



# Northern Ireland: The Peace Process

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## Summary

Since 1969, over 3,500 people have died as a result of political violence in Northern Ireland, which is a part of the United Kingdom. The conflict, which has its origins in the 1921 division of Ireland, has reflected a struggle between different national, cultural, and religious identities. The Protestant majority (53%) in Northern Ireland defines itself as British and largely supports continued incorporation in the UK (unionists). The Catholic minority (44%) considers itself Irish, and many Catholics desire a united Ireland (nationalists).

For years, the British and Irish governments sought to facilitate a political settlement. After many ups and downs, the two governments and the Northern Ireland political parties participating in the peace talks announced an agreement on April 10, 1998. The resulting Good Friday Agreement (also known as the Belfast Agreement) called for devolved government—the transfer of power from London to Belfast—with a Northern Ireland Assembly and Executive Committee in which unionist and nationalist parties would share power. The agreement also contained provisions on decommissioning (disarmament), policing, human rights, UK security normalization (demilitarization), and the status of prisoners.

Despite a much improved security situation in the years since then, full implementation of the Good Friday Agreement has been challenging. For years, instability in Northern Ireland's devolved government was the rule rather than the exception; decommissioning and police reforms were key sticking points. The devolved government was suspended for the fourth time in October 2002 amid a loss of trust and confidence on both sides of the conflict; this suspension lasted almost five years. During this time, London and Dublin led talks with Northern Ireland's political parties to try to find a way forward.

On May 8, 2007, Northern Ireland's devolved political institutions were restored following a power-sharing deal between the traditionally anti-agreement Democratic Unionist Party (DUP) and Sinn Fein, the political wing of the Irish Republican Army (IRA). The DUP and Sinn Fein are the largest unionist and nationalist parties, respectively, in Northern Ireland and have long been viewed as the two most polarized forces in Northern Ireland politics. London and Dublin hoped that this deal would entrench the political settlement embodied in the Good Friday Agreement and produce a politically stable devolved government.

In 2008, the DUP and Sinn Fein clashed over the outstanding issue of transferring authority for policing and justice affairs from London to Belfast. Given the sensitive nature of this portfolio, the parties had been unable to agree on its devolution at the time of the signing of the Good Friday Agreement. After protracted negotiations, the parties reached a deal in February 2010 paving the way for the devolution of police and justice powers in April 2010.

Successive U.S. administrations and many Members of Congress have actively supported the Northern Ireland peace process. For decades, the United States has provided development aid through the International Fund for Ireland (IFI). In recent years, congressional hearings have focused on the peace process, police reforms, and the status of public inquiries into several murders in Northern Ireland in which collusion between the security forces and paramilitary groups is suspected. Many such issues related to Northern Ireland, including the future of the IFI, may continue to be of interest in the 112<sup>th</sup> Congress.

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## Background

Since 1969, over 3,500 people have died as a result of political violence in Northern Ireland, which is a part of the United Kingdom. The conflict, which has its origins in the 1921 division of Ireland, has reflected a struggle between different national, cultural, and religious identities.<sup>1</sup> The Protestant majority (53%) in Northern Ireland defines itself as British and largely supports continued incorporation in the United Kingdom (*unionists*). The Catholic minority (44%) considers itself Irish, and many Catholics desire a united Ireland (*nationalists*). *Loyalists* are more militant unionists and *republicans* are more militant nationalists, who in the past have been willing to use force to achieve their goals.<sup>2</sup>

The latest version of “the troubles” in Northern Ireland was sparked in late 1968, when a civil rights movement was launched mostly by Catholics, who had long faced discrimination in areas such as electoral rights, housing, and employment. This civil rights movement was met with violence by extreme unionists and the police, which in turn prompted armed action by nationalists and republicans. Increasing chaos and escalating violence led the UK government to deploy the British Army on the streets of Northern Ireland in 1969 and to impose direct rule from London in 1972 (between 1920 and 1972, Northern Ireland had its own regional government at Stormont, outside Belfast).

For years, the British and Irish governments sought to facilitate a political settlement to the conflict in Northern Ireland. After many ups and downs, the two governments and the Northern Ireland political parties participating in the peace talks announced an agreement on April 10, 1998. The resulting Good Friday Agreement (also known as the Belfast Agreement) called for devolved government—the transfer of power from London to Belfast—with a Northern Ireland Assembly and Executive Committee in which unionist and nationalist parties would share power.<sup>3</sup> To ensure that neither unionists nor nationalists could dominate the 108-member Assembly, the agreement specified that “key decisions” must receive cross-community support. The Executive Committee would be composed of a first minister, deputy first minister, and up to 10 ministers with departmental responsibilities (e.g., health, education, social services).

The Good Friday Agreement also contained provisions on decommissioning (disarmament), policing, human rights, UK security normalization (demilitarization), and the status of prisoners. Crucially, the agreement recognized that a change in Northern Ireland’s status can only come about with the consent of the majority of its people. Additionally, the agreement created a North-South Ministerial Council to allow leaders in the northern and southern parts of the island of Ireland to consult and cooperate on cross-border issues, and a British-Irish Council composed of representatives of the two governments, the devolved administrations of Northern Ireland, Scotland, Wales, the Channel Islands, and the Isle of Man to discuss matters of regional interest.

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<sup>1</sup> In 1921, the mostly Catholic, southern part of Ireland won independence from the UK. The resulting Republic of Ireland occupies about five-sixths of the island of Ireland; Northern Ireland occupies the remaining one-sixth.

<sup>2</sup> Many unionists and loyalists refer to the six counties that today make up Northern Ireland as “Ulster.” Technically and historically, Ulster also includes the three northern-most counties of the Republic of Ireland.

<sup>3</sup> The text of the Good Friday Agreement (or Belfast Agreement) may be found at <http://cain.ulst.ac.uk/events/peace/docs/agreement.htm>. The unionist/Protestant community tends to use the term “Belfast Agreement,” viewing the name “Good Friday Agreement” as biased in favor of the nationalist/Catholic community. For the purposes of this report, the peace accord is referred to as the “Good Friday Agreement” because this is the name more widely used and recognized in the United States.

Figure 1. Map of Northern Ireland



Source: CRS Graphics.

Voters in Northern Ireland and the Republic of Ireland approved the Good Friday Agreement in separate referendums on May 22, 1998. Elections to the new Northern Ireland Assembly took place on June 25, 1998. The two biggest and mainstream unionist and nationalist parties at the

time—the Ulster Unionist Party (UUP) and the Social Democratic and Labour Party (SDLP)—won 28 and 24 seats respectively. The harder line Democratic Unionist Party (DUP), despite its continued opposition to many parts of the Good Friday Agreement, won 20 seats; Sinn Fein, the political wing of the Irish Republican Army (IRA) won 18; and a number of smaller parties claimed the rest of the Assembly seats.

## **Devolved Government and Recurrent Crises**

Despite a much improved security situation since the signing of the Good Friday Agreement in 1998, full implementation has been difficult. For years, instability in Northern Ireland’s devolved government was the rule rather than the exception. Decommissioning and police reforms were key sticking points. Sporadic violence from dissident republican and loyalist paramilitary groups that refused to accept the peace process and incidents of sectarian strife between Protestants and Catholics also helped feed ongoing mistrust between the unionist and nationalist communities.

### **1999-2002: Instability in the Devolved Government**

Although Assembly elections were held in June 1998, devolution of power from London to Belfast did not follow promptly. A key unionist concern throughout the negotiations leading up to the Good Friday Agreement had been the issue of decommissioning, or surrender of paramilitary weapons. The text of the agreement states “those who hold office should use only democratic, non-violent means, and those who do not should be excluded or removed from office.” Due to the election results, Sinn Fein was entitled to two ministerial posts on the Executive Committee. Unionists argued, however, that Sinn Fein could not assume its ministerial posts until the IRA had surrendered at least some of its weapons, as called for by the peace agreement.<sup>4</sup> Sinn Fein countered that the Good Friday Agreement did not specify a start date for decommissioning. Although the IRA had been observing a ceasefire since 1997, it viewed decommissioning as tantamount to surrender, and had long resisted such calls.

In the fall of 1999, former U.S. Senator George Mitchell (who had chaired the peace talks), led a review of the Good Friday Agreement’s implementation. This review succeeded in getting unionists to drop their precondition that the IRA had to decommission first, before Sinn Fein representatives could assume their ministerial posts. After 27 years of direct rule from London, authority over local affairs was transferred to the Northern Ireland Assembly and Executive on December 1, 1999. London, however, retained control over “reserved” matters including policing, prisons, and the criminal justice system; given the sensitive nature of these issues, the parties had been unable to reach an accord on their devolution at the time of the signing of the Good Friday Agreement and instead agreed to postpone the devolution of policing and justice powers until an undetermined point in the future. David Trimble, the leader of the UUP at the time, was elected First Minister; Seamus Mallon of the SDLP was elected Deputy First Minister.<sup>5</sup>

On February 11, 2000, however, London suspended Northern Ireland’s devolved government because First Minister Trimble was poised to resign to protest the continued absence of IRA

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<sup>4</sup> The Good Friday Agreement calls upon all paramilitary groups, both republican and loyalist, to decommission.

<sup>5</sup> The leader of the SDLP at the time, John Hume, who with Trimble had been instrumental in forging the Good Friday Agreement, declined to accept the Deputy First Minister position because of ill health.

decommissioning. British officials feared that Trimble would have been replaced as party leader by someone less supportive of, if not opposed to, the peace agreement. After intense negotiations involving Trimble and Sinn Fein, the IRA pledged to initiate a process to put its arms “beyond use.” Northern Ireland’s power-sharing institutions were reinstated in June 2000.

For the next 12 months, unionists remained frustrated by the ongoing lack of actual IRA decommissioning. As a result, Trimble resigned as First Minister on July 1, 2001, claiming that he could no longer share power with nationalists who refused to give up their weapons and send a clear signal of their commitment to democratic politics. Negotiations led by the British and Irish governments to avert the collapse of Northern Ireland’s political institutions again proved difficult. Since the Assembly can operate no longer than six weeks without a first minister or new elections must be called, London suspended the devolved government on August 10 for 24 hours; this brief suspension reset the clock, giving negotiators another six weeks to try to resolve the crisis. London feared that fresh elections would result in gains for hardline unionists and nationalists, which would further polarize the situation.

Meanwhile, pressure on the IRA to decommission began to grow following the August 2001 arrests in Colombia of three suspected IRA members on charges of training FARC guerrillas to use explosives, and the September 11, 2001, terrorist attacks on the United States. The FARC, estimated at the time to be 15,000 strong, is a force that has conducted terrorist attacks against Colombian political and economic targets, as well as U.S. interests. Given U.S. efforts to help Colombian authorities counter the FARC, the former Bush Administration was troubled by the IRA’s apparent ties to this group. And after September 11, “President Bush declared war against international terrorism.... If the IRA wanted to hold on to their weapons any longer, the Americans would simply have none of it,” according to the reported remarks of an Irish diplomat.<sup>6</sup> The IRA faced the possibility of being put back on the U.S. State Department’s list of terrorist organizations, and Sinn Fein risked political isolation as well as the evaporation of private American financial support.

Negotiations among Sinn Fein, London, and Dublin continued, but on September 21, 2001, London suspended the Assembly again for 24 hours to buy more time. Finally, on October 23, after Sinn Fein leader Gerry Adams publicly called for IRA decommissioning, the IRA announced that it had put a quantity of arms, ammunition, and explosives “beyond use” to “save the peace process.” In response, the UUP agreed to rejoin the Executive, and the Assembly reconvened in November 2001. Trimble was re-elected First Minister and Mark Durkan, the new leader of the SDLP, was elected Deputy First Minister.

Relative calm prevailed in early 2002. On April 8, 2002, the IRA carried out a second act of decommissioning. Still, worries among unionists about the IRA’s long-term commitment to the peace process persisted following allegations that the IRA was buying new weapons, updating its “hit list,” and was behind the theft of intelligence documents from a Belfast police barracks. The IRA denied all of these accusations. The summer of 2002 saw an upsurge in sectarian violence, including paramilitary shootings and rioting in Belfast and elsewhere. First Minister Trimble threatened to resign again in a bid to pressure Sinn Fein to crack down on IRA members whom unionists claimed were behind the recent violence and in breach of the peace accord.

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<sup>6</sup> Kevin Cullen, “Sinn Fein Prods IRA on Disarming,” *Boston Globe*, October 23, 2001; “Decommissioning Pace Forced by IRA’s Colombian Links,” *Irish Times*, October 27, 2001.

On October 4, 2002, police raided Sinn Fein's Assembly offices and arrested four officials as part of an investigation into a suspected IRA spy ring. Unionists viewed the charges as further proof that the IRA was not committed to the democratic process. Both the UUP and the DUP threatened to withdraw from the government unless Sinn Fein was expelled. Sinn Fein countered that the timing of the police raid on its offices—shortly after another UUP ultimatum for IRA disarmament—was not coincidental, but rather intended to shift the blame for an impending government collapse away from the unionists. With the political process in turmoil, London once again suspended Belfast's devolved government and reinstated direct rule on October 14, 2002.

## **2003-2007: The Struggle To Restore Devolution**

Following the 2002 suspension of the devolved government, London and Dublin led talks with Northern Ireland's political parties to try to find a way forward. Negotiations largely focused on finding a formula to assure unionists that the IRA was winding down as a paramilitary force and meeting nationalist demands for government stability and more progress in the police, justice, and human rights fields. In October 2003, the IRA announced a third act of decommissioning, but UUP leader Trimble criticized the lack of details about the quantity of arms disposed, and put further progress toward restoring devolution "on hold."

Despite the suspension of the power-sharing institutions, Assembly elections took place in November 2003. The elections produced a significant shift in the balance of power in Northern Ireland politics in favor of perceived hardliners on both sides of the conflict. The DUP—led by the Reverend Ian Paisley—overtook the UUP as the dominant unionist party. Sinn Fein surpassed the more moderate SDLP to become the largest nationalist party. Immediately after the elections, the DUP asserted that it would not enter into government with Sinn Fein until the IRA disarmed and disbanded; the DUP also refused to talk directly to Sinn Fein. Most analysts predicted that the 2003 election results would make restoring devolution more difficult.

For much of 2004, negotiations to restore the devolved government continued but remained stalemated. Talks were further complicated by a December 2004 bank robbery in Belfast, which police believed was carried out by the IRA, and the January 2005 murder of a Belfast man, Robert McCartney, during a bar brawl involving IRA members. These incidents increased pressure on the IRA and Sinn Fein to address the additional issue of IRA criminality; perhaps most significantly, much of this pressure came from within the Catholic community. On April 6, 2005, Sinn Fein leader Gerry Adams effectively called on the IRA to abandon violence and pursue politics as an "alternative" to "armed struggle." The IRA responded that it would consider Adams's appeal. London and Dublin welcomed Adams's statement but stressed that further progress in the peace process would depend on a decisive end to all IRA activity.

On July 28, 2005, the IRA ordered an end to its armed campaign. It instructed all members to pursue objectives through "exclusively peaceful means" and to "not engage in any other activities whatsoever." All IRA units were ordered to "dump arms." Although many analysts asserted that the IRA's statement was the least ambiguous one ever, unionists were wary, noting that it did not explicitly address the issue of IRA criminality or whether the IRA would disband. The DUP and other unionists also wanted Sinn Fein to support Northern Ireland's new police service.

On September 26, 2005, Northern Ireland's Independent International Commission on Decommissioning (IICD) announced that the IRA had put all of its arms beyond use, asserting that the IRA weaponry dismantled or made inoperable matched estimates provided by the security forces. On February 1, 2006, the International Monitoring Commission (IMC), responsible for

monitoring paramilitary ceasefires and political party compliance with the peace agreement, asserted that the IRA seemed to be moving in the right direction. However, unionists remained skeptical that the IRA's decommissioning would be accompanied by an end to all IRA paramilitary and criminal activity, and the DUP continued to resist sharing power with Sinn Fein.

In an attempt to break the stalemate, London recalled the Northern Ireland Assembly on May 15, 2006; the Assembly was permitted to debate policy matters but was not given the power to make laws. UK and Irish officials had hoped that by recalling the Assembly, even in such a "shadow" form, confidence would build between the opposing parties and in the political process. When this attempt ultimately failed, London and Dublin gave the parties until November 24, 2006, to form an Executive or new British-Irish "partnership arrangements" would be implemented to effectively govern Northern Ireland. The exact form of such partnership arrangements was left unclear, but analysts viewed this prospect as a veiled threat to unionists to reach a deal or risk ceding greater authority over the affairs of Northern Ireland to Dublin.<sup>7</sup>

With no real progress in the negotiations by mid-September 2006, former UK Prime Minister Tony Blair and former Irish Prime Minister Bertie Ahern announced an all-party meeting in Scotland in an attempt to hammer out a deal. On October 13, Blair and Ahern put forth a road map, known as the "St. Andrews Agreement," intended to break the political stalemate. It called for negotiations between November 2006 and March 2007 on forming a new permanent government; during this time, the DUP would agree to share power with Sinn Fein, and Sinn Fein would agree to support the police service and join the Policing Board. The St. Andrews Agreement also included some changes to the operation of the power-sharing institutions and provisions on government stability and human rights; in addition, to meet nationalist demands, it called for the devolution of policing and justice powers from London to Belfast by May 2008. It set March 7, 2007, as the date for new Assembly elections, and March 26 as the date for London to rescind direct rule and restore Northern Ireland's devolved government. Blair and Ahern warned again that failure to establish an Executive by March 26 would result in the dissolution of the Assembly and new British-Irish "partnership arrangements" to govern Northern Ireland.

Analysts contended that the biggest problem was the lack of trust between the DUP and Sinn Fein. The DUP wanted Sinn Fein to accept Northern Ireland's new police service, the courts, and the rule of law before agreeing to shared government. Meanwhile, Sinn Fein wanted the shared government to sit before accepting policing because it feared that, otherwise, the DUP would raise additional issues regarding the IRA before agreeing to share power. In January 2007, Sinn Fein members voted to support Northern Ireland's police and the criminal justice system in the context of the reestablishment of the political institutions. Many experts viewed Sinn Fein's resolution as historic, given the IRA's traditional view of the police as a legitimate target.<sup>8</sup>

On March 7, 2007, Northern Ireland voters went to the polls. Once again, the DUP and Sinn Fein emerged as the largest unionist and nationalist parties. Both the DUP and Sinn Fein interpreted these election results, in which each saw off challenges from internal dissenters opposed to the St. Andrews Agreement, as providing a mandate to work toward forming a power-sharing government. Analysts speculated that in light of Sinn Fein's commitment to policing, and perhaps to secure his own legacy, Paisley was finally ready to enter into government with Sinn Fein.

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<sup>7</sup> Brian Lavery, "Blair and Ahern Warn Ulster: End the Standoff by Fall Deadline," *New York Times*, April 7, 2006.

<sup>8</sup> "Sinn Fein Votes To Support Police," BBC News, January 28, 2007.

On March 26, 2007, in an historic event, Paisley and Adams met for the first time and announced a deal to form a power-sharing government on May 8, 2007. London and Dublin agreed to accept the six-week delay in restoring Northern Ireland's devolved government given that the two parties were able to reach agreement themselves. The DUP had pressed for the delay in order to "raise the level of confidence in the [unionist] community," especially in regard to Sinn Fein's commitment to support policing. Analysts contended that the image of Paisley and Adams sitting at the same table and the statements of both pledging to work toward a better future for "all" the people of Northern Ireland were unprecedented.<sup>9</sup>

On May 8, 2007, Paisley and Sinn Fein's chief negotiator Martin McGuinness were sworn in as First and Deputy First Minister respectively, and the power-sharing Assembly and Executive began work. Many experts believed that unlike past efforts, this deal would stick, given that it was reached by the DUP and Sinn Fein, viewed as the two most polarized forces in Northern Ireland politics. By many accounts, Paisley and McGuinness established a good working relationship, and the devolved government ran relatively smoothly for the remainder of 2007. Focus was largely on local issues, such as water charges, health care, housing, and education. In October 2007, the Executive issued a new legislative program, a 10-year investment strategy, and its first budget since devolution was restored. Many hailed these documents as demonstrating the Executive's ability to work together on key priorities and spending plans.<sup>10</sup>

At the same time, tensions remained within the devolved government and many continued to reflect nationalist-unionist divisions. Most significantly, the DUP and Sinn Fein remained at odds over the transfer of police and justice affairs from London to the devolved government by May 2008, as called for in the 2006 St. Andrews Agreement. The DUP had long maintained that May 2008 was merely an aspirational date to which they were not committed.

## **2008-2010: The Transfer of Policing and Justice Powers**

During the first few months of 2008, the UK government continued to encourage the devolution of policing and justice powers to Northern Ireland's Assembly and Executive by May 2008. Sinn Fein leaders warned that a failure to transfer police and justice powers by then could lead to renewed political instability. The DUP, however, continued to argue that May 2008 was only a target date and that more time was needed to build public confidence both in Sinn Fein's commitment to the police service and the devolved government's ability to undertake such a sensitive policy portfolio. Consequently, the May 2008 deadline for the devolution of police and justice affairs came and went.

The issue was further complicated when Ian Paisley stepped down as DUP leader and First Minister on June 5, 2008, at the age of 81. Observers speculated that Paisley's decision likely reflected his increasing physical fragility and a loss of support among some Protestant voters still opposed to the power-sharing deal with Sinn Fein. Peter Robinson, the former deputy DUP leader, succeeded Paisley as party leader and first minister. Press reports indicated that the relationship between Robinson and Deputy First Minister McGuinness was much frostier than

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<sup>9</sup> Frank Millar, "Paisley Reaches Out and Grasps Cherished Prize," *Irish Times*, March 27, 2007; "NI Politics Moves Away from Edge," BBC News, May 8, 2007.

<sup>10</sup> Dan McGinn, "Job Creation Key to Stormont Programme for Government," Press Association, October 25, 2007; "McAleese Praises Stormont Leaders," *Irish News*, November 30, 2007.

that between Paisley and McGuinness. Some suggest that Robinson's demeanor toward McGuinness reflected pressure from hardline elements both within and outside the DUP.

In July 2008, the lack of progress on devolving police and justice powers from London to Belfast prompted Sinn Fein to block the regular meetings of the Executive Committee, essentially bringing the formal work of the Assembly to a standstill. Press reports indicated that Sinn Fein was also unhappy with DUP opposition to other nationalist legislative proposals, including education reform, an Irish language act, and the proposed transformation of the Maze prison site. After a five-month suspension, Executive Committee meetings resumed in late November 2008 following a DUP-Sinn Fein agreement on a roadmap for devolving authority for policing and justice affairs. Although Sinn Fein failed to achieve a precise date for such devolution, the roadmap set out a series of steps aimed at producing the eventual transfer of power.

As part of the roadmap, the DUP and Sinn Fein agreed that a Northern Ireland Justice Department would be established, as well as an independent attorney general for Northern Ireland. In addition, the parties agreed on a system for choosing a justice minister. Although Executive Committee ministerial portfolios are normally allocated based on party strength, the two sides asserted that given the sensitive nature of this position, the new justice minister would be elected by a cross-community vote in the Assembly. The DUP was eager to ensure that the justice minister post would not go to Sinn Fein in the near future.<sup>11</sup>

Nevertheless, for much of 2009, progress on transferring police and justice powers to the devolved government remained slow. The DUP continued to insist that it would only support devolution when there was sufficient confidence within the unionist community; among the confidence-building measures reportedly demanded by the DUP were certain guarantees regarding police reserve units and changes to how contentious sectarian parades in the region were managed.<sup>12</sup> Sinn Fein accused the DUP of stalling and playing politics. As the months went on, observers noted the uptick in dissident and paramilitary activity and asserted that such groups were attempting to exploit the perceived instability in the devolved government. In March 2009, two British soldiers and a policeman were killed by dissident republicans in separate incidents. Both the DUP and Sinn Fein, however, condemned the murders and pledged that such actions would not impede the peace process or the work of the devolved government.

On December 1, 2009, the Northern Ireland Assembly passed a bill paving the way for the devolution of policing and justice. The bill created a justice department and formally established the rules for appointing a justice minister (as agreed in the November 2008 roadmap). However, Deputy First Minister McGuinness also warned of an "impending full blown crisis" in the devolved government if a firm date for devolution was not set soon. Negotiations between the DUP and Sinn Fein continued in early 2010, but remained deadlocked. On January 25, 2010, former British Prime Minister Gordon Brown and former Irish Prime Minister Brian Cowen

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<sup>11</sup> David McKittrick, "Sinn Fein Isolated At Stormont in Stand-off with DUP Over Power-sharing," *The Independent*, September 19, 2008; Gerry Moriarty, "Robinson and Adams Have To Show Leadership," *Irish Times*, October 17, 2008; Henry McDonald and Owen Bowcott, "Northern Ireland Parties Reach Devolution Agreement," *The Guardian*, November 18, 2008; Mark Devenport, "Agreement Leaves Unanswered Questions," BBC News, November 19, 2008.

<sup>12</sup> In 1998, an independent Parades Commission was set up to rule on disputed parades commemorating Protestant history. Although the vast majority of these annual parades by unionist cultural and religious organizations were not contentious, some were held through or close to areas populated mainly by Catholics (some of whom perceive such parades as triumphalist and intimidating) and often provoked fierce street violence. Much of the unionist community has long viewed the Parades Commission as biased against it and has repeatedly called for its abolition.

convened a summit with the parties to try to hammer out a deal and set a date for the devolution of authority for policing and justice affairs.

On February 4, 2010, after 10 days of intense negotiations, the DUP and Sinn Fein announced that they had reached a deal on the devolution of policing and justice authority from London to Belfast. The resulting “Hillsborough Agreement” set April 12, 2010, as the date for this transfer of power. The Hillsborough Agreement also established a timeline for developing a new mechanism to deal with disputed parades. Other parts of the accord called for the establishing working groups to examine how the Executive might function better as well as remaining issues from the 2006 St. Andrews Agreement. London, Dublin, and Washington hailed the Hillsborough accord as a significant step toward completing the full implementation of the Good Friday Agreement and securing a lasting peace in Northern Ireland.

On March 9, 2010, the Northern Ireland Assembly approved the Hillsborough Agreement. On April 12, as agreed and for the first time in 38 years, London transferred power over policing and justice affairs to Belfast. That same day, David Ford, of the smaller, cross-community Alliance Party, was elected as Northern Ireland’s new justice minister.<sup>13</sup>

## Implementing Police Reforms

Police reforms have long been recognized as a key element in achieving a comprehensive peace in Northern Ireland, but implementation has been challenging. The Royal Ulster Constabulary (RUC)—Northern Ireland’s former, 92% Protestant police force—was long viewed by Catholics as an enforcer of Protestant domination. Human rights organizations accused the RUC of brutality and collusion with loyalist paramilitary groups. Defenders of the RUC pointed to its tradition of loyalty and discipline and its record in fighting terrorism. The Good Friday Agreement called for an independent commission to make recommendations to help “ensure policing arrangements, including composition, recruitment, training, culture, ethos and symbols, are such that ... Northern Ireland has a police service that can enjoy widespread support from ... the community as a whole.” In June 1998, Prime Minister Blair appointed Chris Patten to head this commission. In September 1999, the Patten Commission released a report with 175 recommendations. It proposed a new name for the RUC, a new badge, and new symbols free of the British or Irish states. Other key measures included reducing the size of the force from 11,400 to 7,500, and increasing the proportion of Catholic officers (from 8% to 30% in 10 years). Unionists responded negatively, but nationalists were mostly positive.<sup>14</sup>

In May 2000, the Blair government introduced the Police Bill in the UK House of Commons, and maintained that the reform bill was faithful to the Patten report’s “broad intention” and “detailed recommendations.” Nationalists were critical, arguing that Patten’s proposals had been gutted. London responded that amendments would deal with human rights training, promoting 50-50 recruitment of Catholics and Protestants, and oversight responsibilities. The Police (Northern Ireland) Bill became law in November 2000, but Sinn Fein and the SDLP asserted that the

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<sup>13</sup> “Justice Minister in Place by Xmas,” *Belfast News*, December 3, 2009; “Parading: A Deal Breaker?,” BBC News, January 14, 2010; “Timeline: Devolution of Policing and Justice,” BBC News, February 5, 2010; Steven McCaffery and David Young, “Assembly Passes Policing and Justice Devolution,” *The Independent*, March 9, 2010.

<sup>14</sup> See “A New Beginning: Policing in Northern Ireland,” The Report of the Independent Commission on Policing for Northern Ireland, September 1999. The text may be found at <http://cain.ulst.ac.uk/issues/police/patten/patten99.pdf>.

reforms did not go far enough and were doubtful that the new police force would be sufficiently accountable or responsive to the entire community. In March 2001, recruiting began for the future Police Service of Northern Ireland (PSNI), but it was unclear whether nationalists would support this new force or join the 19-member Policing Board, a new democratic oversight body. To help ensure nationalist support, London proposed further concessions in July 2001, including halving the anti-terrorist “Special Branch” and prohibiting new recruits from using plastic bullets.

In August 2001, the SDLP broke with Sinn Fein and accepted the British government’s additional concessions on policing. The SDLP agreed to nominate representatives to the Policing Board and urged young Catholics to join the new police service. The UUP and the DUP also agreed to join the Policing Board, which came into being on November 4, 2001. That same day, the RUC was renamed the PSNI, and the first class of recruits drawn 50-50 from both Catholic and Protestant communities began their training. Sinn Fein maintained that the changes in the police service were largely cosmetic and continued to charge that the new PSNI—like the RUC before it—would be unduly influenced by elements of the security services opposed to the peace process. Some say that Sinn Fein’s absence from the Policing Board discouraged more Catholics from joining the PSNI, and prevented the PSNI’s full acceptance by the nationalist community.

To assuage nationalist concerns further and encourage Sinn Fein to join the Policing Board, London outlined plans in November 2002 for new policing legislation to provide more public accountability and to eventually allow former paramilitaries to sit on Northern Ireland’s District Policing Partnerships, which seek to foster greater local involvement in policing. This Police (Northern Ireland) Bill became law in April 2003. In November 2004, Sinn Fein leader Gerry Adams met with then-PSNI chief Hugh Orde for the first time in what was viewed by many as a positive sign for the peace process.

Sinn Fein continued to assert, however, that its acceptance of the PSNI and the Policing Board hinged on a deal to revive the devolved government and the transfer of policing and justice powers from London to a restored Assembly and Executive. As noted previously, in January 2007, Sinn Fein members voted to support the police and join the Policing Board. Sinn Fein members assumed their places on the Policing Board in late May 2007, following the re-establishment of the devolved government. Some analysts contended that Sinn Fein’s 2007 decisions to support the PSNI and join the Policing Board were made on the assumption that the devolution of policing and justice powers would occur soon thereafter. As such, Sinn Fein leaders reportedly worried that the delay in this process left them vulnerable to dissident republicans who could claim that Sinn Fein’s new approach toward policing had not produced tangible results.<sup>15</sup> As discussed above, policing and justice powers were transferred to the Northern Ireland Assembly and Executive in April 2010.

In March 2011, the 50-50 recruitment process for Catholic and Protestant PSNI officers was brought to a close. In making this decision, UK officials asserted that Catholic officers now made up almost 30% of the PSNI, and as such, the 50-50 process had fulfilled the goal set out by the Patten Commission. Although some nationalists viewed this decision as premature, many unionists applauded it, viewing the 50-50 rule as unfairly discriminating against Protestants.<sup>16</sup>

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<sup>15</sup> “Northern Ireland: Eerie Echoes of the Past,” *The Guardian*, December 31, 2009.

<sup>16</sup> “Police 50-50 Recruiting System Is To End,” BBC News, March 28, 2011.

## Security Normalization

In July 2007, the British army ended its 38-year long military operation in Northern Ireland in the context of the peace process and the improved security situation. Although a regular garrison of 5,000 British troops remains based in Northern Ireland, they no longer have a role in policing and may be deployed anywhere in the world. Policing in Northern Ireland is now the responsibility of the PSNI.

## Recent Events and Ongoing Challenges

In light of the 2007 political agreement to restore Northern Ireland's devolved government, the transfer of policing and justice powers in 2010, and the extensive police reforms of the last decade, many analysts view the implementation of the most important aspects of the Good Friday Agreement as having been completed. In late March 2011, the Northern Ireland Assembly and Executive concluded its first full term in office in 40 years. Elections for a new devolved government were held on May 5, 2011. The DUP and Sinn Fein retained their positions as the largest unionist and nationalist parties in the Assembly, resulting in the return of DUP leader Peter Robinson as First Minister and Sinn Fein's Martin McGuinness as Deputy First Minister. Observers noted that the 2011 elections were remarkable for their focus on "bread-and-butter" political and economic issues rather than "the troubles." Although the unionist-nationalist divide still largely defines Northern Ireland's politics, with two parallel elections essentially taking place, 2011 election results indicate that some voters actually crossed traditional community lines in casting their second- and third-preference votes.<sup>17</sup>

Despite the progress in Northern Ireland, some commentators point out that other issues related to the peace process remain outstanding. For example, some nationalists continue to press for more progress in the area of human rights and equality, arguing in particular that Northern Ireland needs its own Bill of Rights and an Irish Language Act. Meanwhile, many unionists remain concerned with how sectarian parades are managed. Although the Hillsborough Agreement had called for a new parading structure to be in place by December 2010, this process has largely stalled (in part because of opposition from a key Protestant group involved in parading).<sup>18</sup>

Broader issues in Northern Ireland's search for peace and reconciliation also persist. Key among these is how to fully address the legacy of violence in Northern Ireland. Although several legal processes for examining crimes stemming from "the troubles" exist, critics argue that it is a piecemeal approach that gives some deaths and incidents priority over others, and is expensive and time-consuming. At the same time, many observers point out that there is no consensus in Northern Ireland on the best way to deal with the past. A set of recommendations issued in 2009

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<sup>17</sup> Fianola Meredith, "Northern Ireland's Positive Apathy," *The Guardian*, May 7, 2011.

<sup>18</sup> In July 2010, the DUP and Sinn Fein proposed new parades legislation that would abolish the existing Parades Commission and promote local solutions to disputed marches; various aspects of the proposal, however, were criticized by unionists, nationalists, and civil rights groups. Despite changes to the proposed legislation to address these concerns, the Protestant Orange Order—which has been at the center of many contentious parades in the past—continues to reject it. The DUP asserts that it does not make sense to set up a new parading structure without the support of the Orange Order. See "Parades Legislation on Hold Over Orange Order Move," BBC News, September 27, 2010.

by the Consultative Group on the Past (set up by the UK government) was widely criticized for a variety of reasons from nearly all segments of Northern Ireland society.<sup>19</sup>

Other concerns in Northern Ireland in the long term include addressing ongoing sectarian strife and dealing with remaining dissident activity. Many note that the street violence and riots during the last two summer marching seasons—when unionists traditionally hold parades—were some of the worst in recent memory and demonstrate that sectarian divisions still run deep. In addition, recent assessments of ongoing paramilitary activity indicate that the threat from dissident groups opposed to the peace process remains serious. In particular, security officials note that the Continuity IRA, the Real IRA, and Óglaigh na hÉireann (believed to be a splinter faction of the Real IRA) continue to recruit members, acquire weapons, target potential victims, and engage in criminal activity. On April 2, 2011, a young Catholic police officer was killed when a bomb exploded under his private car. Dissident republicans are suspected of carrying out the bombing, as well as dozens of other similar attacks on police officers over the last several years (in most of these other attacks, the bombs failed to detonate, although some resulted in serious injuries).

At the same time, authorities note that while dissident republican groups continue to pose a danger, they do not have the same capacity to mount a sustained terror campaign like the IRA did between the 1970s and the 1990s. Remaining loyalist groups are generally perceived as less dangerous than dissident republicans at present, but some members of loyalist groups are heavily engaged in a wide range of serious crimes. Reports also suggest that some loyalist elements continue to recruit young people and possibly seek weapons, both of which are inconsistent with the ceasefire and decommissioning commitments of the main loyalist groups.<sup>20</sup>

Many assert that the best way to deny dissident groups new recruits is to promote Northern Ireland's continued economic development and further ensure equal opportunity for Catholics and Protestants. Despite the recent global downturn, Northern Ireland's economy has improved significantly since the mid-1990s. For example, between 1997 and 2007, Northern Ireland's economy grew 5.6% on average (marginally above the UK average of 5.4%) and unemployment in Northern Ireland dropped from 8.8% in 1997 to 4.3% in 2007. Although unemployment in Northern Ireland currently stands at 7.2%, it is lower than the UK average of 8.4%, and remains comparatively low relative to previous decades (over 17% in the late 1980s). Northern Ireland has also made strides in promoting equality in its workforce. Although Protestants continue to have higher economic activity rates compared to Catholics (73% to 68%), the number of economically active Catholics increased by 87,000 between 1992 and 2010 (the number of economically active Protestants increased by 9,000 over this period). Also, the percentage point gap in unemployment rates between the two communities has decreased from 9% in 1992 to 3% in 2010.<sup>21</sup>

At the same time, some economic challenges persist. Income earned and living standards in Northern Ireland remain below the UK average. Northern Ireland also has both a high rate of economic inactivity (27%) and a high proportion of working-age individuals with no qualifications. Studies indicate that the historically poorest areas in Northern Ireland (many of

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<sup>19</sup> "What's the Future of NI's Troubled Past," BBC News, June 16, 2010; Gerry Moriarty, "Negative Reaction to Eames-Bradley Proposals," *Irish Times*, July 19, 2010; "14 Years After Deal NI Still Very Divided New Report Suggests," BBC News, February 29, 2012.

<sup>20</sup> Twenty-fifth Report of the Independent Monitoring Commission, November 2010; Gerry Moriarty, "Dissident Republicans Pose Serious Threat in NI and Britain," *Irish Times*, February 25, 2011.

<sup>21</sup> Northern Ireland Statistics and Research Agency, *The 2010 Labour Force Survey Religion Report*, December 2011.

which bore the brunt of “the troubles”) remain so, and that many of the areas considered to be the most deprived are predominantly Catholic. To improve Northern Ireland’s economic recovery and strengthen its long-term performance, Northern Ireland leaders are seeking to promote export-led growth, decrease Northern Ireland’s economic dependency on the public sector by growing the private sector, and attract more foreign direct investment.<sup>22</sup>

## U.S. Policy

Successive U.S. administrations have viewed the Good Friday Agreement as the best framework for a lasting peace in Northern Ireland. The Clinton Administration was instrumental in helping the parties forge the agreement, and the Bush Administration strongly backed its full implementation. U.S. officials welcomed the end to the IRA’s armed campaign in 2005 and the restoration of the devolved government in 2007. Like its predecessors, the Obama Administration has continued to offer U.S. support for the peace process. In October 2009, U.S. Secretary of State Hillary Clinton visited Northern Ireland, addressed the Assembly, and urged Northern Ireland’s leaders to reach an agreement on the devolution of policing and justice. Following the February 2010 deal on the devolution of these powers, President Obama stated that the resulting Hillsborough Agreement was an “important step on the pathway to greater peace and prosperity for all communities on the island.”<sup>23</sup>

Many Members of Congress also actively support the peace process. Encouraged by progress on police reforms, several Members prompted the Bush Administration in December 2001 to lift a ban on contacts between the FBI and the new PSNI. Congress had initiated this prohibition in 1999 because of the former RUC’s human rights record. In recent years, congressional hearings have focused on the peace process, policing reforms, human rights, and the status of public inquiries into several past murders in Northern Ireland in which collusion between the security forces and paramilitary groups is suspected; these murders have included the 1989 slaying of Belfast attorney Patrick Finucane and the 1997 killing of Raymond McCord, Jr.<sup>24</sup>

On the economic front, the United States is an important source of investment for Northern Ireland. Between 2002 and 2007, for example, capital investment by U.S.-based companies totaled \$1.1 billion, and created over 4,000 jobs in Northern Ireland.<sup>25</sup> Between 2009 and 2011, a special U.S. economic envoy to Northern Ireland worked to further economic ties between the United States and Northern Ireland and to underpin the peace process by promoting economic prosperity. In October 2010, the U.S. government hosted an economic conference in Washington, DC aimed at attracting more U.S. investment to Northern Ireland.

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<sup>22</sup> Northern Ireland Statistics and Research Agency, *Northern Ireland Multiple Deprivation Measure 2010 Report*, May 2010; Northern Ireland Executive Economic Strategy, *Consultation on Priorities for Sustainable Growth and Prosperity*, January 2011; Northern Ireland Department of Enterprise, Trade, and Investment, *Economic Commentary*, January 2012; Northern Ireland Department of Enterprise, Trade, and Investment, *Monthly Labour Market Report*, February 2012.

<sup>23</sup> “President Obama Welcomes NI Justice Deal,” BBC News, February 5, 2010.

<sup>24</sup> See, for example: House Foreign Affairs Committee, Subcommittee on International Organizations, Human Rights and Oversight, “Fulfilling the Promise of Peace: Human Rights, Peace and Reconciliation in Northern Ireland and Bosnia,” 111<sup>th</sup> Congress, September 16, 2010; and Commission on Security and Cooperation in Europe, “Northern Ireland: Why Justice in Individual Cases Matters,” 112<sup>th</sup> Congress, March 16, 2011.

<sup>25</sup> Northern Ireland Department of Enterprise, Trade, and Investment, *FDI Research: Final Report*, February 2008.

## International Fund for Ireland

The United States has provided aid to the region through the International Fund for Ireland (IFI) since its creation in 1986. Although the IFI was established by the British and Irish governments based on objectives in the Anglo-Irish Agreement of 1985, the IFI is an independent entity. The IFI supports economic regeneration and social development projects in areas most affected by the civil unrest in Northern Ireland and in the border areas of the Republic of Ireland; in doing so, it has also sought to foster contact, dialogue, and reconciliation between nationalists and unionists. According to the U.S. State Department, the United States has contributed nearly \$500 million since the IFI's establishment, roughly half of total IFI funding.<sup>26</sup> The other international donors to the IFI are the European Union (EU), Canada, Australia, and New Zealand; only the United States and the EU, however, have provided funding for the IFI consistently every year. During the 1980s and 1990s, U.S. appropriations for the IFI averaged around \$23 million annually; over the last decade, U.S. appropriations averaged \$18 million each year.

According to the Fund, the vast majority of projects that it has supported with seed funding have been located in disadvantaged areas that have suffered from high unemployment, a lack of facilities, and little private sector investment. Since 1986, the IFI has aided over 5,800 projects across Northern Ireland and the southern border counties, in sectors such as tourism, urban and rural development, agriculture, technology, and business and community development. Over the years, IFI-supported projects have helped create a total of 55,000 direct and indirect jobs. In 2006, amid an improved economic situation, the IFI released a five-year "Sharing this Space" program, in which the IFI announced that it would begin shifting its strategic emphasis away from economic development and toward projects aimed at promoting community reconciliation and overcoming past divisions.<sup>27</sup>

Successive U.S. Administrations and many Members of Congress have strongly backed the IFI as a means to promote economic development and encourage divided communities to work together. Support for paramilitary groups in Northern Ireland has traditionally been strongest in communities with high levels of unemployment and economic deprivation. Thus, many observers have long viewed the creation of jobs and economic opportunity as a key part of resolving the conflict in Northern Ireland and have supported the IFI as part of the peace process. In recent years, many U.S. officials and Members of Congress also encouraged the IFI to place greater focus on reconciliation activities, and were pleased with the IFI's decision to do so in 2006.

However, critics have questioned the IFI's effectiveness over the years, viewing some IFI projects as largely wasteful and unlikely to bridge community divides in any significant way. Others suggest that the IFI was never intended to continue in perpetuity. Some also argue that it is now time to move the U.S.-Ireland relationship onto a more mature and equal footing, and that continued U.S. development assistance undermines this goal.

Between FY2006 and FY2011, neither the Bush nor the Obama Administration requested funding for the IFI in the president's annual budget request. Administration officials maintained that the lack of a funding request for the IFI did not signal a decreased U.S. commitment to Northern Ireland; rather, they asserted that the IFI was expected to begin winding down as an organization.

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<sup>26</sup> U.S. Department of State, *Background Note: Ireland*, November 2011; the Anglo-Irish Agreement Support Act of 1986 (P.L. 99-415) authorizes U.S. contributions to the IFI.

<sup>27</sup> For more information, see the IFI's website: <http://internationalfundforireland.com>.

The 2006 “Sharing this Space” program was intended as the “last phase” of the IFI, and in its 2009 Annual Report, the IFI stated that it would no longer be seeking contributions from its donors. Despite the lack of an Administration request, Congress continued to appropriate funding for the IFI between FY2006 and FY2010 (\$17 million for FY2010), viewing these contributions as an important and tangible sign of the ongoing U.S. commitment to the peace process.

In FY2011, however, amid the U.S. economic and budget crisis, some Members of Congress began to call for an end to U.S. funding for the IFI as part of a raft of budget-cutting measures. Many asserted that U.S. contributions to the IFI were no longer necessary given Ireland and Northern Ireland’s improved political and economic situation (relative to what it was in the 1980s). The sixth FY2011 continuing resolution (P.L. 112-6) did not specify an allocation for the IFI, nor did the final FY2011 continuing resolution (P.L. 112-10, the Department of Defense and Full-Year Continuing Appropriation Act of 2011).

Other Members of Congress have continued to support U.S. funding for the IFI, noting the recent financial woes in Ireland and Northern Ireland, increasing concerns about the possibility of dissident violence, and ongoing sectarian tensions in the region. They point out that in light of these evolved circumstances, the IFI itself has reversed course; recent IFI statements suggest that the IFI will continue functioning for the near term and is hoping for further financial contributions from its donors. Press reports indicate that the British and Irish governments also support the IFI’s continuation, as does Northern Ireland’s Executive.<sup>28</sup> Subsequent to the FY2011 budget deliberations, the U.S. Administration allocated \$2.5 million from FY2011 Economic Support Fund (ESF) resources to the IFI in the form of a grant for specific IFI activities that support “peace and security” in Ireland and Northern Ireland.

For FY2012, the Administration requested \$2.5 million for the IFI in its annual budget request. The Administration asserted that “a permanent political settlement in Northern Ireland remains a priority foreign policy goal of the United States” and that “cross-community relations continue to be hampered by a lack of economic development and high unemployment.” The FY2012 budget request also noted the increase in sectarian-driven hate crimes and paramilitary-style shootings and assaults in Northern Ireland over the last few years, and that U.S. assistance would seek to counter these negative trends “by addressing the root causes of violence and intolerance.”<sup>29</sup> The final FY2012 foreign operations spending measure (P.L. 112-74, the Consolidated Appropriations Act, FY2012), however, did not include a specific allocation for the IFI. In its FY2013 budget request, the Administration again proposed \$2.5 million for the IFI, but as part of its Economic Support Fund request for the Europe and Eurasia region aimed at promoting “peace and reconciliation programs.”

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<sup>28</sup> Susan Falvella Garraty, “Gulf Apparent as IFI Goes Another Round,” *Irish Echo*, December 22, 2010; Niall Stange, “U.S. Cuts Plan Puts Ireland Fund Under Pressure,” *Irish Times*, February 15, 2011; Ben Pershing, “Funding Irish Group Sparks Earmark Debate,” *Washington Post*, May 23, 2011.

<sup>29</sup> See U.S. Department of State, *FY2012 Congressional Budget Justification for Foreign Operations, Annex: Regional Perspectives*, pp. 497-498, available at <http://www.state.gov/documents/organization/158268.pdf>.

## **Legislation in the 111<sup>th</sup> and 112<sup>th</sup> Congresses**

**P.L. 112-6** (March 18, 2011) eliminates funding under “Bilateral Economic Assistance” for the International Fund for Ireland (Sec. 292) as part of the sixth FY2011 continuing resolution (Additional Continuing Appropriations Amendments, 2011).

**H.R. 464** (Chaffetz, introduced January 26, 2011) prohibits U.S. contributions to the International Fund for Ireland, effective FY2012 and subsequent fiscal years.

**H.Res. 1252** (Rooney; introduced April 14, 2010) commends the political leadership in Northern Ireland on reaching the Hillsborough Agreement on policing and justice.

**P.L. 111-117** (December 16, 2009) appropriated \$17 million for the International Fund for Ireland as part of the FY2010 Consolidated Appropriations Act.

**P.L. 111-8** (March 11, 2009) appropriated \$15 million for the International Fund for Ireland as part of the FY2009 Omnibus Appropriations Act.

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