

# THE ANGLO-IRISH AGREEMENT AND THE PROSPECTS FOR POWER SHARING IN NORTHERN IRELAND

JOHN McGARRY\*

In the Anglo-Irish agreement signed at Hillsborough Castle on 15 November 1985, the British government declared that it was its policy to promote a return to devolved government in Northern Ireland. Devolution would take place, the agreement stated, only if a settlement could secure 'widespread acceptance throughout the community', a formula which, in practical terms, entailed a degree of 'power-sharing' between parties representing the Protestant majority and the Catholic minority.

Power-sharing has much to commend it. It would be a more just arrangement than its main alternative, the Westminster model of government under which the party or parties winning a majority of seats govern and those with a minority of seats oppose. The Westminster system may be suitable for a society where the main political divisions are over economic matters or provision of services, and where the opposition can realistically aspire to government. It is not suitable for a society where the party system is split along communal lines, and where its effect would be to condemn one party to a permanent minority role. Power-sharing has proved to be extremely durable in some regimes with communal divisions. Indeed, an awareness of the success of power-sharing elsewhere, especially in the Netherlands where, for most of this century, parties representing Catholics have successfully shared power with parties representing Protestants probably helped to shape British policy in Northern Ireland. Yet the prospect of a power-sharing settlement in Northern Ireland, with or without the Anglo-Irish agreement, is exceedingly remote and

\* John McGarry is an assistant professor specializing in Comparative Politics at the University of Western Ontario. He has written a Master's Thesis on Northern Ireland and a Doctoral Dissertation on Scottish and Welsh nationalism. His current research interests involve studying the politics of societies divided by religion, ethnicity, race or language. He would like to thank Jim Crimmins for his helpful comments on an earlier draft of this paper.

*The Anglo-Irish Agreement*, Mount Salus Press, Dublin, 1985, art 4 (b).

## THE ANGLO-IRISH AGREEMENT AND POWER SHARING

any continued efforts towards such an arrangement will most probably be futile.

This paper seeks to explain why this is so. It briefly examines the pre-Hillsborough debate on power-sharing and shows why it has been so difficult to get Catholic and Protestant politicians to cooperate in government. Then it indicates how and why the agreement itself is unlikely to overcome these difficulties. Finally, it tries to show why power-sharing arrangements which have been successful in other regimes are unlikely to succeed in Northern Ireland.

### **The pre-Hillsborough debate on power-sharing**

To grasp why agreement on power-sharing was not forthcoming before the Anglo-Irish agreement, it is important to understand the nature of the conflict in Northern Ireland. A successful power-sharing settlement there requires the coming together of two groups which harbour fundamentally different views on the constitutional future of the state.

The majority of Catholics are represented by the Social Democratic and Labour party (SDLP), a nationalist party which is committed by its constitution to achieving the unification of Ireland by 'consent'. For the SDLP, the participation of nationalists in a power-sharing cabinet is regarded not as an end in itself but as an essential, albeit long-term, step towards a united Ireland. The SDLP also insists that a power-sharing arrangement within Northern Ireland must be accompanied by an all-Ireland political institution with significant powers or, alternatively, by a role for the Republic's government in the affairs of Northern Ireland through an Anglo-Irish condominium. For it, both policies are inextricably linked. From its point of view, internal power-sharing alone would not only be risky; it would also be tantamount to recognising the legitimacy of the partition of Ireland, a step which would mean abandoning its central nationalist aspirations.

Protestants, on the other hand, are represented by unionist parties. These parties are imbued with a siege mentality and a sense of insecurity derived from their minority status on the island. Because of this they have been traditionally opposed to any institution which might lead to a united Ireland, whether in the short or the long term. As the self-proclaimed guardians of Ulster's territorial integrity against the irredentist claims of the Republic of Ireland, they have not been prepared, apart from a brief interlude in 1974, to share cabinet seats with people whom they regard, in essence, as fifth-columnists of a foreign power. As a Unionist inspired statement from the report of the Constitutional Convention put it in 1975: 'No country ought to be forced to have in its cabinet any person whose political philosophy and attitudes have revealed his opposition to the very existence of the state'.<sup>2</sup>

<sup>2</sup> *Northern Ireland Constitutional Convention: Report*, H.M.S.O. 1975, para. 96.

Unionists have also consistently ruled out any significant all-Ireland political institution. Failing to see how any such body could win their freely given consent to a united Ireland, they regard it as an instrument of subtle coercion which, by putting pressure on the United Kingdom government and by creating forms of dependency between the two parts of Ireland, would achieve their 'consent' only by making the alternatives even more unpalatable. They are afraid that their agreement to such an institution might be interpreted by a British government with no obvious interest in holding onto Northern Ireland as a sign that their resistance to unification was weakening.

### **A Unionist View of the Agreement**

The Anglo-Irish agreement of November 1985 is the latest in a long line of initiatives which aims at establishing a power-sharing devolved government in Northern Ireland. Under the terms of the accord, the republic of Ireland has been given an unprecedented advisory role in the affairs of Northern Ireland. To facilitate this, an Inter-Governmental Conference has been established together with a permanent secretariat housed in buildings at Maryfield, near Belfast. Under the aegis of the new Conference, the British government has accepted that the Irish government has the right to put forward 'views and proposals on matters relating to Northern Ireland'. Both governments are bound by the agreement to make 'determined efforts' to resolve any difference that might arise in the Conference.

That the agreement has power-sharing devolution as its aim is clear from Article 4. This claims that it is 'the declared policy of the United Kingdom government' that devolution should take place within Northern Ireland on a 'basis which would secure widespread acceptance throughout the community'. The commitment of the British government to power-sharing has since been confirmed both in the Conservative party manifesto preceding the 1987 Westminster election and in the Queen's speech of June 1987.

When the agreement was signed, both governments hoped that a number of its provisions would win Unionist approval and make it easier for them to accept power-sharing with nationalists. First, it was hoped that the agreement's article 1, whereby the British and Irish governments recognized that no change in the status of Northern Ireland could take place without majority consent, would allay Unionist fears about the consequences of sharing power with nationalists. Secondly, it was thought that the enhanced cross border cooperation on security matters provided for in the agreement would win approval from Unionists. Finally, the most direct incentive for the Unionists to enter a power-sharing arrangement was provided in a clause which indicated that, while the Conference would continue to remain in existence,

## THE ANGLO-IRISH AGREEMENT AND POWER SHARING

its scope would be reduced substantially as soon as a devolved administration was established.

Despite these incentives, Unionists have rejected the agreement and any devolution flowing from it. Their opposition centres on their belief that article one – guaranteeing that there will be no change in the status of Northern Ireland without majority consent – is not as iron-clad as the Northern Ireland Secretary made it out to be in the weeks after the signing of the accord. It is not difficult to see why they believe so. Since the definition of ‘status’ is nowhere spelt out in the treaty, and, since Articles 2 and 3 of the Republic’s constitution claim jurisdiction over Northern Ireland, it can be argued that the status recognized by the Republic is not that Northern Ireland is a part of the United Kingdom, but that it is a part of the Republic. Any other interpretation, Unionists point out, would make the agreement unconstitutional there.

Even if the Republic’s guarantee did refer to Northern Ireland’s status as a part of the United Kingdom, Unionists consider it worthless so long as the offending articles in the Republic’s constitution continue to exist. So long as these articles remain, they argue, the Republic has recognised the need to achieve majority consent for unity only *de facto*, and not *de jure*. SDLP claims that the agreement is not a settlement in itself, but part of a ‘process’ which could lead to the development of ‘new relationships’ within Ireland, claims which exacerbate Unionist fears.<sup>3</sup>

Nor are Unionists placated by the fact that Britain has also ‘guaranteed’ their position in article one. Some believe that this clause, which allows Northern Ireland to leave the union as soon as a majority consents, indicates that Westminster is substantially less than whole-hearted in its desire to maintain the union. To be sure, it has been a tenet of British policy since 1921 that Northern Ireland is different in this respect from any other part of the United Kingdom. But article one (c) of the agreement marks a subtle, yet significant, shift by the British government towards the Irish nationalist position. This indicates that Britain will not only refuse to stand in the way of the unification of Ireland if the majority consents, but that she will actively facilitate such a settlement by introducing enabling legislation.

Unionists doubt also the value of a guarantee which has already allowed Dublin a role in the province’s affairs without the consent of the majority, and which permits, through article 11 of the agreement, a further extension of that role without consultation with that same majority. The value of the British ‘guarantee’ is also undermined by the doctrine of parliamentary sovereignty whereby no parliament can bind its successor. This fact is particularly important as the main opposition party at Westminster is committed to the reunification of Ireland.

Even if Unionists did not fear for the future, Dublin’s present role is, for them, unacceptable. They find it difficult to accept the British

<sup>3</sup> *Irish Times*, Sept. 13 1986.

governments claim that there is 'no derogation' from the United Kingdom's sovereignty over Northern Ireland when the same agreement points out that 'determined efforts' shall be made through the Conference to resolve any differences between the two sides. The claim of the Justice Minister of the Republic that the Agreement had given Dublin a "major and substantial role in the day-to-day running of Northern Ireland" is exactly the kind of statement which people who think themselves besieged will seize upon as confirmation that their fears are valid.

### **Unionist Moves Toward Power-sharing?**

Despite Unionist opposition, Dublin and London continue to profess optimism that a power-sharing settlement can be arranged within the terms of the agreement. Optimists within the SDLP, in particular, point to the inability of Unionists to destroy the agreement and note that they have begun trickling back to local councils and Westminster after initial boycotts. These optimists depict a benign scenario. According to this, the Unionists will gradually accept that the accord is here to stay. Unionist radicals will gradually be isolated; and a significant grouping prepared to share power with the SDLP, primarily as a means to reduce the scope of the Conference, will emerge.<sup>4</sup>

This contention has been rendered more plausible by the publication of two Unionist documents expressing support for power-sharing with Catholics, one explicitly, the other implicitly. The first of them, 'Common Sense', was published by the Ulster Defence Association (UDA) in January 1987. In it, the UDA express unambiguous support for power-sharing and reject 'majority rule in deeply divided societies' as 'profoundly undemocratic'. It proposes a cabinet structure which would give the SDLP a share of cabinet seats proportionate to their representation in the legislature. The second document, 'An End to Drift', was published in June 1987 and is the work of a 'Task Force' of the two Unionist parties. It is more vague in its acceptance of power-sharing but states that many Unionists 'would clearly be prepared to contemplate SDLP participation in the Government of Northern Ireland'.<sup>5</sup>

The trouble is that both Unionist groups have offered power-sharing (and only one of them explicitly) not within the terms of the agreement but as a means to get rid of it. Neither is prepared to accept the provisions for devolution contained in the agreement because, under these, the Conference will remain in place with power over matters which have not been devolved and full powers will revert to it in the event of an impasse on the power-sharing executive. For Unionists to

<sup>4</sup> See *Fortnight*, June 1987, p. 6.

<sup>5</sup> *Common Sense*, Ulster Political Research Centre 1987, p. 1; and *An End to Drift*, Unionist Task Force, 1987, p. 4.

## THE ANGLO-IRISH AGREEMENT AND POWER SHARING

accept power-sharing under these terms would be tantamount to conceding both the central demands of the SDLP since its formation in 1970—namely, guaranteed seats for nationalists in the government of Northern Ireland, and a role for Dublin in northern affairs.

### The Obstacles to Power-sharing

It is extremely unlikely, however, that the SDLP will sacrifice the agreement, even in return for a proportional share of seats in a Northern Ireland executive. For the agreement represents a significant victory for that party. It fully accepts the SDLP position, consistently asserted since its formation in 1970, that power-sharing coupled with a strong Irish dimension is the only acceptable framework within which progress can be made. By giving Dublin a role in Northern Ireland, the British government has also implicitly conceded that direct rule has failed and that it is unable to represent the interests of Northern Ireland's nationalist minority itself. By excluding the Unionists from the negotiations leading to the agreement, and by agreeing to an arrangement which did not require Unionist compliance, Westminster has also accepted the long-asserted SDLP demand that Unionists should not have a veto over the constitutional development of the province. The statement in the preface to the agreement indicating that the British 'recognize and respect the identities of the two communities in Northern Ireland and the right of each to pursue its aspirations by peaceful and constitutional means' not only embodies the gist of numerous SDLP policy statements and the SDLP-inspired report of the New Ireland Forum, it employs virtually the same language. Indeed, the SDLP leader, John Hume, played a key role in the negotiations leading up to the agreement through his contacts with the Dublin government, as some Unionists have recognised. The DUP leader, Ian Paisley, even suggested that the agreement had made John Hume 'the uncrowned king of Northern Ireland'.<sup>6</sup>

The substantial Irish dimension in the agreement gives the SDLP a strong framework within which to pursue its nationalist aspirations. From its point of view, the agreement is much more than a bargaining chip, which might be surrendered in return for an exclusively internal settlement. After all, the SDLP was unwilling to abandon the Council of Ireland in order to save the 1973–74 power-sharing settlement, a settlement which was already in place and not merely an untested proposal like those contained in the UDA and Task Force documents. Similarly, it refused to take part in the Humphrey Atkins conference in 1980 and Jim Prior's Assembly in 1982, because neither initiative provided for a strong Irish dimension. In any case, it recognised that it does not possess the guaranteed allegiance of the nationalist minority,

<sup>6</sup> *Irish Times*, 29 May, 1986.

and that it might not be able to deliver concessions on the Irish dimension even if it wanted to. SDLP concessions could well result in it being outflanked by the more radical nationalists of Sinn Fein, who would be quick to depict its leaders as opportunists 'selling out' their country for a few cabinet seats in a settlement which accepted the legitimacy of Britain's sovereignty over Northern Ireland. It is worth remembering that the threat from Sinn Fein in the 1980s was the driving force behind the SDLP demand for a major concession from Britain to bolster their position.

There is substantial evidence that the agreement has stemmed the advance of Sinn Fein. Very popular among Catholics (72% support it, 12% oppose it), the agreement has caused direct electoral benefits to accrue to the moderate nationalists of the SDLP.<sup>7</sup> Whereas in the 1983 election Sinn Fein won 43% of the nationalist vote and the SDLP 57%, in 1987 these figures changed to 35% and 65%, respectively. The SDLP increased its share of the overall poll from 17.9% in 1983 to 21.1% in 1987.<sup>8</sup> While Sinn Fein will not admit so publicly, they confirm privately that the agreement has caused them considerable damage.<sup>9</sup> All this provides further reasons for the SDLP to stick to the agreement.

Other considerations point in the same direction. Even if power-sharing could be arranged outside the terms of the agreement, it is unlikely that such a settlement would last. There would still be two groups within the executive, with irreconcilable views on the future of the state. Power-sharing would be even more tenuous today than it was in 1974. The SDLP leadership is more nationalist, and the Unionist leadership more loyalist, than their 1974 power-sharing predecessors. SDLP leaders must be somewhat sceptical of the durability of a power-sharing settlement supported by the UDA in particular. The latter is a Protestant paramilitary organization, which (under its pseudonym, IFF) has killed many Catholics and continues to do so even while extending the olive branch of power-sharing. It was instrumental in organizing the strike which destroyed the 1974 power-sharing arrangement and any future settlement outside of the terms of the agreement would be equally susceptible to such internal pressures. Nor is Peter Robinson, co-author of the Task Force Report, a politician in whom nationalists could have much confidence. Though his Task Force report contains an implicit offer of power-sharing, it also threatens independence if the agreement is not abandoned—hardly the language of compromise.

At present, the SDLP can ensure that the grievances of the nationalist community are aired through the Conference, a body which has clearly demonstrated that it is immune from Unionist tactics of disruption. Power-sharing within the terms of the agreement offers them effective protection in the event of internal breakdown because, if that happens,

<sup>7</sup> *Irish Times*, 12 February, 1986.

<sup>8</sup> *Fortnight*, July/August, 1987.

<sup>9</sup> *Fortnight*, November, 1987, p. 12.

## THE ANGLO-IRISH AGREEMENT AND POWER SHARING

full powers revert to the Conference. The party can hardly risk abandoning this agreement in return for a power-sharing settlement which might well collapse in the not too distant future. Nor are there any guarantees that the two governments would refloat the agreement in the future if it is abandoned now. Indeed, the SDLP leadership has announced its refusal to consider power-sharing outside the terms of the agreement, and there is little reason to think this policy will change.<sup>10</sup>

Even if the SDLP could be persuaded to abandon the agreement in return for power-sharing, it should be noted that, as the agreement is a treaty between two sovereign governments, their approval would have to be gained. There is little prospect, that the present prime minister of the Republic, Mr. Haughey, would ever give his support to the kind of internal arrangement proposed by the UDA and the Task Force.

Nor could Margaret Thatcher's government be easily persuaded to abandon the agreement. Mrs. Thatcher negotiated Hillsborough in order to undermine Sinn Fein and prevent it from overtaking the SDLP, and also to achieve greater co-operation from the Republic on security matters. Progress has been made on both fronts. Moreover, the agreement has received international acclaim, and removed one of the greatest thorns from the flesh of British foreign policy—the embarrassment which the Northern Ireland 'problem' caused British diplomats, especially in the United States but also in other western countries and even in the Soviet Union. According to one source, each time the British prime minister visited the United States before the agreement, Northern Ireland was raised, often by Reagan himself.<sup>11</sup> Not only have the irritating complaints from Dublin stopped, but its government has been effectively 'co-opted' into managing the problem. Domestically, the agreement is supported by an all-party consensus. Why should the British government risk all the advantages that have accrued from the agreement in return for power-sharing devolution with all its attendant risks of failure?

### Unionism and Power-sharing

The UDA and Task Force proposals are not only unable to attract support from the SDLP and the two governments, they do not even carry much support within the Unionist community. Power-sharing, even without the agreement, is opposed by two important blocs within unionism, those who support majority-rule devolution and those who oppose devolution of any kind.

Despite its hardline attitude towards the agreement, the Task Force has offended that substantial body of unionism which continues to insist on majority-rule devolution and which regards any significant

<sup>10</sup> *Irish Times*, March 6, 1986.

<sup>11</sup> Michael Connolly and John Loughlin, "Reflections on the Anglo-Irish Agreement", *Government and Opposition*, 21, 1986, pp. 152–53.



concessions to nationalists as the start of a slippery slope towards a united Ireland. Thus, Ian Paisley summarily dismissed the Task Force Report, declaring that 'talk of compromise by some Unionists is the talk of surrender'.<sup>12</sup>

Power-sharing is also dismissed by the growing body of integrationists within unionism. This group rejects devolution, calls for British parties to contest elections in Northern Ireland and demands that the province be governed from Westminster in the same way as any part of the British mainland. Molyneaux, leader of the OUP, rejected the Task Force Report from this perspective. Integrationists claim that power-sharing will perpetuate sectarianism by giving institutional recognition to the two communal blocs, thus preventing the emergence of 'normal' politics based on economic and social divisions. More importantly, they reject power-sharing because it would mean giving cabinet seats to nationalists who openly claim they will use the arrangement to work towards a united Ireland.

Apart from these principled objections, Molyneaux and the other leaders of the OUP have pragmatic reasons for resisting any pressure towards devolution. As long as Westminster remains the only forum for Northern Ireland's politicians, his party has a distinct advantage over the DUP, having nine MPs to the latter's three. In a devolved assembly, elected by proportional representation, that current balance would radically alter in favour of the DUP. If the 1982 Assembly results are used as a benchmark, the OUP would have twenty-six seats and the DUP twenty-one. An assembly elected by proportional representation would also enable the moderate Alliance party to take votes from the OUP. Indeed, this was a key factor behind OUP attempts to wreck the Prior assembly. At present, the OUP Westminster incumbents are unchallenged spokesmen for their constituencies. They are loth to create local platforms for potential challengers at subsequent Westminster elections.

Against that background, it is hardly surprising that no Unionist group has suggested that power-sharing and the agreement be accepted. Yet this is what the two governments and the SDLP insist upon.

### Northern Ireland in a Comparative Context

The British government's insistence on an internal power-sharing settlement in Northern Ireland has been influenced to some extent by the success that other divided regimes have had in building institutional arrangements which allow all significant groups to participate in government. Comparisons are frequently made with Switzerland and with Belgium. The most frequent analogy, however, is between

<sup>12</sup> *Fortnight*, September 1987, p. 7.

## THE ANGLO-IRISH AGREEMENT AND POWER SHARING

Northern Ireland and the Netherlands. In both places, the contending factions are denoted by the same religious terms, Protestant and Catholic. Despite the communal division in the Netherlands, however, parties representing Catholics have shared power with parties representing Protestants for the best part of the century. These successful examples of political accommodation in divided societies have led some policy-makers and academics to conclude that a similar type of accommodation cannot be ruled out in Northern Ireland. In 1974, Professor Cornelius O'Leary explicitly defended the mandatory provisions of the 1973 Northern Ireland Constitution Act by claiming that 'similar' provisions were in place in Switzerland and the Netherlands.<sup>13</sup> In 1975, the British government issued a discussion paper giving details of the institutional arrangements in these continental regimes in the hope that Northern Ireland's political leaders would attempt to copy some part of them.<sup>14</sup> The government even arranged for politicians from both sides of the conflict to visit the Netherlands to see how the institutions of political accommodation there worked.

Comparisons between Northern Ireland and these continental regimes are often superficial and misleading. Power-sharing in these latter countries developed organically out of their particular environments and did not have to be imposed by an 'external' force as the 1973-74 arrangement in Northern Ireland clearly was. Moreover, there are important differences between the continental regimes and Northern Ireland which at least partly explains why the power-sharing model has succeeded in the former but is largely inapplicable in the latter.

Arend Lijphart has pointed out that the prospects for successful power-sharing are considerably enhanced if a 'multiple balance of power' exists within the country, in other words in a situation in which no single faction possesses a majority by itself and thus the will and power to govern alone.<sup>15</sup> The leaders of rival subcultures will then be more open to bargaining because none are able to attain exclusive power. The most favourable scenario for successful political accommodation is where there are three or more subcultures that are clearly all minorities. This factor exists in all of the continental regimes mentioned. In the Netherlands, for example, a balance of power between the Catholic and Protestant forces is held by a large secular grouping. Although Switzerland has a German-speaking majority, the crosscutting of the linguistic cleavage with a religious one has created several subcultures, all minorities. In Belgium, while the country is split evenly along linguistic lines, a crosscutting religious cleavage has brought about an all

<sup>13</sup> Cited, Brian Barry, 'The Consociational Model and its Dangers', *European Journal of Political Research*, 3, 1975, p. 410.

<sup>14</sup> *Government of Northern Ireland: A Society Divided*, H.M.S.O., 1975.

<sup>15</sup> Arend Lijphart, Review Article, 'The Northern Ireland Problem: Cases, Theories and Solutions', *British Journal of Political Science*, Vol. 5, 1975, p. 100.

minority situation although this will change as the latter division is declining in intensity.<sup>16</sup>

The least favourable situation is where two subcultures exist in a clear majority/minority dichotomy. In this situation—which is, of course the situation in Northern Ireland—the majority will normally want to govern alone. For Lijphart, the fact that the Protestants constituted a majority by themselves was the ‘underlying cause’ of the failure of the 1974 executive and the ‘biggest obstacle’ to British attempts to reach a solution there since.<sup>17</sup> Richard Rose considered the difference between the Netherlands and Northern Ireland in this one vital respect to provide a sufficient explanation for why the former had a successful power-sharing tradition while the latter did not.<sup>18</sup>

Another important difference between the continental regimes and Northern Ireland is the acceptability of the power-sharing form of government as a normative model. Lijphart described two major systems of government: A) The Westminster model which is competitive rather than coalescent, with the majority forming the government and the minority in opposition, and B) the Dutch model, which involved power-sharing between all significant groups with no conventional opposition. The latter system is more suited to divided societies and is widely accepted on the continent. Those who accept the ‘British’ model tend to attack the ‘Dutch’ model as government without opposition and thus insufficiently democratic. The more attached a particular subculture is to the British system as a normative model, the more likely it is to reject power-sharing. The prospects for power-sharing in Northern Ireland are considerably diminished therefore as, in Lijphart’s words ‘the Protestant majority is passionately attached to its ties with Great Britain and Britain also provides them with the normative standards of governmental organization’.<sup>19</sup> Arguments that power-sharing is un-British and therefore undemocratic played a prominent part in the Unionist case against it in both the Convention in 1975 and the Assembly in 1984.<sup>20</sup>

This does not mean that the obstacles to power-sharing are insurmountable. When the alternative is permanent instability and violence, it is not inconceivable that a majority would shed its monopoly of power and enter a coalition with a minority. In fact, such a power-sharing arrangement was established between the two subcultures in Austria after 1945, despite the fact that one of them, the Catholics, had a

<sup>16</sup> Arend Lijphart, *Democracy in Plural Societies: A Comparative Exploration*, New Haven: Yale University Press, 1977, pp. 56–61.

<sup>17</sup> Arend Lijphart, ‘Power-Sharing in South Africa’, *Policy Papers in International Affairs*, No. 24, Univ. of California at Berkeley, 1985, p. 119.

<sup>18</sup> Cited, Barry, op. cit., p. 406.

<sup>19</sup> Lijphart, 1975, op. cit., p. 100.

<sup>20</sup> See *Northern Ireland Constitutional Convention: Report*, para. 82, and *Northern Ireland Assembly; First Report From the Devolution Report Committee*, Appendix B, paras. 15–16.

## THE ANGLO-IRISH AGREEMENT AND POWER SHARING

majority in its own right. Between 1945 and 1966, cooperation between the two subcultures in Austria, according to Pappalardo, reached levels 'unparalleled' in all-minority situations like those in Belgium and the Netherlands.<sup>21</sup> In Canada, too, political accommodation has been successfully practised between Anglophones and Francophones despite the minority status of the latter. In more homogeneous regimes, majority governments have shared power with the opposition in situations of crisis in a display of national unity—as, for example, in wartime Britain. And divided regimes are, *ipso facto*, in a continuous state of crisis.

### The Roots of the Problem

The fact remains that the Unionists in Northern Ireland have consistently rejected coalition. When, during the 1975 Convention, Unionist leader Bill Craig suggested a five year 'emergency' coalition with the SDLP as a way out of the deadlock, he was immediately ostracised by his fellow Unionists. But the reasons go deeper than the popularity of the British model. The fundamental problem in Northern Ireland is the unwillingness of the Unionist subculture to share power with nationalists in any framework, either between parties or within them. To reduce this to the absence of a multiple balance of power and a proclivity for the British as opposed to the Dutch model is to risk stressing epiphenomena.

The most important distinction between Northern Ireland and the continental regimes lies in the nature of the conflicts which divide these societies. The conflict in the former area is centred on national allegiances, nationalists wanting some form of link with the Republic of Ireland and Unionists implacably opposed to this, preferring to remain linked to Britain. Despite the religious appellations used, it is not primarily a religious conflict. There is no proselytizing between the groups there, and the question of state aid for schools, usually one of the most controversial questions where religious values are at stake, has not been an issue. The conflicts in the continental regimes, on the other hand, do not centre on questions of national loyalties, but on questions of religion and language. While nationalism is not a markedly strong feature of any of them, they all have at least some national symbols to which all groups give allegiance. None of them have any significant group that wants to secede or be incorporated into a neighbouring state.

All this has important implications for power-sharing. Conflicts which are primarily religious and linguistic in nature lend themselves better to consociational methods of resolution than do conflicts which primarily centre on questions of national allegiance. In the former case, the issue at stake is what system of government should exist in a state, or as Brian

<sup>21</sup> Adriano Pappalardo, 'The Conditions for Consociational Democracy: A Logical and Empirical Critique', *European Journal of Political Research*, 9, 1981, p. 367.

Barry put it: 'How are we to get along together?'.<sup>22</sup> This attitude encourages, indeed requires, negotiations at which bargains can be struck. When the conflict involves a dispute over the territorial integrity of the state, with one group seeking incorporation in another state and the other strongly opposed to it, compromise is less likely with the groups liable to disagree even on the framework in which the negotiations should be held. This was clearly seen in 1980 when Humphrey Atkins was forced to hold parallel talks, one with the Unionists who would not attend if an Irish dimension was discussed, and one with the SDLP who would not attend unless it was discussed.

A much more appropriate analogy to Northern Ireland than any of the examples described in the government's 1975 discussion paper is Cyprus. In Cyprus, as in Northern Ireland, the most salient division is one of national allegiance. Greek Cypriots have traditionally supported union (Enosis) with Greece while Turkish Cypriots, feeling closer to Turkey, are strongly opposed to such a move. There is no Cypriot nationalism or any other overarching solidarity capable of counteracting this divergent Greek and Turkish nationalism. Also, the conflict over national allegiance is exacerbated by the absence of a multiple balance of power, Greek Cypriots outnumbering Turkish Cypriots four to one. The two groups shared power between 1960 and 1963 under a constitution which was regarded at the time as a masterpiece of political engineering with many elaborate arrangements ensuring fair treatment for both sides. Like the 1973-74 arrangement in Northern Ireland, however, the Cypriot constitution was imposed from outside and was only reluctantly accepted by the Greek Cypriot majority who found its provisions increasingly unacceptable. Despite the delicately crafted division of power, the settlement eventually gave way to severe communal violence ultimately resulting in the partition of the island between the two groups in 1974.

### Conclusion

Power-sharing in a divided society like Northern Ireland is an extremely attractive concept. Unfortunately, it is also an unrealistic one. When the rival factions within a regime cannot agree on the constitutional future of the state, it is highly unlikely that they will agree to share power with each other or, if they do, that the settlement would be lasting. Nationalists will not agree to power-sharing unless the settlement includes a strong Irish dimension such as that included in the agreement. Because nationalists aspire to a united Ireland, because, in other words, nationalists are nationalists, Unionist leaders will not share power with them, with or without a strong Irish dimension. It is this fundamental division between national allegiances, a division clearly reflected in

<sup>22</sup> See Brian Barry, Review Article, 'Political Accommodation and Consociational Democracy', *British Journal of Political Science*, 1975, pp. 502-3.

## THE ANGLO-IRISH AGREEMENT AND POWER SHARING

every election held in Northern Ireland since 1921, which lies at the root of the Northern Ireland crisis.

Because of all this, many of the other so-called 'options' being discussed in Northern Ireland are even less realistic than power-sharing. Majority-rule devolution, the system which existed from 1921-72 and which is still very popular among DUP politicians in particular, is completely unacceptable to both governments and to the nationalist minority. The 'integration' of Northern Ireland with the British mainland is just as unlikely. Nationalists would never accept it and if the British government decided to implement it, it would represent a tremendous about-turn from its present policies. Nor is the Task Force's implied option of a unilateral declaration of independence at all likely in present circumstances. Even if Britain would permit it, which is unlikely, Protestants have shown very little desire to break the link with Britain. Finally, a united Ireland is not a possibility in the foreseeable future. The determination and ability of one million Protestants to resist such an arrangement is a much more effective guarantee against it than any of the statements that have been issued periodically by the British government.

How, then, will the province be governed in the future? The most likely scenario is that it will continue to be governed directly from Westminster, albeit now with input from the Irish government in Dublin. This arrangement will survive for a number of reasons. The agreement is a durable treaty which is registered at the United Nations; it enjoys considerable support in the United Kingdom and the Irish Republic; and, unlike power-sharing, it is relatively immune from the kind of disruptive tactics practised by its opponents within Northern Ireland. There is little reason to doubt that the powers of the Conference will be renewed, and possibly extended, when it comes up for review under article 11 of the agreement on or before November 1988.

Many will object that this form of government is undemocratic, there being no indigenous representation in the Conference and no real means by which the people of Northern Ireland can hold the Conference accountable for its policies. Such criticism is only valid, however, if democratic alternatives like power-sharing devolution are feasible but, as has been shown, they are not. Because the agreement, unlike several past British initiatives, recognizes the nature of the political divisions within Northern Ireland and, through the Conference, provides an instrument which at least has the potential to represent both communal blocs to a greater extent than before, it should not only be seen as a durable arrangement but also as a normatively preferable one. It is certainly preferable to its only *serious* alternative, continuing direct rule from Westminster alone.

The Conference established by the agreement provides a tool which can address nationalist grievances without threatening the identity of

## JOHN McGARRY

Unionists. It puts an end to Protestant supremacy in Northern Ireland but in no way detracts from their ability to resist being forced into a united Ireland. As such, it is clearly a positive step. The agreement, then, should be viewed not as a precursor to power-sharing or to any of the other 'strategic' options discussed above, such as a united Ireland, but as a desirable objective in itself, a treaty which provides for a system of government more responsive to the demands of both communities.

Copyright of Political Quarterly is the property of Blackwell Publishing Limited and its content may not be copied or emailed to multiple sites or posted to a listserv without the copyright holder's express written permission. However, users may print, download, or email articles for individual use.