agreement alone, which was voted on May 22, 1998. No other conditions, whether verbal or written given by any of the parties, can override what is set out in this Agreement.

III. *THE CONSEQUENCES OF THE AGREEMENT*

Unionists regard the Belfast Agreement as a crime against their fundamental civil liberties. Indeed, it is the distress caused

46. See *id.*, Security ¶¶ 2-3.

by the content of the Agreement that has provoked such widespread alarm and division within Unionism. The proposals contained in the Agreement are not remarkably new in content, but they now have the endorsement of those who were previously opposed to such mechanisms that will fundamentally undermine the status of Northern Ireland within the Union and impose a system of government so alien that it is far removed from any known concept of democracy and fairness.

The argument against the Agreement was based upon sound, rational thinking and is a positive opposition to something wholly negative with nothing to offer Unionism but its enforced destruction.

Unionists have for many generations become accustomed to this bad-spirited attitude of the Nationalist community. It was Lord Carson who identified similar problems with the attitude of Nationalists when he came to lead the Unionist community during the Home Rule crisis. He said of Nationalists in 1912: "Ulster sees in Irish Nationalism a dark conspiracy, buttressed upon crime and incitement to outrage maintained by ignorance and pandering to superstition."⁴⁷ It is correct to claim that the content of the Agreement owes much to a conspiracy hatched against Unionists by a great consistent movement of pan-Nationalism, which embraces within it gains made at the expense of law and order, while undermining the democratic process that feeds an unjustifiable hatred of all that is British in its expression of identity and claim of loyalty in Ulster within the Union.

The text of the Agreement is a masterpiece of ambiguity in parts, but on the vital issue only the most blindfolded of readers would suggest that the Union has been endorsed and strengthened. This part of the Agreement establishes a "binding obligation" on the signatories to work towards a sovereign thirty-two county Republic. No matter which way the Agreement is read, there is, on the question of balance alone, no similar binding obligation to reinforce or to strengthen the Union.

A. *Undermining the Union*

In the second section of the Agreement, called "Constitutional Issues," we get right to the bone of contention, that is, the

47. PAISLEY, JR., *supra* note 8, at 24 (quoting Lord Carson).

ideological question of whether Northern Ireland is to remain British or to become part of an all-Ireland Republic.

This section is supposed to be a replacement of and alternative to the Anglo-Irish Agreement. I suspect that the Irish Government could not believe their fortune that the Ulster Unionists, instead of rejecting the Anglo-Irish process, so fully embraced it and through this Agreement that embellished it.

There are certain fundamental issues that must be brought to the public's attention about this section. Other controversial and emotional matters, such as the early release of terrorist prisoners, have caught the immediate attention of the public and diverted the close and necessary study of these vital constitutional issues, allowing those in the "Yes" lobby to argue that the Constitution is safe. The constitutional position of Northern Ireland could not be in more grave danger than ever before!

Northern Ireland is, according to paragraph one of the Constitutional Issues section, without its British status. Even the Anglo-Irish Agreement mentioned the status of Northern Ireland. The government wordsmiths crafted an Agreement that uses deception to disguise this great omission. The participants are obliged to recognize "the legitimacy of whatever choice" is made by the people. However, previous legislation governing this matter is clear that the status of Northern Ireland is affirmed as a certainty, that is, it is British. The right to alter the status is a separate commitment provided for in law. Now, the two—status and change—are rolled into one, indicating that the status has and will continue to change. The Britishness of Northern Ireland is no longer a certainty.

According to the Agreement, the uncertainty of the status of Northern Ireland is the premium issue. Other regions are not treated in this disrespectful manner. For example, Scotland's place in the Union is referred to by the Government as a "Partnership for good." The British Government has decided to play on the fact that the status of Northern Ireland is alterable and Ulster's Britishness can be abandoned. The deal, however, goes much further. It insists that once a simple majority of the people want a change in the status of Northern Ireland, then that change can only be in one direction and for one option—that of a "sovereign United Ireland." The wish for Irish unity will immediately be accommodated, and there will be a "binding obliga-

tion on both governments to introduce and support in their respective Parliaments legislation to give effect to that wish."

In the meantime, there is no such obligation to give effect to the wish to remain British. There is no commitment to introduce legislation signifying the British status of Northern Ireland. The "No" lobby has been continuously disparaged for failing to introduce an alternative to the Agreement. The alternative is glaringly obvious: strengthen the Union by governing Northern Ireland as if it were part of the Union, not as if you wished to abandon it!

Such pro-British policy is actively discouraged by this Deal. It strictly prohibits the British government from using any influence to promote Britishness. The Agreement states: "It is for the people of the Island alone, by agreement between the two parts respectfully and without external impediments, to exercise their right of self determination." The external impediment paragraph prohibits any attempt by any future British Government actively to promote the policy of the Union. No such restrictions are placed on successive Irish Governments. In fact, the wording betrays the fact that the people of the whole Island will have that say!

The rest of this section continues with the promotion of this Irish Unity theme, explaining how a United Ireland must be given encouragement and the right never denied. In fact, each paragraph gives expression to this wish. It says that "a substantial section" of the people want a United Ireland, that the governments are under a "binding obligation" to deliver a united Ireland, and that until such a time the British government must show "rigorous impartiality" so that the "birthright" of the people of Northern Ireland is one of a dual identity.

A closing sentence in the section on the Constitution introduces an Annex containing the changes to legislation to effect these proposals. The Mitchell Draft text refers to "the Irish Constitution." For the most insignificant of reasons, the UUP objected to this terminology and secured new wording, which appears in the final text, namely, "the constitution of Ireland." This was not a defence of the Union as claimed; it was an object lesson in dithering and deserting the union.

The same Annex to this section outlines the required changes to British and Irish legislation. Here, the battle for the

ideology is fought and won. Section 75 of the Government of Ireland Act 1920 (or "1920 Act"), which states that the Parliament of the United Kingdom is sovereign over all matters in Northern Ireland, is ditched.

This 1920 Act effectively created Northern Ireland and defines the territory of the State. Yet it is part of the Agreement to repeal this Act in its entirety. David Trimble attempted to argue that this Act is irrelevant. However, when he stood for election in the 1996 Forum election, he and his Party had a policy that they would not re-negotiate the Union. In fact, his Party committed itself to the policy that the Union would not be on the table. Now, Trimble has tried to explain away this repeal as an irrelevancy, claiming that the 1800 Act of Union remains unchanged, yet he fails to explain that the repeal of the 1920 Act does not put us back in time to 1800, but brings into effect the wording of this Agreement, which, as explained above, is far from ambiguous about the new status of Northern Ireland. The legal trust deeds of Northern Ireland's place in the Union have been shamelessly surrendered.

The Leader of the Official Unionist Party, Mr. David Trimble, argues that this repeal is made up for in kind by the next part of the same Annex, mainly the proposed changes to Irish legislation. The legislation is explicit: "Any institution established by or under the Agreement may exercise the powers and functions conferred on it in respect of all or any part of the Island." It is clear that new legislation will give effect to the Republic's illegal claim to Northern Ireland. The deal provides the mechanism for all-Ireland rule. Yet again, the original Mitchell text indicates no changes of substance to these important matters.

David Trimble boasts that the illegal territorial claim of sovereignty over Northern Ireland has been "surrendered." Nothing could be further from the truth. Trimble agreed to the repeal of the 1920 Act; to cover his tracks he has had to misrepresent what he got in return, and his misrepresentations have been massive.

The new wording for Articles 2 and 3 substitutes the claim over territory for a new claim over "every person born in the Island." The fact that the claim is both over the people and the place where the people reside, namely the "Island," is not a re-

moval of the claim at all but a rewritten claim. On first reading one could suppose that the Irish Constitution is amended to remove the claim and to replace it with an aspiration. That is not so. The claim is amplified, not amended.

The Agreement damages the Union in the following ways. First, it ensures that Northern Ireland Unionists will in future be under-represented in the North-South Body. Unionists will always be accompanied by a Nationalist. Given the agreed cross-community rule, the veto remains with Sinn Féin/IRA and the SDLP.

Second, the Agreement provides that any Minister who attends the North-South body has the competence to take executive decisions effecting his department without reference back to the Assembly. Reference back only occurs if another department is affected and that Minister is not in attendance. The Assembly only becomes accountable only when a Minister not in attendance at the North-South Council is required to be present.

Third, it establishes all-Ireland implementation bodies charged with putting the policies into practice. These bodies implement on "an all-Ireland basis."

Fourth, the Agreement creates a new all-Ireland joint civil service drawn from the existing Northern Ireland Office, and the Irish office will be the support group to ensure the smooth implementation of any decision. The Official Unionist Party's claim that the Maryfield Secretariat has gone is simply not true.

Fifth, this agreement stipulates that the Assembly and the Irish Parliament will bring together an all-Ireland Parliamentary body. This is a continuation of the Inter-Parliamentary body established by the Anglo-Irish Agreement and for the past thirteen years boycotted by the Official Unionist Party but now accepted by that party.

Finally, it secures an interfering role for the Irish government in Northern Ireland's rural development, teacher training, tourism, higher education, fisheries, road and rail issues, physical planning, animal health, and European programs, as well as establishing an all-Ireland body to promote the Irish language.

All of these measures are against the electoral commitments given by the Official Unionist Party at the last three elections. The Ulster Unionist Council's Statement of Aims published in November 1995, states that in its relationship with the Irish Re-

public the party seeks a one that "preserves the political independence and territorial integrity" of Northern Ireland. Clearly, the Official Unionist Party failed to stand by this principle.

The Ulster Democratic Unionist Party obtained a copy of the Mitchell paper known as the "Draft Paper for Discussion." This was the basis upon which the Belfast Agreement was negotiated. It was produced as an aid to participants amid much public drama played out at Stormont Castle Buildings by Sen. George Mitchell, the Chairman of the multi-party talks, in the days immediately before the deal was agreed. Senator Mitchell, in a public statement before the deal, warned that the publication of the document would be regarded by him as "dangerous."

B. *Undemocratic Institutions*

The institutions proposed in the Agreement are its substance. Three new institutions are proposed: an Assembly, a North/South Council, and a British-Irish Council including a British-Irish Intergovernmental Conference.

The institutions are, in the Agreement's own words, "so closely inter-related that the success of each depends on that of the other." In other words, they are as one. The Irish legislation amplifies the functions as all-Ireland and the proposals spelling out how these all-Ireland bodies with "executive powers" are to function. At the time of the Referendum, the Leader of the Official Unionist Party wrote an open letter to electors containing the lie that the institutions would not have executive powers.

Unionists have long demonstrated their commitment to democratic means. They believe in the sovereignty of the ballot box and reject the bullet, which plays no part in their identity. They have proved this despite the most intense provocation. Democracy is a fundamental principle for Unionists. That principle has been secured by the might of the Unionist vote. It is the democratic wish of the majority of people in Northern Ireland to remain part of the Union. Only the most perverse mind would throw away that strength. Yet, the Agreement does exactly that. With the hands of Delilah, the Samson bonds of strength, that of a majority vote, have been rendered helpless by this deal that cuts off that vital cord and renders the majority vote in Northern Ireland useless.

Some commentators wrongly compare the political situa-

tion in Northern Ireland with the politics and conflict in South Africa, making all manner of vulgar and naive comparisons between certain political leaders here and there and claiming that a solution based upon the South African model ought to apply to Northern Ireland. The ironic thing is if these people actually thought about what they were saying, they would not make such irrelevant comparisons.

Republicans wrongly lay claim to being a suppressed people. Yet they have, by supporting this Agreement, committed themselves to a system of government that will guarantee the suppression of democratic rights in Northern Ireland. Republicans reject majority rule, falsely claiming that it is a contrived majority. Those Unionists who have wandered into the "Yes" lobby reject majority rule also. Their sole interest is in a system that can gain the support of John Hume and Gerry Adams. So much for the so-called Unionist veto! This Agreement actually establishes and enshrines a Nationalist veto.

Those same commentators suggest that the model of South Africa should apply to Northern Ireland. In the weeks immediately after the deal, both Unionists and Republicans accompanied senior ANC figures around the Province. However, anyone who has taken the time to study the political infrastructure of the new South Africa will discover that majority rule is a fundamental principle there. In fact, Nelson Mandela paid this tribute to the principle of majority rule in his autobiography. He wrote: "Majority rule and internal peace are like the two sides of a single coin and white South Africa simply has to accept that there will never be peace and stability in this country until the principle is fully applied."

The principle is one of the few common denominators that should be transposed from that country to this one. Republicans in Northern Ireland must recognize the legitimacy of majority rule. Unionists accept that until that is so there is little prospect of internal peace. The deal is the abandonment of the principle and as a result makes democracy and, importantly, real peace less obtainable than ever before.

1. The Assembly

The Agreement establishes a 108-member Assembly for Northern Ireland with both legislative and administrative pow-

ers. It will effectively take on the work and responsibilities currently exercised by the six Northern Ireland Office departments. The Assembly is a unique cross-community model. Under the heading "Safeguards," IRA/Sinn Féin delegates are guaranteed a place in the decision-making part of the Assembly. No party can be excluded by the model. In fact, the allocation of Committee Chairmanships, Ministerial office, and Committee membership is not the patronage of one party over the other, but is established as of right to all parties before any vote is cast in any election. Further, no party can be excluded from executive power unless there is cross-community vote in the Assembly to deprive a party of its place. There is no prospect of the SDLP or Sinn Féin voting to exclude each other from executive power.

The naive may muse that this is a wonderful model of cross-community harmony. In reality, they could not be further from the truth. The Assembly actively precludes any concept of normal political participation. It is designed to placate IRA/Sinn Féin and bears little prospect of delivering a sensible approach to how we should be governed.

Outspoken UUP Member of Parliament William Ross has stated publicly and written several newspaper articles declaring his opposition to the model and stating that those who agree with the proposal have not thought of what he calls the "downstream" problems. He is correct to point out these immediate difficulties. The Assembly actively prevents normal democratic politics from taking place.

Normally, one would expect a party aspiring to government to propose a manifesto to the electorate and, if they achieve a mandate, to implement those policies. Under this deal, a majority party cannot carry out one single manifesto commitment because no single party will have the authority to change legislation in such a straightforward manner. Voting for a manifesto commitment will become an irrelevancy. Instead of normalizing politics, the Agreement is designed to secure the opposite—the permanent destruction of accountability.

The Assembly will not be in the control of the party with the majority of votes, but will be in the control of the Nationalist community. Effectively, David Trimble has agreed to an Assembly that will permit nothing to pass into legislation without the approval of Gerry Adams! This rigged formula was the only way

the SDLP and IRA/Sinn Féin were going to accept an assembly model. Nationalists are satisfied because they have a veto in the Assembly. The contrast with their previous false allegation of a "Unionist veto," which was in reality parliamentary democracy, is therefore the height of hypocrisy.

2. The Mechanism of "Parallel Consent"

The Agreement establishes a mechanism known as "parallel consent." This mechanism provides for decisions to be reached on a cross-community basis. That means that any motion that is passed must secure the majority of Unionist and the majority of Nationalist votes. Proposed legislation can be prevented from passage simply by the Nationalists' withholding support. This mechanism institutionalizes forever the sectarian divisions in Northern Ireland. This is a recipe for political stalemate, not a solution!

All important matters including the budget will be dealt with in this manner. But this is not the only chain restraining democracy. Nationalists have a second option: they can prevent any measure from passage by issuing a "petition of concern," which requires only thirty signatories.

The downstream consequences are mammoth. The Assembly may have a majority of Unionists elected to it, but their votes are rendered largely meaningless because of the mechanisms that permit Nationalist members to veto progress. The Committees and Ministers that will replace the current NIO Ministers as Heads of Departments, will be allocated on proportion to those parties elected to the Assembly. IRA/Sinn Féin will receive between ten percent and fifteen percent of all committee places and Ministerial position. In effect, Minister Gerry Adams, Minister Martin McGuinness, or Minister Mitchell McLoughlin will be directing operations in government departments in Northern Ireland.

If, for example, they are in charge of the Department of Education, they will decide to which schools tax-payers money will be allocated. Under the current mechanism, the Government has just announced its intention to spend £30 million on schools in Ulster. Over £26 million went to the Roman Catholic-maintained sector in order to placate Nationalist demands. How much more will a government structure tailor-made to appease

Republicanism be unbalanced in its allocation of resources across Northern Ireland? This is just one minor downstream example of how this Assembly will create problems, not resolve them!

This Agreement will hamper democracy in that not one single decision affecting the people of Northern Ireland will be taken without the express approval of Hume and Adams. It is a recipe for administrative disaster. Only the strongest possible Unionist team could have any prospect of denting the Nationalist monolith in such an Assembly. The Nationalist veto will demand that only moderate or pliable unionists will have Ministerial function because only the most conciliating Unionists will have Nationalist approval. Yet, Unionists boast that this very Assembly is good for the Union. David Trimble claims it is the "best deal possible" and will strengthen the Union. There is nothing in this Assembly that can strengthen the Union. Even Unionists like Ken Maginnis agree that Mr. Trimble's proposals are "the worst example of snouts in the trough costing the taxpayer over £90 million for four unnecessary Departments of Government."

If this deal is bad, it is even more insulting when one considers its blueprint, the Mitchell draft. In the words of John Taylor: "I wouldn't touch it with a forty-foot barge poll." Yet the Mitchell draft shows that the Official Unionist Party did not achieve any significant alterations. We have only their word for it that the proposals were unacceptable in their original format because in the final version they remain identical.

It is this part of the author's copy of the Mitchell draft that becomes interesting. The key negotiator whose copy the author has obtained has his objections pencilled in on the margins. On over twenty separate occasions he has written at key paragraphs: "We lost out here," or "UUP loss." This anecdote gives an insight into the mind of the UUP throughout the seventy-two hour negotiating process. On every key issue the UUP lost the battle and conceded to Republicanism.

They were warned from day one that this would be the case. They were told that the outcome was predetermined and that their presence was a veneer. They protested that they would not leave, but if the proposals were unacceptable, they would not agree to the outcome. As it transpired, the proposals are not

acceptable, are described as a "UUP loss," yet now they are accepted. Effectively, the UUP team has caught out the opposition by surrendering!

According to the author's copy of the Mitchell draft, the UUP lost out on the number of seats for each of the eighteen constituencies, on the issues that the parallel consensus mechanism should be applied, on the party from which the Chair of the Assembly should come, on the sharing out of committee posts, on where executive authority ought to be vested, on the content of the pledge of office, and on the status of the Executive Committee. This text is a charter of UUP failure and not a UUP success story.

The public should think about the sort of Assembly that is about to emerge from these proposals. The First Minister and Deputy First Minister are appointed together as political Siamese twins. Then up to ten Ministers will be appointed. However, the First Minister and Deputy First Minister cannot be appointed without the approval of the majority of Nationalists endorsing the choice. In theory, if the largest Unionist Party in the country elected to the Assembly is not to the liking of the Nationalist members, it has no prospect of providing a First Minister. Only the most pliable of Unionists will be accepted for office.

Every Minister has to affirm a Pledge of Office. This is an oath to work and to "participate with colleagues," including Sinn Féin/IRA. This part of the negotiations was the competency of Reg Empey. He agreed to the notion of having IRA "colleagues" in government and pledging collective loyalty with them and to them. It is clear that John Taylor's forty-foot barge poll very quickly became a mere toothpick of resistance!

The powers of the SDLP and IRA/Sinn Féin Ministers are extended to include all-Ireland executive authority. These members will have the authority to represent the Assembly at "summit level" in other institutions. Those who argue that the Assembly will corral IRA/Sinn Féin are gravely mistaken. This is a point recognized by the Unionist negotiator who wrote on the Mitchell draft below the draft paragraph 30 that "it has been extended in paragraph 35 of the final paper in an attempt to exclude S.F. and it won't [sic] do so!" Here is the confession in the handwriting of the negotiator that the subsequent claims that Sinn Féin will be excluded from executive authority is not so.

Since the publication of the final agreement, David Trimble has been at pains to claim that he has assurances from the Prime Minister that those parties that hold on to the means of violence will be excluded from executive authority. In the UUP publication *Ulster Unionists [sic] Say Yes*, David Trimble claims: "No unreformed terrorists in government. The Agreement provides that any parties which have not begun decommissioning will be excluded and removed from Ministerial Executive of the Assembly when it comes into full operation."⁴⁸ This is completely untrue. If it was the case, why did Gerry Adams congratulate David Trimble when he got the Agreement through the Ulster Unionist Council, with the words "Well done, David!"? IRA/Sinn Féin have negotiated an Agreement that includes them in government as of right and Trimble knows this to be so. The IRA has pronounced that there will be no decommissioning of IRA weapons. The Agreement does not enforce the surrender of weapons; it is simply an option.

3. The Institutionalization of Dublin Interference

The Official Unionist Party has claimed that the Assembly will have primacy and that the North-South bodies will be minor powerless organizations. This too is untrue. According to the Agreement, the Assembly is without legislative or administrative power until it pushes the start button for the all-Ireland North-South bodies to commence work. The UUP is saying "yes" to Gerry Adams in government over Northern Ireland, to a Nationalist veto over the Assembly, and to powerful all Ireland government structure.

The Agreement proposes a North/South Ministerial Council. This will be a powerful all-Ireland executive described by Peter Robinson MP as all-Ireland parliament in "embryo form." The all-Ireland body is compulsory and is not, as David Trimble claims, a "consultation only" body. The fact that those Unionists who are for the deal must lie about what they have signed up to is an indication that they know they have done the wrong thing by accepting it.

The UUP claims the deal is the "death of the Framework Document" and that the "Maryfield Secretariat will go." None of these claims are true. The North-South body will have full exec-

48. *Id.* at 30 (quoting David Trimble).

utive powers and functions. The powers envisaged are, in fact, far greater than those proposed in the Framework Documents. In the Framework Documents, the powers were described as "consultation, harmonisation and executive." In the Agreement they are described as those of "consultative, co-operation and action." The Irish Government voted to amend its constitution to include the power of "executive authority" over the Island as a result of the Agreement. This is one change to the Irish Constitution that the "Yes" Unionists did not comment upon, and when the truth is told, the so-called "change" did nothing more than substitute a claim of nationality for a claim of territory and jurisdiction. The jurisdiction, far from being quashed, is actually implemented and strengthened through this Agreement.

The UUP claims that the Agreement is "no Sunningdale." Their basis for the claim is not the legislation, but an interpretation given to the document by a Sunday newspaper columnist. If this is what the UUP are placing their faith upon, then God help Ulster! The proposals are more powerful than Sunningdale, more full-blooded than the Framework Document, and far worse than the Anglo-Irish Agreement. It is the intention that this all-Ireland body will develop into all-Ireland government.

Once again, a comparison between the final version of the deal and the Mitchell draft shows that very few amendments were made. The author's copy, with the unnamed negotiator's handwriting upon it, identifies a number of areas where the UUP team lost out. This part of the negotiations was the responsibility of John Taylor MP.

4. The British-Irish Council

Hailed as a major success story by the UUP, the British-Irish Council is nothing more than a revamped Anglo-Irish Council. What was previously overwhelmingly rejected by Unionists in 1985 is now falsely portrayed and rejoiced in as a Unionist victory. The British-Irish Council is at best, for Unionism, a lunch-
eon club, but at worst it is a council where the two Governments will continue to interfere in the affairs of Northern Ireland over the heads of the people of the Province. The British-Irish Interparliamentary Body is enhanced, and the British and Irish civil service staff, previously at Maryfield, will continue to carry out the functions of this body.

This show window is nothing more than a disguise for the real purpose of this body. In this section of the deal, the British-Irish Intergovernmental Conference, which was the most controversial aspect of the Anglo-Irish Agreement, continues to operate with enhanced powers. Garret FitzGerald, who signed the Hillsborough Agreement, claimed that the intended purpose of that conference was to be in full glare of the public to demonstrate that Dublin was playing a meaningful role. However, the massive public disapproval of the Conference forced it to operate out of Maryfield in what Fitzgerald described as "monastic seclusion."

By contrast, the Good Friday deal moves the Maryfield Secretariat to the heart of administration in Stormont, with the approval of John Taylor. Effectively, Stormont Castle and Parliament Buildings will be jointly managed by Dublin and Belfast civil servants. The powers of this Secretariat will be more full-blooded than anything to which the previous Conference had access. According to the Agreement, the Secretariat will deal with "non-devolved" matters. Westminster is sidelined for a Council, which the Assembly cannot control either, because the issues under its competence are non-devolved matters clearly outside the remit of the Assembly.

The Mitchell draft shows that a key safeguard that gave the "Northern Ireland administration advance notice" of conference activities was removed.

Various new quangos are proposed throughout this section, including a Northern Ireland Civic Forum drawn presumably from all those parties and community groups that cannot get elected by democratic means, a North-South Forum, a Human Rights Commission, and an Equality Commission. All these commissions are wholly unrepresentative, removing democratic accountability from elected representatives and providing a platform for unelectable spokesmen, and were described by the UUP negotiator on the Mitchell Draft as "very bad and very widely drafted and dangerous."

IV. *THE CONTROVERSY OF THE DEAL*

Over the whole scene hangs the dark cloud of IRA/Sinn Féin—as strong, as armed, as unreconciled to peace as in the past and, perhaps, freer than ever. No, these are not good days

for the Union.⁴⁹

David Trimble has had the audacity to describe the deal in glowing terms, declaring it is “as good as it gets.” Constitutionally, it is the mechanism to take Northern Ireland out of the Union. Politically, it is a vindication for the provisional IRA, and controversially, it is a reward to terrorists.

Three weeks after the deal was made, at a secluded and undisclosed location in Co. Antrim, members of the UFF and UDA met with the press. There, in scenes reminiscent of some third world terrorist regime, the UFF and UDA issued a statement of endorsement of the Good Friday deal. Their statement claimed that they could endorse the Agreement and they consequently recommended a “Yes” vote in the referendum held on May 22. Ironically, they appealed to IRA/Sinn Féin to side with them and back the deal.

The television pictures portrayed hooded gangsters and killers, sitting at a table with copies of the Agreement strewn across it. Beside the Agreement lay two pistols, taking on the duty of paper weights for the occasion. If ever the phrase “A picture tells a thousand words” was proved to be true, it was here!

Loyalist terrorists have not for the first time mimicked the actions of Republicans. At the IRA/Sinn Féin conference in the week following publication of the Agreement, Gerry Adams spelled out that the IRA accepted the deal. He went on publicly to congratulate David Trimble for gaining the endorsement of the Party’s ruling council with the words: “Well done, David.”

It became clear that those in the “Yes” campaign had the support of the terrorists, and the Agreement spelled out exactly why these armed gangs’ support for the deal was forthcoming. *The Agreement is a vindication of the abhorrent principle that violence pays.* It validated the position of those who engaged in terrorism over the past thirty years and is a victory for the IRA. The fact is: this deal is a victory for terrorism. The strategy of the IRA and the long-term goal of the IRA remain, while Northern Ireland remains on the trajectory of the political course dictated by the IRA. Their strategy has not been undermined.

Some time ago the IRA outlined that its campaign was about the “tactical use of the armed struggle,” that it would use

49. *Id.* at 29 (quoted from *Daily Telegraph*).

politics to pursue its goals and at the same time engage in terrorism to pursue its goals. The IRA has become, over the past thirty years, not only the most advanced terrorist organization the world has ever known, but also the most flexible. Like a chameleon, the IRA can change from active terror to peace movement and back to terrorism. Their view of the deal is not that of a final chapter in a long saga, but just another phase in the struggle. Gerry Adams, speaking a few days after the deal was made at an IRA rally in Belfast, said: "This struggle continues and will continue until the British army are out of our country, until partition is ended. We want freedom, demilitarisation, the equality agenda, the release of all the political prisoners."⁵⁰

During the negotiations, David Trimble declared that such demands by Adams were nothing more than a "Republican wish list," that he wanted to move on with the SDLP and to negotiate on real issues. However, the deal that David Trimble now fully endorses grants the demands on the IRA's "wish list." This part of the Agreement has come to represent the most pernicious aspect of the deal.

A. *Decommissioning*

When the talks process commenced, IRA/Sinn Féin were excluded because they were not observing a ceasefire and because the Government had made it clear that decommissioning of terrorist weapons was a necessity. It would take a separate publication to outline the much feted history of decommissioning; suffice it to say that the Governments abandoned previous statements, fluctuating from complete decommissioning of all terrorist weapons, to some decommissioning, to no decommissioning. This agreement is good for all terrorists because it wipes out any need for the handing over of illegal terrorist weapons.

The Agreement is at variance with previously given commitments made by Unionists and Nationalists alike. At the start of the process, a line of Nationalist leaders declared that the process was about "getting the gun out of Irish politics"—that the IRA could not put aside their weapons for an experimental period and then go back to them.

50. *Id.* at 33 (quoting Gerry Adams).

David Trimble declared that he would “stop the talks if decommissioning does not start right away.” On September 2, 1997, David Trimble and Ian Paisley issued a joint communiqué stating: “Our two parties are also agreed that the issue of decommissioning, the handing over of illegal terrorist weaponry, must be resolved to their satisfaction before there could be substantive political negotiations.”⁵¹ The DUP held to this pledge. It is with regret that the UUP abandoned it within days.

This Good Friday deal actively *prevents* the decommissioning of terrorist weapons. In fact, there is not the remote possibility of the IRA’s handing over its weapons. Time and time again the IRA leadership has emphatically made this position clear. Three weeks after the deal the IRA reaffirmed its position that it will not decommission, and it has reiterated this position several times since then. The irony is that the only weapons to have been decommissioned were in the possession of a paramilitary group opposed to the deal!

Only David Trimble believes there will be decommissioning as a result of the deal. Yet in the UUP publication *Ulster Unionists Say Yes*, there is no mention whatsoever of the decommissioning issue. One would have thought that if the UUP believed that this issue was secured, the Party would promote the gain. One glib reference is made to active terrorism when it claims that the “agreement provides that any parties which have not begun decommissioning will be excluded and removed from Ministerial Executive of the Assembly” is, according to one negotiator, a blatant lie. There is no such provision.

David Trimble has been dashing from television studio to television studio like a reincarnation of Austin Chamberlain waving a piece of paper from the Prime Minister, claiming it represents a Government commitment to enact legislation to bring about this result. Yet the commitment is meaningless. The Agreement to which Trimble is committed has no such provision for the unilateral amendment by way of a letter from Tony Blair, just as it has no commitment to decommissioning.

The skimpy section on weapons, running to less than 200 words, merely seeks from participants an intention to work on the issue, to bring the matter to the attention of paramilitary

51. *Id.* at 33 (quoting joint statement issued by David Trimble and Ian Paisley).

groups, and to use their "influence" to convince those terrorists that decommissioning should happen.

The Deal states that decommissioning is conditional upon "the implementation of the overall settlement." That means that the IRA must be continuously appeased to their satisfaction. Given that terrorists have achieved so much with their weapons and with the threat of them, there is no prospect of their decommissioning to anyone.

The SDLP Leader John Hume endorses the IRA's stance on decommissioning. In an interview on BBC Radio 4 on April 13, 1998, he stated that the IRA would be reluctant to comply, and on the question of handing over guns, he said: "You are into a psychological matter in Northern Ireland terms of being seen to surrender to one side."⁵² The fact is, decommissioning is the only physical evidence that the terrorists are serious about peace. Their reluctance to decommission one bullet since 1994 is evidence of their reluctance to commit themselves to peace and is a warning to the rest of us not to trust them. Since 1999 they have retracted their "no decommissioning" stance.

Those who have foolishly conditioned their support for the Agreement on the basis that if decommissioning does not take place, they will withdraw their support, will find that they are too late. There are no U-turns permitted under the referendum. There is no concession by terrorists to the democratic process. There are only concessions by democracy to terrorism!

B. *"Demilitarisation"*

On the further issue of what IRA/Sinn Féin calls the "demilitarisation" agenda, there are significant gains for the IRA. The Deal commits the British government to the "reduction of the numbers of the Armed Forces" and the "removal of security installations," i.e., "Brits out!" The British military machine has begun to run down its armed forces in Northern Ireland over the next three years as part of this peace Deal.

David Trimble has mistaken fair words for concrete actions. The only things that will actually be done are all things detrimental to the British position. Under what should effectively be called 'Security for Terrorists,' Army surveillance installations

52. *Id.* at 34 (quoting John Hume).

have been dismantled, Army numbers reduced, and emergency powers removed.

The entire tenor of the Agreement is change in one direction only. It is clear that significant changes are envisaged for the Royal Ulster Constabulary as well. The loosely-worded aspirations about new beginnings and a fresh start sit against direct and concrete commitments on the issue of policing. For instance, there is a commitment to an “unarmed” police, to a service that will attract the allegiance and membership of those from the terrorist section of the community. In order to achieve the aims and objectives for the RUC, the deal establishes an Independent Commission to make recommendations about the future policing arrangements. This Commission, chaired by former Governor of Hong Kong Chris Patten, is international in make-up and obliged to report its recommendations by the summer of 1999.

The terms of reference for this Commission include bringing forward proposals that will significantly reform the RUC and bring it to a “transition to policing a peaceful society.” The transition is spelled out as including changes to recruitment, composition, training, cultural ethos, and symbols. Importantly, the police force is to be restructured so that the “police service”—not the RUC, which is mentioned only once in the entire document in the past tense—is delivered in “inclusive partnerships with the community at all levels with the maximum delegation.”

This is the restructuring of the RUC into a two-tier service. It is exactly what the SDLP called for and it appeases the terrorists. Alex Attwood, a minor functionary within the SDLP, told the press that the Agreement would deliver a “police service unrecognisable from the RUC.”⁵³ Effectively, the RUC will become a community service that incorporates ex-terrorists and others in the dispensing of justice within their communities. David Trimble said before he signed the Agreement that it put “terrorists into police Uniforms.” Given that there is no significant change to the final format of the Agreement from the Mitchell Draft Agreement, he has signed up to that very concept.

Sir Ronnie Flannigan, the Chief Constable of the RUC, has rejected the Independent Commission and dismissed the two-tier policing structure outlined in the deal. However, there is

53. *Id.* at 35 (quoting Alex Attwood).

nothing he can do to halt the changes. In a public statement about the Commission, he said: "It is not something I would welcome as I don't see it as designed as having a primary objective of improving the policing service. It is designed for a political purpose" ⁵⁴

He criticized the two-tier police concept, claiming it would run the risk of helping the IRA and loyalist groups to supplant the RUC. His outspoken remarks will fail to save the RUC. It is clear that he was speaking an oration at the funeral service of the RUC and he is effectively the last Chief Constable of the RUC as we know it.

A total of 299 RUC officers have been murdered during the troubles. The IRA has killed 277, the INLA and IPLO 12, and loyalist terrorists seven. Three were murdered by unknown groups. Eight-thousand, three-hundred twenty-six have been injured during the course of their duties by terrorist attacks. Terrorist groups have bombed, shot, and beaten RUC men to death, sometimes killing other relatives and civilians in the process. The RUC is a force of dedicated and gallant servicemen and women. It has protected the entire community with impartiality and professionalism. It is an irreplaceable force and has been the bulwark between chaos and order.

The Republican movement has consistently targeted it, not because of its make-up or name but because of its loyalty. The Blair Government has forgotten the price of that loyalty because the cost of this deal, for this and future governments, will be massive. No reform of the RUC will appease terrorism; its very existence is the primary objection. The Good Friday deal is a bad deal for the police and a devastation of a police service to the advantage of the IRA.

The Agreement contains no condemnation of terrorism. It fails to mention that the terrorist threat remains unchanged. The Chief Constable has identified the IRA as the main obstacle to peace in Northern Ireland, yet the deal moves full speed ahead with radical proposals that will undermine law and order in the Province. According to the Chief Constable, "the IRA continues to be intact, to have access to the means of engaging in terrorist activities and therefore they continue to pose a

54. *Id.* at 34 (quoting Sir Ronnie Flannigan).

threat.”⁵⁵ Yet the deal that David Trimble has signed up to identifies the RUC as the organization that will change fundamentally, not the terrorists.

The Republican wish list, including demilitarisation (clumsy code language for “Brits out” and no decommissioning), has been conceded. The equality agenda, meaning reverse discrimination, the imposition of the Irish culture and language, and the simultaneous removal of the symbols of British identity have been granted.

C. *The Release of Terrorist Prisoners*

The continual and ever accelerating release of IRA prisoners has already resulted from the terms of the Agreement. Over the past two years, scores of prisoners have been set free on the pretence of a peace process. Previous promises that any breach in the cease-fire would mean the released prisoners would be rounded up have been untrue.

The IRA’s cease-fire has been breached on numerous occasions with no impact on the prisoners issue. The Agreement allows for the release of prisoners so that by the year 2000 the jails of Northern Ireland will be empty. Little wonder Adams told a Republican Rally in North Belfast: “We are sticking with this.”

On August 15, in Omagh, Irish Republican terrorists perpetrated the bloodiest, vilest, and most cowardly massacre of innocent men, women and children in the last thirty years of Northern Ireland’s history. In their relentless campaign of terror aimed at foisting their ideals on the Unionist majority, they slaughtered with one foul stroke almost thirty human beings, including unborn babies in their mother’s womb, and maimed over three hundred. Their dastardly tactic was to lure their victims into the very center of the bomb blast by deliberately giving a false warning about its location.

This mindless atrocity carried out by Irish Nationalist fanatics is the fruit of three decades of appeasement of their Republican agenda. The endless string of capitulation to the bomb and the bullet; the progressive betrayal of democracy in Northern Ireland since the Anglo-Irish Agreement; the campaign of misinformation and deceit by the NIO and the media; the duplicity

55. *Id.* at 36 (quoting Chief Constable of Royal Ulster Constabulary, Sir Ronald Flanagan).

and impotence of the Official Unionist Party; the final ignominy of the Government's defection to the enemy's camp at Drumcree symbolizing the shameless abandonment of the civil and political liberties of British fellow-citizens—all these factors have been the inevitable outcome of the inept policies pursued by successive British Governments. What they have sown they have now begun to reap, and it is the people of Northern Ireland who are reaping the whirlwind.

Having ignored all past warnings—together with all the vindication—that the “peace process” was a tactic and a fake, Mr. Blair's Government now incredibly continues its obstinate pursuit of the selfsame agenda, attempting to extricate itself from its own mess by continuing to believe the lie that a “peace” process exists. The “peace process” is the violence and the violence is the peace process. The concessions that hold it in place have bred the violence, and the violence will continue to thrive on the concessions simply because no compromise can ever satisfy Republican ideals. Violence is not assuaged by concessions to a false peace process; it is generated and cultivated by them. This Government must therefore be exposed as bearing ultimate responsibility for the violence, death, and suffering perpetrated in Omagh.

Sir Winston Churchill said: “*An appeaser is one who feeds a crocodile, hoping it will eat him last.*”⁵⁶ The American newscaster Edward R. Murrow said: “*No one can terrorise a whole nation, unless we are all his accomplices.*”⁵⁷ Like all those who consort with and shake the blood-stained hands of terrorists, this Government and its Ministers are accomplices who have the blood of the Ulster people on their hands.

Unrepentant and unreformed terrorist murderers are already being released. If the Omagh bombing could take place even before the prison floodgate has been opened, what can the people of Northern Ireland expect when all the murderers and wreckers are finally released onto our streets to return to their intact stockpiles of weaponry and deploy them when events do not move in the direction that they desire?

The fact is that if decommissioning had not been shelved and IRA/Sinn Féin had been forced to surrender its weapons

56. *READER'S DIGEST* (Dec. 1954) (quoting Sir Winston Churchill).

57. *See It Now* (CBS television broadcast, Mar. 7, 1954).

and explosives, the Omagh atrocity could not have occurred. By the same token, if the precipitation of concessions by the Government had not included the dismantling of security, the butchery and grief at Omagh would have been avoided.

The gains for the IRA are tangible. Their supporters must be laughing at the inept behavior of those Unionists and so-called loyalists who have “engaged” with them in a project of encouraging the political suicide of the Unionist people.

D. Discrimination Against Protestants

The equality agenda is a euphemism for Republican supremacy. The deal outlines exactly how that supremacy is to be achieved. Far from being a charter of tolerance, this is a charter to reward terrorists. Look at the provisions made to encourage the Republican community. Provisions have been designed to produce reverse discrimination against the Protestant community on a massive scale.

Unfair preference is to be given to the Irish language—a language hijacked by the provisional IRA and spoken only by a minority of the minority community. The deal signs the British Government up to a commitment to “take resolute action to promote the language” and to “facilitate and encourage the use of the language in speech and writing in public and private life.” So much for freedom of conscience. Legislation will be brought in to encourage developments in “private life.”

For years the Irish language has been a tool at the cutting edge of discrimination against Protestants in the Republic of Ireland. A language of no merit, it is a weapon of cultural abuse with no outside use or quality; yet special place is to be afforded to this language. In the Republic, the Irish government used the language as a mark of identity to keep Protestants out of public sector employment. Today, that same tactic is now to be introduced into Northern Ireland, which will effectively lead to signs going up all around the country. “Irish Language only—Protestants need not apply!”

Massive education funding is to be allocated to the spread of this cultural weapon. This will lead to a reduction in educational provision for the majority community in favor of sectarian Roman Catholic schools. Yet again, sectarianism is encouraged by this deal, not eradicated.

New Labour's new discrimination is set to permeate all aspects of life. "Rapid progress" towards a regional development strategy that "tackles the problems of a divided society" is another nod-nod, wink-wink indication that the Republican community will get economic advantages as a result of this Agreement. In fact, Brendan McKenna, the leader of the illegal protest on the Garvaghy Road in Portadown, has been offered £15 million by the British Government in a deal for his community to accept peace.

This new deal is to be open to all including former terrorists. It pledges that it will review "the national security aspects" of legislation to permit "more focussed targeting social need" programs that will "eliminate the differential in unemployment rates between the two communities."

This jobs-for-the-boys program will put Protestants out of work in the name of peace. It will ensure that former terrorists and specially released prisoners have more rights than the rest of the community.

V. *TERRORISM VINDICATED*

The talks process that led to the Agreement has rightly been described as a vindication of terrorism. No other single issue justifies this position as the proposals on prisoners as contained in the Agreement. For the past thirty years, successive British Governments have argued the case that there are no political prisoners in Northern Ireland, that the troubles were not a war but a domestic terrorist problem, and that prisoners would have to serve sentences commensurate with the crimes that they committed. This Agreement abandons those previously held principles.

The Agreement recognizes the part that prisoners have played both in the so-called peace process and in the Agreement and commits the government to put in place mechanisms for an "accelerated program for the release of prisoners." This deal disregards the justice system and any notion of due process and the rule of law. In setting an intended target for the release of all prisoners, the Agreement effectively grants them an amnesty.

This Agreement is a reprehensible deal. It is an insult to the victims of terrorism and is a two-fingered salute to the democratic community of Northern Ireland. Little wonder the IRA

rejoiced in the deal and the UFF called on their one-time enemies to embrace it. It allows for the throwing open of our jails, for the replenishing of the ranks of the terrorist organizations, and for the strengthening of the IRA. The *Daily Telegraph* rightly commented: "Over the whole scene hangs the dark cloud of Sinn Féin/IRA - as strong, as armed, as unreconciled to peace as in the past and, perhaps, freer than ever. No, these are not good days for the Union."⁵⁸

58. PAISLEY, JR., *supra* note 8, at 44 (quoted in *Daily Telegraph*).