

## **Opening Statement**

**to the Joint Oireachtas Committee**

**On the Implementation of the Good Friday Agreement**

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A Chathaoirligh and members of the Committee,

On behalf of the Glencree Centre, I want to thank you and the Committee members for affording us the opportunity to come before you this afternoon, as part of your reflection on the 25 years since the signing of the Good Friday Agreement.

It is perhaps not unreasonable to say that the Agreement and the process that led to it during the early and mid-1990s represented one of the more important achievements in modern Irish diplomacy, involving politicians, officials, groups and their representatives who were party to the conflict. It exemplified a level of statecraft and coordination among Irish, US, and British political leaders not witnessed before the Agreement was signed a quarter century ago. The peace process and the political environment against which the agreement was forged was akin to a complex eco system of interlocking interests and challenges among political leaders, paramilitary groups, and in particular local communities who had for decades held very fragile relationships together during the worst periods of violence. Within this eco-system were subsystems where tensions were continually on the boil, requiring the constant and careful management by political leaders who had already taken decisions to engage in the political process with all the attendant risks of it failing. Other pressures included political representatives of organisations previously engaged in violence but who now saw the need to move their strategy into the world of politics and ultimately compromise. These leaders had the task of managing the expectations of those within armed groups who had little regard and even less patience for the exigence's of politics or diplomacy. They also ran not just a political risk of being side-lined but had an altogether more lethal risk that at any moment they could be dispensed with should the pace of politics prove too slow in delivering what might be termed key objectives by the various paramilitary organisations on both sides.

Governments too had risks and calculations to make about the veracity of claims of commitments to peace in circumstances where such claims were regularly accompanied by acts of violence, as these organisations began to awaken to an old reality behind a new opportunity. The old reality was that this was a political problem of broken relationships and not a military or security problem. There was no military victory and no security response that was going to prove superior to a political settlement, no matter how long it took to achieve. Governments and officials had to constantly ask themselves in the years leading up to the Agreement: was this a real opportunity or were people being played and duped into believing that organisations wedded to violence for so long were now suddenly, yet sincerely seeking a new direction? Thankfully we had people and leaders who exercised wisdom and judgement, asking themselves at various points in the process “what was the wise thing to do next”, a theme I shall return to later.

Throughout all this period however and regardless of whether people were central or peripheral to the process the overall challenge was clear; that was how do we **achieve the age-old quest for accommodation** with those on the island who differ in Identity and perspective from the rest of us? Hundreds of years of history had clearly demonstrated that in a divided society or contested space like ours, violence from whatever source had only deepened the problem and made it more difficult to achieve this essential attitude of acceptance towards the other identity in pursuit of the elusive balance that an accommodation could deliver.

In our work in Glencree, much of it confidential during that period, we as participants and practitioners were engaged in an effort to find and encourage a balance of demands, concessions and achievements by all who participated in our Glencree dialogue process. We quickly learned that victories and defeats won’t work in the contested space of Northern Ireland and that given the complicated and inter-tangled relationships between us on this island as well as with our near neighbour across the Irish Sea, we needed conversations that went to the very heart of who we were and how we saw ourselves across these two islands. I quickly learned and grew to understand that the idea of a pure and undiluted concept of Irish Unity or of an equally pure Union between Northern Ireland and the UK was in many respects a circular argument, which allowed no room for departure from the respective orthodoxies of Unionism or Nationalism. Because of what history has handed us and where geography has placed us, and more importantly how the interplay of these two realities have shaped us, we are required

to live with what I might call **fuzzy edges at the extremity of our aspirations around ‘Unity’ or ‘Union’**. What makes the acceptance of these mercurial edges of identity so difficult to achieve, is the very basic human need to be accepted and validated in the identity that we express ourselves to be. This was then and remains today an enormous challenge around how we discuss the future. In this contested space, every word is weighed and every phrase is loaded with meaning far beyond anything contained in the Oxford English dictionary. Through my engagement in Glencree, this understanding was of critical importance to many if not all who engaged with us between 1994 and 2007.

While some opponents of the Agreement argue as to the effectiveness or otherwise of some of the component parts, including power sharing and the pace of economic and social improvement for communities most impacted by the troubles, nobody can deny that it has given us an entire new generation that lives free from the threat and lived reality of violence. It has given us the peace and the space to look at each other, not with labels, but as communities and individuals emerging from a dark and traumatic period in our recent history. It has delivered policing reform, but as with any post-conflict society, this remains a challenging concept where the needs of society are constantly evolving against the background of criminal gangs and other threats posed by international drug cartels, human trafficking, cyber-crime and so forth. There have been some notable achievements in North-South co-operation in areas like healthcare, the all-island offering by Tourism Ireland to overseas visitors, and of course the ongoing work of Intertrade Ireland.

Has the agreement achieved a rapid and headlong march towards an historic reconciliation? No, but then how could it, given the weight of history between these two islands; a weight primarily borne upon the shoulders of the two communities in Northern Ireland for the past 100 years. One community feeling alienated from their neighbours and yet further estranged from those on the rest of the island who went a separate way after partition. The other community feeling besieged and fearful about their future never quite feeling that they had the support of their Government in London, yet knowing that a significant number in the minority community with whom they shared villages and towns actively sought to irrevocably alter their place within the United Kingdom.

The community who are the British identity on the Island of Ireland and who came and settled here 400 years ago brought with them for example, agricultural innovation, science, industrial

development, architecture, as well as the displacement and detachment of those who dwelt there before. This is the fault line of Irish history, the echoes of which we hear to this day; and yet some 200 years later, many from the Irish identity left this island fleeing famine and hardship, seeking new lives on the neighbouring island as well as further afield. We have for centuries and continue today to co-inhabit each other's spaces across these islands in ways no other communities do, thus creating the obvious question as to the obligations of our near neighbour in the process leading to the Good Friday agreement. The weight of history is too great and the shoulders of these two communities to bear it are too narrow, it therefore required and continues to require that our neighbours come into concert with us in the co-equal sharing of this burden of Irish-British History as well as the collective quest for accommodation.

As I said at the outset, the Agreement was an array of competing interests and challenges within communities and between them. The Talks participants ultimately took the vexed question of the future constitutional status of the Island and struck a **careful balance between Unity and Union**; forcing all of us to accept an accommodation between the two strongly held perspectives. For Republicans, the 1998 agreement was the culmination of an almost decade long process of internal discussion around finding an alternative to violence; that alternative was the democratic persuasion of a majority that a new constitutional order would better serve the people of Northern Ireland and the island as a whole. For Unionists the principle of consent was both an assurance that no immediate changes would be made without the agreement of a majority in Northern Ireland, but it was also a challenge; that if they want the Union with the UK to continue into the longer term then they would have to also persuade people from across society in Northern Ireland that the Union was a more viable proposition than the alternative.

This is how the status of Northern Ireland was agreed to on Good Friday 1998, as distinct from how sovereignty was to be exercised over Northern Ireland, a point I shall return to in a moment. In essence, the status of Northern Ireland whether within the United Kingdom or within a United Ireland would be for the people of Northern Ireland to decide in referenda to be held across the island on the same day at some point in the future. Despite this agreed mechanism contained within the Agreement and mandated by the people of the island as a whole on May 22<sup>nd</sup>, 1998, we still come back to the vexed question of the contested space and how we share it in the future, not least in the context of our historical and geographical relationship with our nearest neighbour. A question that perhaps requires some reflection is

this: “does the journey to a new or agreed Ireland require all concerned to pass through the junction of a reconciled Northern Ireland” or is that a concept that people feel is dispensable on this journey?

The Agreement provides for a transfer of sovereignty between the jurisdictions in the event that the people of Northern Ireland, in conjunction with the people of the South, seek such a change. However, the Agreement is quite prescriptive as to how the sovereign power must discharge its authority, having regard to the fact that there are two communities with competing sets of aspirations, ethos and Identities based upon the principle that both aspirations to Union and Unity are valid.

I want to turn now to the issue which has impacted the Agreement and more importantly relationships more than any previous question since the signing of the Agreement, that issue being Brexit. The decision by the people of the United Kingdom to Leave the EU was and remains a completely legitimate decision for them to take. Many historians will argue for decades to come as to how informed or otherwise the decision was, given all of the unforeseen consequences that have arisen since the process to leave the EU commenced in 2017. One thing however is blatantly clear and that is that the decision and the method of executing it has left chasms in the relationships between communities and governments far in excess of where we might have been if there had been no Brexit. In circumstances where we needed our neighbour to act in partnership with us in shouldering the weight of history, we have witnessed a reopening of the gulf between the two islands.

As I said, the 2016 referendum was completely legitimate as an offer and an action by the British people to leave the EU, but so too was the referendum of May 1998, which achieved the accommodation so desired by so many following 30 years of bloodshed. In effect we have two referendums both valid and yet appearing to be in conflict with each other. Because the Good Friday agreement strikes the fine balance between the aspirations for Unity and Union through a complex matrix of compromises, simple and unilateral solutions will not work unless we get the agreement of **both sections** of the community in Northern Ireland. While the Good Friday Agreement was not predicated upon Ireland and Britain being members of the EU, what has been revealed since 2016 has been that very fact that EU membership, not least the absence of physical barriers to the movement of goods or people across the island or between the islands has been a major factor in sustaining the peace. The fact that one section of the community

feels that it has been removed from its shared and common identity with those who live south of the border is a feeling shared by many Unionists who feel there are now physical arrangements making them separate from their fellow citizens on the neighbouring island of Britain. All of the balances struck in those days of Easter week 1998 are now profoundly disturbed and cannot simply be put back together in a series of political experiments or quick fixes that might work for a while before being revealed as inadequate in the context of the complexity of relationships within Northern Ireland and beyond. Expressions like strengthening the Union in circumstances where there is no available option to balance this by way of equally strengthening the aspiration to unity is yet another example of how there has been an ongoing failure to appreciate the fundamental challenge set out in February 1995 in the Inter-governmental Framework Document

***11. They (the two Governments) acknowledge that in Northern Ireland, unlike the situation which prevails elsewhere throughout both islands, there is a fundamental absence of consensus about constitutional issues. There are deep divisions between the members of the two main traditions living there over their respective senses of identity and allegiance, their views on the present status of Northern Ireland and their vision of future relationships in Ireland and between the two islands.***

***13. Both Governments accept that agreement on an overall settlement requires, inter alia, a balanced accommodation of the differing views of the two main traditions on the constitutional issues in relation to the special position of Northern Ireland.***

The Impact of language and statements over the past seven or so years has had the effect of conflating two concepts of sovereignty. The first by Brexiteers and those who believed that leaving the EU was a matter of control and the need to take it back whatever control represented is still unclear and ill defined. However, the conflation of UK Sovereignty outside of the EU as distinct from how the UK exercises its sovereignty over Northern Ireland, which is proscribed in the Agreement and is not the same as England, Scotland or Wales, leaves many asking what do we think they signed 25 years ago, and in our case, changed our constitution in return for an unbalanced constitutional accommodation.

Finally, I would like to address the issue of legacy and how this issue too has been a casualty of the last seven years, where we have not seen a willingness by the British Government to

meet its earlier commitments regarding the Stormont House Agreement. In our work, it is clear to us that while the 2014 agreement did not get every body's unequivocal support, it does represent the last point of departure during which there was the largest degree of agreement among political parties and the two governments around commitments to victims and survivors and their families about how to address and acknowledge the harm they suffered during the years of violence. This is in stark contrast to the near total opposition by victims and others to the current legacy legislation presently before the house of Lords in London. I think it only right to say here today that the message we have heard from individuals, families and organised groups is that this legislation is a denial of their rights and interests regardless of which community they may come from. It's often said by victims and their families towards those who were lost in the Troubles that to be forgotten is to die twice over. Many see this legislation as the means to force society to forget and deny that there ever was a conflict, a war, a campaign or military operation and yet some 3,800 people lost their lives, with countless more by trauma related suicide in the years since the signing of the Agreement.

Not unlike the character Gloucester who stands over the body of the slain king in Shakespeare's King Lear, begging the widow: "say I slew him not", and the queen replied "then say he is not slain" .....**but dead they are.**

Many victims and survivors who we have met believe that to pass this legislation would be tantamount to saying that there had been no conflict, there were none lost, there are no crimes or questions to answer.

Thank you for your time today. We welcome questions from the Committee members.

**Ends**