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'Britain's Irish Question: Britain's European Question?' British-Irish relations in the context of European Union and The Belfast Agreement

ELIZABETH MEEHAN*

Abstract. If students of world politics can be reasonably accused of ignoring the Troubles in Northern Ireland—in part because they seemed to have little to do with the larger East-West confrontation and partly because they were so obviously about something distinctly national in character—then by the same token specialists on Northern Ireland can justly be accused of a certain intellectual parochialism and of failing to situate the long war within a broader global perspective. The quite unexpected outbreak of peace however only emphasizes the need for a wider understanding of the rise and fall of the Northern Irish conflict. This article explores the relationship between the partial resolution of the Irish Question—as expressed in the Good Friday Agreement of 1998—and the changing character of the European landscape. Its central thesis is that while there were many reasons for the outbreak of peace in the 1990s, including war weariness, it is difficult to understand what happened without situating it in a larger European framework and the new definition of sovereignty to which the EU has given birth.

I should like to begin by thanking those who invited me to give the 1998 E. H. Carr Memorial Lecture. My enjoyment of the honour however, must be tempered by a confession of diffidence. This takes two forms.

First, it is awesome to be the commemorator of a giant. Distinguished diplomat, noted biographer, journalist, historian of the former Soviet Union, theorist of history and author of the now classic *The Twenty Years' Crisis,* Edward Hallett Carr was not only a man of distinction in the world of scholarship, but Woodrow Wilson Professor in the Department of International Politics at Aberystwyth in those momentous years between 1936 and 1947. It was not until I worked in the Foreign and Commonwealth Office in the 1960s and became a student in the 1970s that I became fully aware of his stature. My modesty is reinforced by the illustriousness of my predecessors as his Memorial Lecturer.

The second reason for diffidence lies in my subject—because it may invoke the same scepticism sometimes encountered by those who have tried to draw our attention to the international context of the Northern Irish conflict and the capacities of the Irish and British governments to tackle it.[1] Indeed, there has always been

* This is a slightly modified version of the thirteenth E.H.Carr lecture given in the Department of International Politics, University of Wales, Aberystwyth in 1998. For an update of the author's views see her 'Europe and the "Europeanization" of the Irish Question: 1972–1998', in Michael Cox, Adrian Guelke and Fiona Stephen (eds.) *A Farewell to Arms? From War to Peace in Northern Ireland.* Manchester: Manchester University Press, 2000.

[1] Michael Cox, 'Bringing in the "International": the IRA Ceasefire and the end of the Cold War', *International Affairs*, 73:4 (1997), pp. 671–93, and his 'Cinderella at the Ball: Explaining the End of the War in Northern Ireland', *Millennium*, 27:2 (1998), pp. 325–42.

a tendency on the island of Ireland to think that the Irish Question is both unique and fully explicable by factors internal to 'the British Isles'. For example: by British settler-colonialism, and its consequences, combined with strategic imperial interests; or by the rivalry of competing nationalisms in a contest over territory. This view was recently corroborated for me by Professor Lord Trevor Smith who, when asked if his experience as Vice-Chancellor of Ulster University had deepened his understanding of the politics of the island, said that it had had quite the opposite effect. 'Many people are quick to make it plain', as he put it, 'that you cannot be an "expert" unless you know who was standing next to whom, under which lamp-post, on particular days in particular years, over a long period of time!'.

My subject may be thought to show that my sojourn in what is sometimes wryly called 'our great wee province' has infected me, too, with that introspectiveness which raises the Irish Question to the level of a consuming preoccupation. The new direction of my work—from citizenship and the European Union [EU] to Ireland in a European context—does owe something to special features of the island of Ireland. These lead so many of my colleagues to discover hitherto undreamed of connections between their work elsewhere—perhaps on Latin America,the Middle East, the political theory of Rawls, Bloch and even Lyotard—and, yes, Northern Ireland!

Partly, this happens because of the pervasiveness of politics in Northern Ireland and, in contrast to a provincial university in England, the welcome links between academics and policymakers. There is also the discovery (which, as a Scot, I really knew already, as I guess the Welsh do) that, while the non-English parts of the UK are peripheral to the English-British view of the world, they attract considerable attention in the international community of scholars and policy-makers. However, those who have tried to 'internationalize' the study of the Northern Irish conflict—to view the local from a global perspective—also provide me with some confidence that I am right to draw attention to the significance of membership of the EU by Ireland and the UK and the way in which the EU has provided a pretext for a new language of legitimacy. And I am especially grateful to those who have insisted that we can, indeed must, use our non-Irish expertise to say something, at worst sensible at best significant, about the external influences on changes in Ireland, Britain and Northern Ireland, now apparent in The Belfast Agreement of Good Friday 1998.

Introduction

My research project in which I shall develop the themes of this lecture arises, not only from the relative absence of an international dimension in the Irish literature, but also from contradictions in such references that there are. It also arises from another silence in another, non-Irish body of work.

With respect to the second silence, Willie Paterson[2] points out that most general accounts of British membership of the EU neglect the multinational character of the UK and hence overlook the existence of different economic and political

[2] William Paterson, 'Britain and the EU Revisited: Some Unanswered Questions', *Scottish Affairs*, 9 (Autumn 1994), pp. 1–12.

experiences and expectations of membership in different regions of the country. As in the case of Scotland, the Northern Irish dimension of British membership has been left, by and large, to those who live there, notably Paul Hainsworth who pioneered enquiry into both Northern Ireland's interests in the EU and the possible impact of the EU on the conflict.[3] And, if absent from mainstream British literature on the EU, Northern Ireland does increasingly find a place in Irish analyses of the interaction of the European interests of the two states.[4]

Those examples of the vast range of literature on the general politics of the island of Ireland which do, indeed, include an international dimension offer contradictory judgements as to whether the EU exacerbates, ameliorates or leaves untouched the problems of interstate relations or territorial conflict. In 1983,[5] it was suggested that European integration was not a sectarian issue and possibly contained some hope for conflict resolution. This seemed to be corroborated more recently[6] by a claim that European issues and cross-border schemes encourage internal *and* North-South cooperation, a view partly confirmed by Etain Tannam's[7] research specifically on cross-border business affairs. Bew, Patterson and Teague[8] are sceptical of 'irredentist nationalist hopes' and corresponding unionist fears that the EU will bring about 'rolling integration' by neofunctionalist means. But they do suggest that North-South economic cooperation could 'square the circle between Nationalism and Unionism' within a British Northern Ireland.

In contrast, Boyle and Hadden[9] suggest that the EU has failed to transcend sectarianism and, like Kennedy,[10] that it has had little effect on North-South

[3] Paul Hainsworth, 'Northern Ireland: A European Role?, *Journal of Common Market Studies*, 20:1 (1981), pp. 1–17; Arthur Aughey, Paul Hainsworth and Martin Trimble, *Northern Ireland in the European Community* (Belfast: Policy Research Institute, 1989). Dennis Kennedy, 'The European Union and the Northern Ireland Question' in Brian Barton and Patrick J. Roche (eds.), *The Northern Ireland Question: Perspectives and Policies* (Avebury: Ashgate, 1994), pp. 166–88. The forthcoming thesis of one of my research students, Gavin Adams—whose help I must acknowledge in my own preliminary literature survey—will be one of the first extended accounts of Northern Irish outlooks on the EU. 'The Impact of European Integration on Northern Irish Politics set in a Comparative Perspective with Confessional Parties in the Netherlands'. Ph.D. thesis to be submitted at The Queen's University of Belfast.

[4] It should be noted that, since the delivery of the lecture, two relevant books have appeared: Etain Tannam, *Cross-Border Cooperation in the Republic of Ireland and Northern Ireland* (Basingstoke: Macmillan, 1999); and William Crotty and David E. Schmitt (eds.), *Ireland and the Politics of Change* (Harlow: Addison Wesley Longman), in which there are several relevant chapters. At the time of the lecture, it was necessary to rely on Paul Gillespie, with Garret FitzGerald and Ronan Fanning, *Britain's European Question: The Issues for Ireland* (Dublin: Institute of European Affairs, 1996). Etain Tannam, 'The European Union and Business Cross-Border Cooperation: The Case of Northern Ireland and the Republic of Ireland', *Irish Political Studies*, 11 (1996), pp. 103–129.

[5] Edward Moxon-Browne, *Nation, Class and Creed in Northern Ireland* (Aldershot: Gower, 1983), esp. pp. 154–66.

[6] Paul Arthur and Keith Jeffrey, *Northern Ireland since 1968*, 2nd edn. (Oxford: Blackwell, 1996), esp. pp. 94–97.

[7] Tannam, 1996, 'The European Unon and Business Cross-Border Cooperation'. It should be noted that her later work (see fn. 4) shows this to be the case in the business sector and amongst people living in border areas but not in the agricultural sector, local government or central departments outside the Northern Ireland Office and the Irish Department of Foreign Affairs.

[8] Paul Bew, Henry Patterson and Paul Teague, *Between War and Peace: The Political Future of Northern Ireland* (London: Lawrence and Wishart, 1997), esp. p. 199.

[9] Kevin Boyle and Tom Hadden, *Northern Ireland: the Choice* (London: Penguin, 1994), esp. pp. 153–74.

[10] Kennedy, 'The European Union and the Northern Ireland Question'. The reference to Tannam is explained at fn. 7.

cooperation—also partly confirmed by Tannam. McGarry and O'Leary[11] agree that the EU has made no difference to sectarian factionalism within Northern Ireland but has facilitated better working relations between the governments of Ireland and the UK, 'pooling sovereignty' in the EU having 'spilled-over' into 'pooling sovereignty' over Northern Ireland.

From a more macro-level perspective, Guelke[12] suggested in 1989 that the Northern Irish economy, the place of Northern Ireland in the EU, European standards on democracy, human rights and the treatment of minorities would be just as important as the interlocking internal, North-South and East-West dimensions of a solution inspired by local and British-Irish ideas. Cox's[13] argument about the dynamics of the Cold War and the Irish Question is augmented by his observation that the 'Europeanization' of Ireland forced northern republicans to reformulate their ideas of Irish nationalism and their strategy on the competing territorial claims over Northern Ireland.

My argument is that McGarry and O'Leary are right about the governments of the UK and Ireland, as is Kennedy[14] in his observation that the EU may have provided a context for making solutions easier—but that the former are overpessimistic about the lack of impact of the EU upon the 'warring factions'. In this respect, Bew, Patterson and Teague seem to have been vindicated by the terms of the Agreement. I agree with Guelke that European themes are as important as internal ideas about a solution and suggest that the very development of those ideas has been facilitated by the European dimension—though not unproblematically.[15] I begin with different understandings of sovereignty and EU membership in Ireland and the UK and how this plays out in Northern Ireland. I then discuss the facilitative role of the EU under the three strands of The Belfast Agreement and other issues related to Europe that both follow from the three strands and go beyond them.

Sovereignty and Irish and UK membership of the EU

Whether we agree or not that traditional state sovereignty is undermined or enhanced by the development of the EU, perhaps we can all accept the idea that the founders of the EU believed that postwar reconstruction was beyond the capacity of single states acting alone and that many of the core duties of states to their citizens could not be met except in collaboration with one another.[16] In the 1940s and 1950s, the Benelux countries also recognised that small states were better-off being

[11] John McGarry and Brendan O'Leary, *Explaining Northern Ireland* (Oxford: Blackwell, 1996), esp. pp. 279–82, 302–6.

[12] Adrian Guelke, *Northern Ireland: The International Perspective* (Dublin: Gill and Macmillan, 1988), esp. pp. 135–53.

[13] Cox, 'Bringing in the International', 1997, pp. 689–92.

[14] Kennedy, 'The European Union and the Northern Ireland Question', p. 187.

[15] In doing so, I provide some clothing for similar but skeletal propositions by Harald Olav Skar and Bjorn Lydersen (eds.), *Northern Ireland: A Crucial Test for a Europe of Peaceful Regions?* (Oslo: Norwegian Institute of International Affairs, 1993).

[16] The following cover a range of views: Alan S. Milward, *The European Rescue of the Nation-State* (London: Routledge, 1992); Michael Newman, *Democracy, Sovereignty and the European Union* (London: Hurst and Co., 1996); Christopher Pierson, *The Modern State* (London: Routledge, 1996).

interdependent in a larger partnership than in dependency upon a more powerful, single neighbour.

The exception, of course, was the UK with its dependent neighbour, Ireland. The reasons for exceptionalism and the pain of readjustment are too well-known to need repetition. Eventual accession was, to British traditionalists of right and left, less a mark of success than a final recognition of defeat. Ireland had little choice but to shadow the shifts in British European policy because its economy was so closely linked with that of the UK—despite formal independence and a self-conscious distancing at the level of 'high politics'. But the 'Europeanization of Ireland'[17] reflects a growing realization since 1972–73 that, as with the Benelux countries, 'pooling sovereignty' could be a means of escaping from a form of neocolonial dependency.

Over the last twenty-five years, Ireland has enjoyed an enhanced sense of sovereignty as a proactive member of the EU and, hence, as a more visible member of the international community of states—for example, its EU Presidencies have a high reputation. Conversely, according to leading Irish commentators,[18] Britain's 'Irish Question' has been replaced by Britain's 'European Question'—equally disruptive of domestic politics in the UK. In contrast, Irish recognition of the fact of interdependence in Ireland, Northern Ireland and Great Britain means that Ireland's 'twin objectives of peace on the island of Ireland and prosperity within Europe' can be seen as symbiotic.[19]

Notwithstanding different enthusiasms for the EU, the EU has helped the two governments to try, jointly, to 'pacify' Ireland, by, as McGarry and O'Leary[20] put it, 'pooling sovereignty' over Northern Ireland. The 'equalization', as it were, of the status of Ireland and the UK as EU members and the familiarity induced by interactions between their 'European' civil servants has played a part. And, the interstices of intergovernmental meetings have provided opportunities for discreet high-level exchanges of views, avoiding the arousal of suspicion in Northern Ireland.

It might be thought that different Irish and British approaches to the EU would be reflected in parallel differences between nationalist and unionist outlooks in Northern Ireland. There is a certain truth in this, though this is a complicated matter and the present pattern of support and opposition to European integration has not always been as it is now.[21]

Superficially, unionists look like the remaining clingers to British imperialism; for example, in their attachment to royal traditions and symbols and parading in the manner of quasimilitary pageantry. More substantially, there is a noticeable overlap of personnel amongst Tory Eurosceptics and Friends of the Union, an important lobby in the British establishment. This overlap is explicable by a common concern to highlight the significance of borders for the preservation of national sovereignty and identity, and hence the danger, especially for a disputed territory, of membership of a body whose *raison d'etre* is to eliminate frontiers or, at least, to make them more permeable.

[17] Cox, 1997.
[18] Gillespie, *Britain's European Question.*
[19] Adams, 'The Impact of European Integration'.
[20] McGarry and O'Leary, *Explaining Northern Ireland.*
[21] Adams, 'The Impact of European Integration'.

This disquiet is fuelled by the mirror-image approach of modern nationalists. A much quoted example is John Hume's comments made first in 1979 that the EU was founded with the very purpose of resolving Franco-German conflict over their border and that success there could be a lesson for the resolution of a much smaller disputed territory. Equally disturbing to unionists was his idea at the 1992 Talks that a new government for Northern Ireland could be a form of joint authority with local representation plus an EU appointee.[22] Such an idea was as problematic as the three major debates of the 1980s in the European Parliament—especially its wish to approve of the 1985 Anglo-Irish Agreement—which, to unionists, represented illegitimate attempts to interfere in the affairs of a sovereign member state.

It should be noted, however, that at the time of the first UK efforts to join the EU—before the prorogation of the Northern Ireland government and the imposition of Direct Rule—unionists, though divided over prospective membership, were much more enthusiastic than the Nationalist Party and republicans, all of whom maintained the then conventional nationalist aspiration of autarky or socialist autarky.[23] Unionists simply sought certain safeguards, especially the continued protection of employment opportunities in Northern Ireland. It can be conjectured, therefore, that the espousal of 'Europe' by unionists' opponents—warmly by the SDLP, successor to the Nationalist Party, and grudgingly by Sinn Fein—in a situation of deepening conflict encouraged unionists to become more 'Eurosceptical'.

However, this also is too simple—even leaving aside complications over age and levels of education, etc. What might be called 'conditional unionists', the Alliance Party, from its inception in the 1970s, has been decisively for European integration, matching or capping the support that grew in the SDLP—sometimes now called the postnationalist or postmodern nationalist party, whose leader, John Hume, has declared that the days of the nation-state are gone.[24] In what John Taylor, deputy leader of the Ulster Unionist Party, himself called 'New Unionism' just after The Belfast Agreement, there is now some renewal of the idea that European integration could be good for Northern Ireland. It is only republican nationalism—Bernadette McAlisky's retort to John Hume was that she had not yet had her nation-state—and 'staunch' unionism which remain sceptical of or opposed to European integration and its potential contribution to a settled island of Ireland. I now turn to the ingredients of such a settlement, focusing particularly on those bits where legitimacy has been facilitated by the EU context.

[22] Paul Bew and Elizabeth Meehan, 'Regions and Borders: Controversies in Northern Ireland about the European Union', *Journal of European Public Policy* 1:1 (1994), pp. 95–113.

[23] Cox, 'Bringing in the International', 1997.

[24] Richard Kearney (ed.) *Across the Frontiers* (Dublin: Wolfhound Press, 1988); Richard Kearney and Robin Wilson, 'Northern Ireland's Future as a European Region', Submission to the Opsahl Commission, summarized in A. Pollak (ed.) *A Citizens' Enquiry: The Opsahl Report on Northern Ireland* (Dublin: The Lilliput Press and Initiative 1992, 1993), esp. pp. 206–9. These are analysed by James Anderson, 'The Shifting Stage of Politics: New Medieval and Postmodern Territorialities?', *Environment and Planning, D: Society and Space*, 14 (1996), pp. 133–53, esp. pp. 137–8, from where are also taken the John Hume and Bernadette McAlisky quotations used in this paragraph.

The Belfast Agreement[25]

Throughout the 1990s, talks about the future of Northern Ireland have always been predicated upon the idea that 'nothing is agreed until everything is agreed'. At times, that seemed to be exploited in order to reach deadlock with apparent justification. Once agreement *was* reached, [and approved in referendums on 22 May by over 90 per cent in Ireland and almost 72 per cent in Northern Ireland], the interlocking of its three strands served, in different ways, as a protection for the negotiating parties.

Strand One

Strand One of the Good Friday agreement deals with arrangements within Northern Ireland and is, therefore, less about British-Irish relations—though, of course, both governments had to agree upon it. Strand One authorizes the setting up of the Assembly and the transfer to it of legislative and executive authority in respect of matters currently dealt with by government departments and non-departmental public bodies. These are primarily agriculture, economic development, education, the environment, financial allocations, health housing and social services. Strand One includes a number of safeguards designed to ensure that all sections of the community can participate and work together in the new institutions. It also contains provisions to protect all sections of the community by requiring Assembly legislation to be 'equality proofed' and to meet European Convention on Human Rights [ECHR] standards.

The political inclusion of 'all sections of the community' is institutionalized through the previously disputed device of power-sharing [though it is not called that by name]. This involves the allocation of committee and ministerial offices in proportion to party strengths. In addition, there are two forms of qualified majority voting—controversial because they protect nationalists and unionists but not those who define themselves as 'other'—for the selection of the First and Deputy First

[25] *The Agreement* (Belfast: Northern Ireland Office). It has no other formal name; sometimes it is called The Belfast Agreement, The Good Friday Agreement or The Stormont Agreement. It comprises the following:
'Declaration of Support'—of the negotiating parties, p. 1;
'Constitutional Issues', including British-Irish Agreement to recognise the legitimacy of freely chosen choice with respect to the status of Northern Ireland; that, until the people choose otherwise, Northern Ireland remains part of the UK; that should that preference change, both governments will legislate accordingly; that whatever choice is made, governmental power will be exercised with impartiality; that Northern Irish people may choose to be accepted as British or Irish or both; that, accordingly the two governments have undertaken to amend legislation and, in the Irish case, to put amendments to the Constitution to a referendum and consequences, pp. 2–3;
Strand One, 'Democratic Institutions in Northern Ireland', pp. 5–10;
Strand Two, 'North/South Ministerial Council', pp. 11–13;
Strand Three, 'British-Irish Council', pp 14–16;
'Rights, Safeguards and Equality of Opportunity'[including usual matters under such a heading and reconciliation, victims, minorities and Irish language], pp. 16–20: 'Decommissioning', pp. 20–1;
'Security', pp. 21;
'Policing and Justice', pp. 22–6;
'Agreement between the Government of the United Kingdom of Great Britain and Northern Ireland and the Government of Ireland' [giving effect to all the preceding], pp. 27–9.

Ministers [posts filled by David Trimble, UUP and Seamus Mallon, SDLP], dismissal from office, standing orders, budgetary allocations and policy issues defined in advance as 'key'. Inclusiveness is also reflected in the introduction—novel in formal British politics, though not in an un-institutionalized way in Scotland—of a Civic Forum.

I cannot be sure whether the ability to agree that offices should be shared, or that there should be a move away from simple majority voting in certain policy situations, owes much directly to either the experience or example of the EU. It is, however, the case that, at the time of accession to the then European Economic Communities, many rank and file Unionists [not, of course, Alliance Party members] were strongly enough opposed to the SDLP idea of sharing power at any level of government to depose their leader for accepting it in the Sunningdale Agreement.[26] One can, however, suggest that experience of membership of the EU may have made cooperation more palatable and it can be said definitely that this experience contributed to the introduction of the Civic Forum. There are both negative and positive incentives in the growth of cooperation.

On the negative side, as Paul Bew and I have indicated elsewhere,[27] it is not only nationalists who identify problems in the British constitution. To unionists, too, it often seems that conceptions of the UK national interest are based upon what the world looks like in the Home Counties; and that one reason for this is that constitutional arrangements preclude anyone elected by Northern Irish voters from being in the cabinet—and, hence, at meetings of the Council of Ministers. Thus, what is advanced there does not adequately incorporate aspects of the Northern Irish economy that are different from Great Britain. To circumvent this, Northern Irish district councillors and MEPs have had, to some extent, to work together at the European level.

District councillors, for example, are partners in an initiative started by the Law Society and the private sector to set up and fund a Northern Ireland Centre in Europe [NICE], whose offices in Brussels and Belfast compensate for poor vertical communications through the Westminster government. Many district councils are in networks with municipalities elsewhere in Europe. Perhaps one of the more striking when it started—because of its association with controversial forms of interrogation—was Castlereagh's membership of a network of towns coping with change resulting from demilitarization.

Negative incentives also mean that the three MEPs, singly and together, actively try to convey a distinctive Northern Ireland view to Commission officials over various issues, particularly agriculture, and they sometimes work in partnership in lobbying the British government over Northern Ireland's Objective 1 status and 'additionality'. Ian Paisley, MEP, told Paul Bew and me[28] that the three worked together so closely that, on seeing this, their colleagues in the European Parliament 'thought they had worked a miracle'. A recent example of cooperation involves the elaboration of special EU assistance in the Peace and Reconciliation Fund first made available after the 1994 cease-fires and subsequently renewed.

The Peace and Reconciliation Fund represents one of the positive ways in which the EU has facilitated the general, if not specific, idea of power-sharing, now institu-

[26] Adams, 'The Impact of European Integration'.
[27] Bew and Meehan, 'Regions and Borders'.
[28] Ibid.

tionalized in the Agreement. Signs of this had already appeared in the development of the principle of 'partnership' that governs the eligibility and implementation of projects assisted by EU structural funds. 'Partnership' demands the full inclusion of the 'social', local, and regional participants, as well as governments and the EU. Women in Northern Ireland were quick to spot that they were good at being cross-community partners, and hence eligible to submit proposals for funding,[29] as were other civil society organisations engaged in policy negotiation with civil servants. Community politics of this type flourishes in Northern Ireland in the absence of 'normal' channels of representation and accountability in the politics of everyday life. The rules for allocating Peace and Reconciliation grants institutionalize cooperation both across communities and between the participatory social partners and elected councillors. Many of the community workers involved in such partnerships are ex-prisoners from both sides, now working together, and some of whom were on the teams supporting Sinn Fein and the new, smaller parties at the Talks. While the 'Partners for Peace' scheme can be criticized in certain respects, it has become something of a model for EU officials charged with finding ways of involving the 'civic partners' in decision-making in other countries.[30]

Though, as I mentioned earlier, those who decline to label themselves as one of either of 'the two communities' will not count in special voting arrangements, the Civic Forum ensures that the proposed Assembly will embody a combination of a cross-community approach and the integration of voluntary and electoral participation. Previous experience of partnership in community politics and the specific Partners for Peace scheme was very significant in leading the Northern Ireland Women's Coalition to propose the Civic Forum, the other smaller parties to agree, and in its not being thrown out of court by the established parties. Moreover, the Talks Team of the Women's Coalition self-consciously examined the workings of the EU Economic and Social Committee and institutions in other European countries, particularly the economic and social councils which partner the French Regional Assemblies, in deciding the details of what to propose and what to avoid. The possibility of a North-South Civic Forum is raised in Strand Two, to which I now turn.

Strand Two

Strand Two, like Strand Three, rests more obviously perhaps than Strand One on a constitutional agreement between Ireland and the UK. It [re-] states explicitly that Northern Ireland is part of the UK. Ireland [as confirmed in its referendum] withdraws its territorial claim in its Constitution over the six northern counties. Should, in the future, a majority in Northern Ireland peacefully choose reunification, the UK undertakes that, in such an event, it will give effect to that preference.

Strand Two reflects the wish of northern nationalists to have an authorized closer relationship with the South in a situation where there is *not* a majority for reunifica-

[29] *Women and Citizenship in Northern Ireland; Power, Participation and Choice.* (Belfast: Women's Education and Resources Centre and Equal Opportunities Commission). No named author; written by a research group.

[30] Interview with Commission Official.

tion. For unionists, it—and Strand Three—enable the dismantling of the semi-covert joint secretariat set up under the hated Anglo-Irish Agreement of 1985. The existence of Strand Two reflects emergent recognition among unionists of the legitimacy of the nationalist interest in cooperation; and that for unionists, too, there are some common north-south interests. These will be promoted in a North-South Ministerial Council which, in its plenary form, will comprise representation from the Assembly led the First Minister and Deputy First Minister and from the Irish government led by the Taoiseach. It will also meet in sectoral format under the leadership of Ministers from both sides according to the topics under discussion. Its work will be directed at economic and social matters, such as agriculture, fisheries, transport, waterways, tourism, urban and rural development, education, health, certain aspects of social security and the environment.

This was one of the most difficult parts of the Agreement on which to reach consensus. Both sides have had to come a long way; nationalists from immediate reunification and unionists from opposition to a political-administrative superstructure[31] which they believed would be a Trojan horse for a united Ireland. The EU has both helped and hindered this convergence.

From the helpful point of view, the EU's INTERREG programme introduced in 1991 a substantial initiative in cross-border cooperation.[32] The whole of Northern Ireland outside Belfast and the six northern counties of the South [Donegal, Sligo, Leitrim, Cavan, Monaghan and Louth] have been involved in an umbrella programme, lasting until 1999, covering specific projects dealing with similar issues to some of those proposed for the new Ministerial Council.

INTERREG projects are supposed to be administered jointly by representatives from both sides of borders—which makes them attractive to nationalists as a model of what could happen on a grander scale. But because of the absence of strong regional or local government, only one local cross-border initiative—Foyle Fisheries—conforms to INTERREG management criteria, the others being directed from central government departments in Belfast and Dublin. The two governments are also using related EU funds to cooperate in upgrading road and rail links between Belfast and Dublin and other infrastructural facilities that can be used by exporters and travellers in both parts of the island. Intergovernmental cooperation, applied at the local or regional level, is more attractive to unionists than joint local management.

Despite their imperfections and contrasting views as to which form of management is to be preferred—or feared, the existence of INTERREG initiatives has coincided with a shift in unionist ideas about substate cross-border cooperation: opposition to it at all; that it should be spontaneous, market-led or otherwise voluntary;[33] and, now, that it can be tolerated even with administration in joint, local hands. In the early 1990s, 'a remarkable upsurge in business enthusiasm for North-South economic integration' was noted[34] but a leading local banker was

[31] Anderson, 'The Shifting Stage of Politics'.
[32] James Corrigan, 'Cross-Border Programmes', in Mary Browne and Dennis Kennedy (eds.), *Northern Ireland and the European Union: Discussion Papers on the Intergovernmental Conference and other European Issues* (Belfast: Institute of European Studies, The Queen's University of Belfast, 1996), pp. 35–6.
[33] Anderson, 'The Shifting Stage of Politics'.
[34] Respondent to Opsahl Commission; see Pollak (ed.), *A Citizen's Enquiry*, fn. 24, p. 75.

berated by some unionists for proposing a 'North-South economic corridor'[35]—even without a superstructure. About the same time, however, the Ulster Unionist Party was prepared in the 1992 Talks to concede the sense of some cross-border bodies provided the remit of their joint management was as functionally specific and limited as that of Foyle Fisheries.

On the other hand, awareness of the theories of functionalism and neofunctionalism as explanations of European integration and predictions for its future has reinforced the difficulty of reaching agreement upon exactly what the shape, powers and responsibilities of new North-South institutions should be.[36] For the same reason that David Mitrany preferred functionalism to the allocation of all collaborative functions to a single body, unionists would have preferred north-south cooperation to have been carried out by several bodies set up for narrowly-defined, specific purposes. Having lost that argument, they would have preferred a single institution to be advisory rather than to have independent powers.

Nationalists have a more neofunctionalist way of thinking—that as people are accustomed to cooperation in one area the habit will 'spill-over' into others—as implied earlier in John Hume's reference to the EU's origins and development. Even so, they are puzzled by what they see as a lack of unionist confidence in being able to say 'no' to some future proposal or another. But unionists observe neo-functionalist 'spill-overs' leading, in theory and actuality, into 'ever closer union' in the EU. Their awareness of the theory means that they expect that their potential 'noes' will be seen as irrational and dysfunctional to the full benefits of cooperation. Hence, the rashness of the comment during the negotiating period by David Andrews, the Irish Foreign Minister, that the proposed North-South Ministerial Council would be 'a kind of government'.

As a result of understandings of how functionalist and neofunctionalist theories play out in Europe and hence may be expected to play out on the island of Ireland, the precise details of how the North-South Ministerial Council will work is a delicate balance between the hopes on one side and fears on the other. In dealing with 'matters of mutual interest', where there is a 'cross-border and all-island benefit', the Council—accountable to the Assembly and the Oireachtas—will 'exchange information', make 'determined efforts to overcome . . . disagreements' and agree upon policies 'for implementation separately in each jurisdiction . . . within the competence of Administrations, North and South'. These will be implemented by the variety of bodies necessary to the Council's work programme, to be established by the Council in consultation with the British government and given clear remits. The Council is to be safeguarded against the immobilism of perpetual discord by the Agreement's note that the success of the Assembly is inseparable from the proper functioning of the Council.

Taking Strands One and Two together, 'variable geometry' has found a place in the Agreement. For several years, people have been toying with the idea that the structure of the Northern Irish economy—different from that of Great Britain and in some senses a little similar to that of Ireland—could imply the possibility of

[35] Bew, Patterson and Teague, *Between War and Peace*.

[36] Tannam, 'The European Union and Business Cross-Border Cooperation' deals with this from the standpoint of an observer. But politicians, themselves, also use these categories and theories. See Anderson, 'The Shifting Stage of Politics', pp. 136–7, on how they have done so in the past and Bew, Patterson and Teague, *Between War and Peace*, pp. 192–5, on the present.

Northern Ireland's being represented in the European Council of Ministers, sometimes by the government of Ireland and sometimes by that of the UK. Something of this can now be seen. Strand One allows for more effective influence from Northern Ireland on British government ministers responsible for EU matters, while Strand Two gives EU responsibilities to the North-South Ministerial Council and promises arrangements to ensure that its Irish–Northern Irish views are taken into account at EU meetings. There is also an EU dimension to Strand Three to which I now turn.

Strand Three

Strand Three is a major innovation to previous ideas about an East-West dimension in an agreed Ireland but, in the new context of devolved powers to Scotland and Wales, resonates with the century-old idea of 'home rule all round'—except, of course, for the fact that the superordinate unit is not one state but two. A British-Irish Council will be set up, consisting of representatives of the two governments, the devolved institutions in Northern Ireland, Scotland and Wales, the Isle of Man, the Channel Islands and, if they are established, devolved assemblies in England. Any two or more of the members of the Council may enter into bilateral and multilateral arrangements with each other, independently of the Council itself. Common policies, from which there can be opt-outs, may be developed on questions of transport, agriculture, the environment, culture, health, education, EU issues and other matters of mutual interest which are within the competence of the member institutions.

There will also be a new British-Irish Intergovernmental Conference to replace the controversial Anglo-Irish Intergovernmental Council and Conference, established in 1985. Its decisions will be informed by consultation with Northern Irish representatives but will be intergovernmental agreements, covering all-island and cross-border matters which do not fall within the powers devolved to the Assembly. Likely topics of cooperation will be rights, justice, reconciliation and support for victims of the conflict, security, prisons and policing.

Matters outside Strands One to Three

In the sections of the Agreement following on from the three strands, both governments agreed to strengthen human rights standards to meet those of the ECHR [and have begun to do so] and to establish appropriate equivalence in the two parts of the island in provisions for minorities and their languages, the status of women, and socioeconomic equality regardless of class, religion, disability or ethnicity. A charter of human rights for the whole island is mooted. Policing and other aspects of criminal justice in Northern Ireland are to be [and are being] reviewed. Both governments undertake to cooperate over decommissioning and to take independent steps to normalize security arrangements. The UK government will consult the Irish government and Northern Irish parties about any continuing paramilitary activity and responses to it.

The British–Irish Council has no obvious roots in the EU but its provisions have some similarities [though also substantial differences] to those of the Nordic Council which has been promoted as a model by a few observers for some time. Two of them,[37] argued that, among other things, a 'Council of the Isles' could ameliorate unionist disquiet over nationalist insistence on a North-South body by enmeshing it in a network of channels of cooperation towards the east. Indeed, this seems to be correct since it was a proposal at the Talks from the Ulster Unionist Party [and previously on the agenda of one of the smaller unionist parities].

In respect of intergovernmental cooperation, acceptance of some harmonization in human rights and equality of opportunity does owe something to both the EU and the ECHR. It has long been argued that the EU was an important catalyst in the emergence in the South of commitment to sex equality. That discrimination against homosexuals is now outlawed in both North and South stems from actions in the respective courts which led, eventually, to rulings in the European Court of Human Rights. Incorporation of the Convention on Human Rights in the UK [since the Agreement] and proposed [in 1999] human rights legislation in Ireland are taking place at the same time as the ratification of the Amsterdam Treaty. The first text of the Treaty, drafted by the Irish Presidency in 1996, declared that ECHR principles are also the EU's fundamental principles—and this remained in the final version.

Though nothing is said in the Agreement about the details of police and security cooperation, whatever might emerge will legitimize what, in any case, has been going on for a very long time. Jason Lane has established the existence of strong and continuous connections between the Garda Siochana and the Royal Ulster Constabulary, links which were weakened in periods of political tension between the two states but which never disappeared even in those circumstances.[38] He argues that the Justice and Home Affairs pillar of the Maastricht Treaty was welcomed by police officers as bringing what they were doing 'in from the cold'. Justice and Home Affairs, however, is also one of two areas where intergovernmental cooperation could become strained, opening a gap between north and south at the very time when the negotiating parties have agreed to minimize the effects of the coexistence of two jurisdictions on the one island.

Other East–West intergovernmental and EU issues that might affect North–South cooperation

Since partition, a sort of early microcosm of the Single European Market and the Schengen Agreement has linked the two states. This comprises the conventions and agreements of what has come to be called the Common Travel Area. A borderless market for goods and labour exists between the two countries, though the combined

[37] Richard Kearney and Simon Partridge [and with them elsewhere, Robin Wilson],'Nordic-Style Institutions Recommended for Irish-British Islands', *Eagle Street,* Newsletter of the Finnish Institute in London, Issue 7, January 1998, no page number.

[38] Jason Lane, 'Policing the Irish Border 1992–1997: A History of Co-operation within the Legacy of Mistrust'. Ph.D. thesis submitted at The Queen's University of Belfast, 1999. Paper with the above title presented at the European Social Science History Conference, Amsterdam, March 1998.

effects of partition and continuing economic dependence meant that most flows used to go from Ireland to Great Britain. Before Ireland joined the Exchange Rate Mechanism when the UK did not, the Punt and Sterling were used in border areas and beyond as though they were a single currency. There are reciprocal social rights that are more substantial than the common EU arrangements, and stronger political rights, at first for the Irish in the UK and, much later, for British residents in Ireland. The Common Travel Area is able to exist because of a discreetly common external policy *vis-à-vis* immigration, as well as police cooperation.

However, the incorporation of the Schengen Agreement into the Amsterdam Treaty was resisted by the UK unless an opt-out from the requirement to lift border controls on EU routes could be secured. The Irish also sought and achieved an opt-out. If Ireland had opted-in while the UK did not, there would have been the prospect of checks on the north-south border, inconsistent with the northern policies of the two states. This, however, was not the main motivation for the Irish negotiating position, the principle concern being to protect the benefits of a valued and long-standing arrangement. Indeed, on the basis of traditional flows of people and goods [now changing], the bilateral arrangement is more significant for individual Irish citizens than Schengen-type agreements. But there is a concern that this contour of British-Irish relations undermines Irish ambitions to be, and be seen to be, an independent state 'at the heart of Europe'.

Ireland's 'British problem' has not been allowed to subvert its key objective of being in the first wave of EMU, even though this contradicts the equally key goal of an agreed Ireland by perpetuating a symbol of difference in a situation where EU policy might have reduced further the salience of the North-South border in everyday transactions. The problem, of course, is felt less acutely now that the British government is not opposed in principle to EMU membership and may join later if conditions are judged propitious.

Conclusion

In conclusion, let me emphasize that, by not discussing the causes of conflict between Britain and Ireland or in Northern Ireland, I am not trying to say that they are irrelevant to solutions. Nor do I wish to overstate the role of the EU to the extent that is excoriated in some of the literature used for this lecture.[39] But it is a factor that was not there during the causation period and, as a new factor in the equation and one that is, perhaps, even more palpable to the participants than the dynamics of the Cold War, it is implausible that it should have no meaning. My only claim about that meaning is that the language and conventions of EU policymaking have helped to open up a space for contending parties to talk about solutions to old problems in a new way—and to act upon that.

Let me try, absolutely finally, to link what I have been saying with E. H. Carr. Most grandly, perhaps, there is E. H. Carr's challenge to 'the claim of nationalism to make the nation the sole rightful sovereign repository of political power' and his hope for 'a system of overlapping and interlocking loyalties which is in the last

[39] Bew, Patterson and Teague, *Between War and Peace*.

resort the sole alternative to sheer totalitarianism'.[40] Nothing could be more overlapping and interlocking than the components of the Agreement of Good Friday 1998. Therefore, if agreement can be found on decommissioning, they could be the means of taming 'nationalist irredentism' and 'unionist triumphalism' in both of which lurk kernels of totalitarianism that put at risk the tender creatures of 'post-modern nationalism' and 'new' or 'civic unionism'.[41]

Secondly, there is a particular reference to E. H. Carr by one of my predecessors as his Memorial Lecturer.[42] Laurence Martin, on commenting upon the former Soviet Union and the EU, suggested that E. H. Carr's 'power politics' might be succeeded by the 'administrative dealings of commercially-minded neighbours'. This scenario for Europe was qualified for that purpose as possibly utopian but, in the context of modern British-Irish relations and emergent attitudes in the North towards the South, it does not seem impracticable.

Thirdly, there is E. H. Carr's[43] review of Isaac Deutscher's account of the Russian Revolution and subsequent Soviet history, in which he states that 'it would be wrong to pass over in silence . . . [its] cost . . . in human suffering' and quotes Deutscher's epigraph for the Soviet Union and the West—that 'little consolation can be found in the prospect of a stalemate indefinitely prolonged and guaranteed by a perpetual balance of nuclear deterrents'. The tiredness of Britain, Ireland and Northern Ireland of the costs of human suffering and their containment in the stalemate of what has been called 'a too manageable conflict'[44] cannot be overlooked in the exploitation of new opportunities to come to terms with one another.

[40] Edward Hallett Carr, *Nationalism and After* (London: Macmillan, 1945), pp. 39, 67. He is also used with some reference to Ireland by Vincent Geoghegan, 'Socialism and National Identities', *Irish Political Studies*, 9 (1994), pp. 61–80, esp. p. 73.

[41] Bew, Patterson and Teague, *Between War and Peace*, pp. 198–9, on irredentism and triumphalism. Cox, 1997, and Anderson, 'The Shifting Stage of Politics', on new republicanism and postmodern nationalism. New unionism has a particularly inclusive version—more so than the references to it in my text—which has been elaborated by Norman Porter, *Rethinking Unionism: An Alternative Vision for Northern Ireland* (Belfast: Blackstaff Press, 1996).

[42] Laurence Martin, 'Dismantling Deterrence?' E. H. Carr Memorial Lecture no. 7, 1990, Reprinted in *Review of International Relations*, 17 (1991), pp. 215–24, see p. 219.

[43] Edward Hallett Carr, *1917: Before and After* (London: Macmillan, 1969), pp. 170, 176.

[44] Padraig O'Malley, author of *The Uncivil Wars: Ireland Today* (Belfast: Blackstaff Press, 1983), who used the phrase to illustrate his thesis in a lecture at The Queen's University of Belfast.