

GOOD FRIDAY AGREEMENT 1998

A Tangential Involvement

Daltún Ó Ceallaigh

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When I discussed with Ógra Shinn Féin giving a talk to them, we eventually came up with the idea of the topic being the Good Friday Agreement. This was both because of its fundamental importance and the fact that I had been engaged to a certain extent in the buildup to it, and was also present at the final week of negotiations in Belfast, given the familiarity with the subject that that implies. We also came to the conclusion that it would make it more interesting for me to give an account of how I was involved in the course of assessing the importance of that Agreement. This was rather than just offering a dry exposition concerning the document. At the same time, let me stress that this is not to overestimate my role in the affair as I was but a small cog in a big machine. Nonetheless, telling a story to a certain extent can be more interesting than just engaging in an academic type of analysis.

It all began in 1993 when I felt impelled to write one of my many assessments and analyses of the political situation, which either ended up in a publication or in private circulation for what they were worth. In particular, I decided to consider the then current Anglo-Irish situation in relation to the North.

By 1993, the armed conflict between the IRA and the British establishment and its local collaborators had been going on for 23 years. This was against the backdrop of the six counties of Northern Ireland being an illegitimate political entity which had been set up in 1921. Partition had meant the carving out of Ireland *and* Ulster of the largest territory which Unionists could safely dominate on the basis of their population concentrated east of the Bann river. Domination involved not only ensuring a majority in the Stormont Parliament (exaggerated further by gerrymandering), but also discrimination in jobs and housing, multiple votes for Unionist business people, and repression of nationalist freedom of speech and culture such as by the Flags and Emblems Act (which outlawed the display of the tricolour, among other things). In the 1960s, the *Sunday Times* Insight Team had done a review of the six counties and, appropriately enough, had summed up Northern Ireland as "the first and biggest gerrymander."

When the armed conflict in question began, the aim had been to get the British Government to issue a declaration of intent to disengage from the North by a certain date and thus impel Unionists into negotiation about the terms of a united Ireland. At first, the IRA hoped that a sharp, intensive campaign would bring about this result. However, it became apparent that Britain could not thus be just got out of the North that way. The IRA then shifted towards the perspective of 'the long war' with the intention of eventually producing eventual British disenchantment and disengagement. But, by 1993, it was clear that Britain was not going to go in that fashion either. At the same time, it was recognised all round in assessments (including in a leaked internal British army memorandum) that neither could the IRA be defeated. There was thus a stalemate.

The fact of the matter was that the North could not be viewed by London in the same light as Palestine, Cyprus or Aden (as Yemen was previously called). The six counties were not only at the backdoor of Britain, but were also part of the United Kingdom itself. Therefore, it proved too much of a loss of face for the British to give the declaration of intent sought.

On the other hand, circumstances had changed significantly over the 23 years since 1970, both nationally and internationally. First of all, it was obvious from social attitudes research that the overwhelming majority of the people on the island of Britain did not wish to continue the Union with the North. Secondly, various statements from establishment figures in London, some of them not intended for general publication, indicated that the British Government would be only too glad to leave the North under what it regarded as the right conditions. These entailed securing a majority within the North for departure which would then be complied with. Thirdly, part of the reason for the softening of the British establishment position was geopolitical. By 1993, the Soviet Union had collapsed and the North was no longer of the same strategic importance as it had been previously. Fourthly, and finally, the demographic situation had changed greatly in the North, and was continuing to change rapidly, whereby nationalists would soon become a majority within that area.

It was against this overall backdrop that an Irish peace process was being considered within Republican circles to see if a strategy could be devised which would break through the stalemate. This was also reflected in my memorandum of 1993 which advocated a ceasefire on the basis of negotiations being opened up with the British to review the entire situation.

When I had drafted it, I contacted a member of the Ard-Chomhairle of Sinn Féin whom I knew personally and asked that it be conveyed to the leadership of the party, with whom I was not well acquainted at the time. (The only person I had met at the top of Sinn Féin was Gerry Adams about seven years previously when we were both invited to speak on a platform for an Irish solidarity organisation in London. He had in fact been at the same secondary school as me, but a year behind and we had never met then, as different school years at that stage, whatever about now, did not tend to mix.)

As a result of my initiative, I received a positive and interested feedback and, to cut a long story short, over the succeeding years, there developed an increasing demand for memoranda by way of assessments and critiques, as well as drafts of speeches and 'ghosted' articles. Also, there was an indication that I should not always wait to be asked for same and supply whatever came to mind as potentially useful.

Among other things, when the Downing Street Declaration was issued in December 1993, it was not clearcut from a republican point of view. In my survey of it, I suggested that, rather than appear too negative, a tactic would be to call for 'clarification' of it in certain respects. This approach was pursued and 'clarification' became the word of the day in news broadcasts about the North. At one point, I was entertained when sitting in a hotel lobby and somebody near me was ordering a sandwich and asked quippingly for 'clarification' of what was on offer. However, I would not claim to be the sole source of 'clarification'; I was aware that some others, and more important than me, may have just thought of the same idea. It was further in reaction to the Declaration that I promoted an idea that was taken up by Sinn Féin of saying that if unionists had to consent to a united Ireland, why did nationalists not have to consent to being in the United Kingdom. Yet again, I may

not have been the sole source of this line.

In 1994, a ceasefire was eventually called, but the British prevaricated in reaction to it and did not make any serious moves towards meaningful negotiation. As a result, it broke down in 1996. The night that the news came through of the breakdown I didn't know what would happen in connection with those who were known to be working with Sinn Féin on the peace process, such as myself. Just to be careful, I immediately shredded certain documents and otherwise disposed of them in case I was raided. Although there was nothing in my possession which could lead to a criminal prosecution, I didn't want to give any excuse for a trumped-up charge which they had tried in other instances.

In the event, I was not paid a visit and I continued to liaise with the Sinn Féin leadership through intermediaries. On one occasion, I met with Rita O'Hare in the Writers' Museum on Parnell Square for coffee in the course of giving a political briefing. We were quite clearly watched by a female member of the Special Branch who of course tried to look inconspicuous and was anything but. (These spies always strive to be unnoticeable, but often betray themselves by a rather obvious effort at looking casual or overly formal in dress, as the case may be, while of course casting the occasional furtive glances.) At one point, when I was offering certain opinions to Rita, I leaned over and spoke closely into her ear, being conscious of the fact that such observers often had software as part of their smartphone for picking up speech at a distance. To anybody else looking at us, it might have appeared that we were billing and cooing, the thought of which was amusing. On another occasion, I rendezvoused with Adams' chief lieutenant, Ted Howell, in the Museum, but we went into the Garden of Remembrance and carefully established that there was no Branch near us.

Eventually, the ceasefire was restored in 1997 and the British finally signalled that serious talks would begin. What then happened was a gradual buildup of interaction towards Holy Week of 1998, with the invited American Chairman of the Talks, George Mitchell, indicating Good Friday as the deadline for reaching an Agreement. In the period of leading up to it, there were numerous documents produced by Sinn

Féin, the Irish Government, the British Government and others, and I was supplied with these on a confidential basis for critique. (It was a sign of the age that, when I was given documents in hard copy, I fed them into a computer with an OCR software program in order that they could be examined in word processing form and edited by way of critique accordingly.)

Because of the sensitivity of the operation, all critiqued documents had to be taken to Belfast by courier as post, telephone, fax and email could not of course be trusted. It was not paranoia but common sense caution which took account of the fact that we were all under surveillance at that time.

I already knew that my phone was tapped before 1993. That was because of an incident some years previously when someone was walking along the strand in Sandymount and came across some A4 pages blowing in the wind. When he picked them up and scrutinised them, he discovered that they contained lists of names of persons whose phones were being tapped by the Special Branch. Apparently, there had been an office clearout which had led somebody to simply throwing documents away rather than shredding them. Following the discovery, the individual concerned revealed the documents to the news media. As a result, the names were published, with mine among them. Included on the list were all sorts of people, including no less than the then Cardinal Ó Fiaich! No doubt somebody in the Special Branch Office ended up in the you-know-what for that sloppiness.

In a proper democracy, such surveillance is supposed only to be undertaken of people who are believed to be engaged in criminal activity. But the episode demonstrated that the establishment was, even then, undertaking surveillance of people whom it regarded as radical political opponents or critics. It also indicated that 'small fry' such as myself, simply engaged before 1993 in minor lobbying groups about neutrality and sovereignty, and nothing else, were being monitored as well. Therefore, when I began to interact with the Sinn Féin leadership in 1993, I naturally took it for granted that my phone was still not safe.

The courier procedure involved a person coming down from Belfast regularly by train in order to rendezvous with me in Dublin when we would have a refreshment

and chat and then he would head off back to Belfast with the necessary material. At one point, the poor fellow said to me that, when the process was over, he never wanted to see the Belfast-Dublin train again!

At one stage, when I was processing material, I experienced some puzzlement. This was because a particular document, emanating from the Irish Government, contained very frank criticisms of Sinn Féin. I wondered at first why on earth such criticisms would be supplied to the party. However, I soon realised that I had been given something which had leaked from Foreign Affairs!

As Easter 1998 approached, it was apparent that serious Talks were about to get underway. In one of my drafts, I formulated the phrase that if they did not in themselves produce a United Irish Republic, neither could we simply continue with a United British Kingdom. Gerry used this in a radio interview, although of course others may have thought of it as well.

On the Saturday before the beginning of Holy Week 1998, I was scheduled to go out to dinner with some people when my telephone rang and I was told by a contact in Sinn Féin that the latest draft of revised Articles 2 and 3 of the Irish Constitution had just been supplied and I was asked to look at them as a matter of urgency. The background to this was that, in the course of examining documents supplied to me, I had critiqued earlier redrafts of these Articles and had strongly advised that they were unacceptable from a republican point of view. For some while previously, there had been calls for the abolition of the Articles and these had been successfully resisted. At the same time, I had observed that there was always more than one way of saying the same thing and that we could, given the right wording, tolerate some change in them. When I got the call on Saturday evening, I asked if the matter could be dealt with the following morning as I was just about to go out to dinner with friends. I was told that it could, but it needed to be done before the leadership of Sinn Féin met Government leaders in Dublin the following afternoon.

So, on Sunday morning, the latest drafts were delivered to me and, when I read them

carefully, I realised that there had been a breakthrough which could be acceptable to us. While I was scrutinising them, I was reminded by the radio in the background of the imminent meeting between Sinn Fein and Government leaders. I immediately rang my Sinn Féin contact and said that my advice, for what it was worth, should be made known to the leadership as a matter of urgency. As a consequence, I was asked to go down to the Davenport Hotel where they were gathering and I duly did so. The leadership was broken up into small groups, obviously discussing different points which were on the agenda for the meeting with the Irish Government. Gerry Adams, Martin McGuinness and others well-known to the media were there. I did not meet them directly, but was asked to give my briefing to Bairbre de Brún (who was part of the SF leadership at the time) and accordingly did so.

The change which had come about in the new draft Article 3 was contained in the phrase concerning the realisation of a United Ireland as being "brought about ... with the consent of a majority of the people, democratically expressed, in both jurisdictions in the island." Previously, the reference had been to "each jurisdiction" which, I had counselled, cut right across republican principle concerning national sovereignty. However, the change to "both jurisdictions" allowed for the construction that, given the reality of there having to be referenda conducted in each part of the partitioned island, the results could thus be construed together to ascertain the national wish. And that is, in fact, the wording in the present Irish Constitution and accepted by the British. It took a couple of years for some Unionists to realise how this could be interpreted from our point of view, with warnings being expressed belatedly to the wording in question, including by some Unionist judges!

After the meeting in the Davenport, I awaited any further contacts from Belfast for advice on drafting and critiques, as need be. In fact, upon returning from work on Monday evening, I was about to put the key in the door when my mobile rang. Upon answering it, a member of the Ard-Chomhairle said that a request had come through from Belfast that I join the team in Stormont the following day and in the leadup over the next few days to Good Friday. All I needed to get away from work and to facilitate this request was the permission of the General Secretary of the trade

union for which I worked, and as I was the General Secretary, that was readily obtained! On Monday evening, I did some more intensive work on the latest material I had been given about the Agreement, in preparation for my journey the next day.

Early on Tuesday morning, I drove to Belfast and rendezvoused with comrades. I was given the latest draft of possible articles for an Agreement and was then driven up to Stormont, busily reading, with yet more material given to me in the car. The negotiations were being held, not in the grand Stormont building that one always sees in news shots, but in a cluster of prefabs at the bottom of a slight decline to the right of it. Quite frankly, I remember, as we turned right at the Carson monument and started our final descent to the prefabs, getting butterflies in my tummy as I began to fully realise that I was entering into what could in reality be the most important event in Anglo-Irish history since the Treaty of 1921, even though as a very minor participant therein. Just as we came up to the entrance, a cluster of photographers and TV cameras formed around the car as I leaned heavily on my left hand in order to appear as inconspicuous as possible. That did nothing to lessen my apprehension.

I had brought along a laptop computer and a small compatible printer, as well as some reference books, including some written by my good self, and proceeded to install myself in the office space allocated to me. I was not long there until part of the draft Preamble to the Agreement was given to me with a phrase that our negotiators were unhappy about and for me to redraft. From that point on, I forgot my nervousness, as there is nothing like concentrated work to kill same. Quite honestly, I didn't see much wrong with the phrase, but as I had been asked to redraft it, I duly did so. When the final Agreement came down the following Friday, there was my little phrase in it, but not as a substitute for the British one, which it was intended to be, but rather as an addition to it. Such is negotiation and compromise. I was amused some weeks later when the Agreement was being debated in the Dáil that my phrase apparently appealed to John Bruton when he quoted it in praise of the accord. The phrase in question is easily identified, because it is the only one in the agreement which contains the Frenchified word "rapprochement" - just the kind

of thing to appeal to an upper class Clongowes boy.

Later in the evening, Martin McGuinness arrived and I met him for the first time upon which he remarked: "I've seen your work." Gerry Adams next came into the office and we greeted each other, with me remarking that it had been some considerable time since we had last met in London. A little later still, Ted Howell turned up and we all had a chat. One of the things we noted was that Ted, Gerry and myself were all St Mary's Grammar School boys. Later again, Tom Hartley entered and, upon witnessing my presence, said: "I see the wordsmith has arrived."

I was then given drafts on Implementation Bodies and a North-South Ministerial council to critique and did so accordingly.

Subsequently, Gerry and I were watching the television news when it was broadcast that the Unionists had rejected out of hand the Framework Documents that the governments had produced as a basis for the Talks. I asked Gerry if he was surprised and he simply shrugged, indicating "No". We were then told that the governments were going to reconsider the documents and report back the next morning. As a result, we all decided to go home and have a good rest before getting stuck into it again the next day.

(During the week that followed, Martin and I got to know each other quite well. We had a number of conversations, sometimes just the two of us talking together about what it was like for two Ulstermen to grow up under the Unionist regime and what we should be demanding of the Dublin Government. I came to like Martin a lot as a warm and friendly comrade who was obviously selflessly committed to the cause. I was very saddened when, a few years later, he became very ill and then left us all too soon and quite prematurely in life.)

On Wednesday morning, I turned up at the prefabs and was given the governments' new draft of the document for a possible Agreement. It was scandalously short, to

begin with, and as for its content, I simply remarked: "What a dog's dinner." That's all it was and it is hard to believe that the governments seriously expected us to run with it to any extent. In the succeeding days, there had to be a lot of hard and tough work to get to the final hurdle on Good Friday. My work continued to be mainly on the approach to constitutional issues.

There were quite a number of other issues which of course arose during the week. One of the most important was what was going to happen to political prisoners. At one point, I recall Gerry Adams coming down from a meeting with Tony Blair and saying: "I told him: when the war's over, the prisoners come home." We had eventually to give a concession on this that there would not be an immediate release upon an Agreement being reached, but rather after a testing period to see if it would hold. We were prepared to concur on this being one year. However, the British Government eventually dug its heels in for two years. Alec Maskey was tasked with liaising with the Loyalists to get them to stand firm with us on one year, as their prisoners were affected as well. But we could not persuade them to resist caving in and eventually two years had therefore to be accepted, but only as an outer limit.

The Unionists were dragged kicking and screaming along the whole way towards an agreement. I was told that, at one point, when they were being particularly difficult, Blair had asked Trimble if he wanted him to hold a referendum in Britain on whether or not the Union should continue. I don't know if that was literally true but, if it was, it seemed to have a necessary sobering effect.

One of the things I was asked to advise on was the draft of a letter which Martin Mansergh (a senior Fianna Fáil adviser) had done for Ahern to submit to an Oireachtas committee about possible northern representation in the Houses of Parliament in Dublin. In the course of this, I pointed out an error in grammar which I was told later really annoyed him.

It is not possible this evening to give a complete blow for blow account of what

happened in the runup to Good Friday. I will just mention one other minor point which I was involved in that concerned provisions for promoting local development, north and south of the border. To my surprise, the first draft that I was given referring to local development mentioned only the "rural" aspect and I pointed out that it was ridiculous in contemporary circumstances not to refer also to the "urban" dimension. In fact, we managed to get that amendment accepted and it is in the Agreement.

The whole process that week was very high-powered, involving the presence, among others, of Tony Blair and Bertie Ahern. There were also some notorious loyalists present, such as Gusty Spence, who had started the murder campaign against Catholics back in 1966. I remember ending up sitting beside him once at a coffee break, given the way the seats were arranged, but we did not speak to each other and little did he know about my involvement in the process. Ahern came down to have coffee alongside us, but Blair did not.

There was a notable moment when I was alone in the Sinn Féin Office in Stormont later in the week and the phone rang. As nobody else was there, I felt I should answer it and, when I did so, an American voice at the other end asked if he was through to the Sinn Féin Office, which I confirmed and asked who was calling. He said it was Larry Butler from the White House in Washington (apparently, I later learned, a member of the US National Security Council). He then enquired if Gerry Adams was to hand and I said he was not. I was told that President Clinton wished to speak to him. Somewhat startled, I asked Butler to wait for just a moment so that I could see if I could locate Gerry. In a bit of a fluster, I went into the corridor and fortunately there was a Sinn Féin comrade there. I enquired about Gerry and was told that he was up meeting with Tony Blair. So I said that a note should be got into him urgently to the effect that the President of the United States was holding at the other end of the telephone line for him. It did not take a genius to realise that the US President was a hell of a lot more important than the British Prime Minister.

The note was got into him and he came down immediately and took the call.

There was another occasion on Thursday evening when I was giving a briefing to Ted and others on Dublin's replies concerning constitutional issues. The phone rang again and Bairbre de Brún went over to answer it. She then said: "It's Clinton for Gerry". He and Martin were with George Mitchell and, again, word was got into them about the call. Before Gerry came down, the phone was left lying on the floor and I continued with my briefing, but I was obviously careful about what I said as no less than the White House was listening!

Gerry arrived and took the call. When it was over, he came out and said that he had told Clinton that things were not going well - as they were not at that stage. He simply said about Clinton that, at that point: "His voice dropped." However, things of course picked up afterwards, as we know, but what the episode showed was the high level of political intensity, of virtually North Atlantic dimension, which was attached to the Talks.

One of my specialities was the constitutional position as regards both Britain and Ireland in the relevant legal documents, those being the Act of Union 1800, the Government of Ireland Act 1921, and Articles 2 and 3 of the Irish Constitution dating from 1937. In fact, I had written a book entitled *Britain and Ireland - sovereignty and nationality* which dealt with these subjects in detail, among other things. In the runup to Good Friday and examining the documents that I had been supplied with, I had to advise strongly against the British tactic of trying to simply counterpose the Government of Ireland Act to Articles 2 and 3 of the Irish Constitution and to pretend that the Act of Union either no longer had force or was not relevant. The reality was that the Government of Ireland Act establishing Stormont was a devolutionary measure within the United Kingdom and left British sovereignty intact under the enduring Act of Union as it still applied to the six counties. Therefore, to alter Articles 2 and 3 without also referring to the Act of Union would be a completely unbalanced outcome in favour of the British.

Unfortunately, the Irish Government tended to adopt the same attitude as the British in this respect. I am still not clear as to whether or not this was due to a misunderstanding on their part or simply a quisling-like acquiescence in the face of the British stance and so as not to rock the boat too much.

At the Talks, the British continued to adopt this position and I continued to urge that it be resisted. At one point, I encountered Martin Mansergh in the corridors and he asked me to come down to the Irish Government office in order to discuss this issue. I think they (and therefore probably the British) had identified me as throwing a spanner in the works and wanted to see if they could persuade me of the 'error' of my ways. I of course told him that I was not a frontline negotiator or listener, but would advise the leadership of this approach. I spoke to Gerry Adams about it and it was agreed that I should not go into the lion's den.

(I had been told before the Talks by my courier comrade that some other SF advisers seemed to accept the legal interpretation of the British as virtually endorsed by the Irish Government. I had forcefully pointed out then that there was no question but that this was wrong and even cited British constitutional texts [*Halsbury's Statutes*] to prove my point. In fact, recent court proceedings initiated by the TUV have further confirmed that the Act of Union remains in force, although additionally qualified by Brexit arrangements. Unfortunately, some republicans still seem to think that the Act has been negated by the latest Northern Ireland Act of 1998 and following on repeal of the Government of Ireland Act 1921, but this decidedly is still not the case. The Act will only fully go in the process of actual Irish reunification.)

Later on the Thursday night, or early in Friday morning (I am not sure which), Mitchell McLaughlin came back to me with the information that the British had finally agreed that, in their Act of Parliament legislating for any Agreement, while they could not refer explicitly to the Act of Union, otherwise the Unionists would go bananas, they would be prepared to include a clause to say that the Act would "have effect notwithstanding any previous enactment". First of all, this demonstrated that

we had called their bluff about the Act being redundant or irrelevant and I remember clearly saying to Mitchell: "That's it! That's the Act of Union", which it was in legalistic but definite terms. Several weeks later, when the Northern Ireland Act 1998 was being introduced at Westminster, inclusive of the clause concerned, Paisley highlighted it and roared: "That's the Act of Union. That takes an axe to the Union." At the time, I chuckled to myself and said: "That's right, Ian - you're dead on!"

(I always wondered until recently how the Unionists at Stormont did not spot the point; after all, Trimble, for one, was no mean lawyer. It was only on watching the play at the Lyric Theatre in Belfast, recently written about the Talks, that it came to me that people were so exhausted in the early hours of Good Friday 1998 that that is perhaps why the oblique piece we agreed with the British slipped through.)

One had to be very alert about British deviousness, down to the last detail. Another point I forcefully made was their attempt to slip in "equity" instead of "equality" in drafts concerning rights. The first was open to all sorts of interpretation; the second was definite and unambiguous, and had to be insisted on.

The last thirty hours of the talks continued nonstop from Thursday morning and went to the wire. It was the longest time in my life that I had been in unbroken wakefulness and I realised then precisely what was meant by 'getting a second wind'. In the early hours of Friday morning, when I was beginning to get tired, but realised that I had to keep going, I experienced a sudden new burst of energy. (However, I was to pay for it in sheer exhaustion the following evening.) One of the last things that I did as dawn broke was to respond to a question from Ted to the effect: "Have you still got some work left in you?" I said I had and I was then asked to draft some speaking notes for the leadership in respect of the final round-table gathering later that morning to endorse the Agreement under the chairmanship of George Mitchell.

A short while later, it was clear that there was going to be no more negotiation and

that it was up to the participants to decide whether or not to accept the draft agreement. I therefore began packing my things and, as I was doing so in the offices, along with Bairbre de Brún doing similarly, Gerry Adams was standing at the window gazing pensively out of it. After a moment, he summoned Barbara and myself over to him and told us that the Unionists were kicking up about the issue of decommissioning. In famous last words, I said: "The British won't let them away with that." Of course, they in fact did so for some time subsequently. But, as we all know, the issue was nonetheless eventually resolved.

Before I left Stormont, I was told that I had been booked out of the hotel that I had been staying in and had been allocated a room in the Europa. There was no way naturally that I was in a state to try and drive back to Dublin without being in danger of falling asleep at the wheel. Ted also said to me that when I had had a rest I was invited up to his house at the top of the Falls Road for dinner. I duly went down to the Europa and said at reception that a room had been reserved for me. When asked by whom by a young lady, I stated Sinn Féin. I remember the look on her face; it was as though she expected me to say next: "You have ten minutes to get out." Instead, I simply got the key to my room and went up about three o'clock to have the most wonderful five hours of sleep in my life.

I rose at about 8 o'clock and was collected to be taken to dinner. Ted's wife had prepared a splendid Mediterranean dish in the nature of a paella and we spent the evening reminiscing about the previous few days and speculating about the future. I recall one comment of Ted's, namely: "We have turned this place upside down."

In the subsequent period, I often speculated how far my critiques leading up to the Agreement had any effect upon it. It is not very easy to say, one way or the other, and one should be careful about thinking that one had any particular influence, not least as there were several others contributing to the preparation for the negotiations, and 'great minds often think alike'.

I continued to be involved in followup drafting and meetings, and had to travel frequently to Belfast for same. There were actually amusing moments at times. I remember being taken in to the rather lavish office in Stormont which had been allocated to Alec Maskey and he was standing on a chair hanging a portrait of Robert Emmet on the wall. I said to him: "Do you ever think, Alec, that one day you'll look up there and he'll be staring down at you saying - 'Is this my bleeding epitaph?' " He laughed.

Also, the surveillance continued. I recall travelling back from a high level meeting on the train to Dublin and a man came and sat across from me at the opposite window. He was supposed to be reading a newspaper, but he seemed more to be casting furtive glances in my direction. I was writing notes on a pad and eventually he asked me if I could spare a sheet of paper. I turned over the pad and tore one from the back and gave it to him. Therefore, he did not get the sheet under the one I was writing on and which would have the impression of my text. Surprise surprise, when he got the sheet of paper, he did not write anything on it, but folded it up and put it in his pocket and then got off the train in Newry. I can just imagine him reporting afterwards and saying that he attempted to get an impression of what I was writing and saying: "But the f...er turned over the pad gave me a sheet from the back instead." Of course, he may have been an innocent traveller, but I was taking no chances.

Let me just conclude by summing up a number of important points about the significance of the Good Friday Agreement for a republican.

The Good Friday Agreement provides for a mechanism by which a united Ireland may be brought about. That is, a border poll in which a majority of 50% plus one (not 51%) of the valid vote would initiate a process of reunification. That does not, by definition, entail a majority of the electorate and not even of those casting a ballot when spoiled or invalid votes are taken into account. In particular, it does not need a majority of the unionist electorate or even of all those Unionists casting valid votes.

Therefore, we have travelled far from the simplistic 'unionist veto'.

The question then arises as to whether or not, in current or imminent circumstances, a pro-unity majority could actually be achieved in a border poll, even if, in principle, such a majority should not be required insofar as the valid electoral constituency for determining the constitutional status of Ireland remains the whole island. What also needs to be taken account of here, is the possibility that a section of the Unionist middle and business class will see that they have been abandoned by the English and that the most sensible thing to do is seek an accommodation with nationalist Ireland in a devolved polity. The pro-union vote is also diminishing as an increasing number of the sons and daughters of the Unionist middle class are going to Britain to receive third level education and are settling there afterwards. (The effects of Brexit now also have to be factored in.)

And, by now, another factor facilitating reunification is the elimination of an overweening influence in the affairs of State in the twenty-six counties on the part of the Roman Catholic Church.

It has been alleged by dissidents that Sinn Féin's current promotion of a border poll means an abandonment of republican ideology regarding the invalidity of the northern statelet, through acquiescence in a principle of consent in respect of the six counties concerning reunification. In fact, what is involved does not endorse such a principle of consent, but rather utilises the method of consent in the North, in circumstances which have developed since 1921, and offer the prospect of actually delivering a united Ireland. It is political madness not to recognise all the changes which have come about over the past century and the possibilities which they offer of realistically achieving the Irish national objective by a means that was not feasible previously. The dissident position is in reality more akin to dogmatic theology than practical revolution. It involves obsessively gazing at the past rather than intelligently examining the present and looking realistically to the future.

And, as for the Good Friday Agreement, if it is read carefully, it can be discerned that it does not embody a principle of consent regarding the North. It is not without accident that, nowhere at all in the document, can the phrase 'principle of consent' be found. There are various qualified references to "consent", "agreement" and to "legitimate" or "legitimacy" in relation simply to "wish ... aspiration ... choice" or to balloting procedure, but these are all compatible with republicans employing the method of consent in the North. The key criterion laid out at the start in the Agreement is "that it is for the people of Ireland alone ... to exercise their right of self-determination". In fact, that is the only self-determination right referred to in the Agreement.

It is further stipulated that this be done "without external impediment". The British have presented this as them becoming neutral on the issue of disengaging from Ireland. In truth, this does not follow from the phrase in question. It is ridiculous to suggest that the peoples of the island of Britain consisting of more than 66 million cannot have a policy on whether or not to retain the Union with Northern Ireland with a population of less than 2 million And that is something which should be campaigned for on this and the neighbouring island in appropriate fora.

As for persuasion and reassurance of Unionists, that should indeed continue apace, but one ought not to be naive and think that that alone will bring about change. Pressure as well as persuasion is always necessary in politics, particularly when dealing with bullies, which are unfortunately still to be found in a not insignificant number among Unionists.

Let me conclude by pointing out that the architecture of a united Ireland is contained in outline in the Good Friday Agreement. Over time, the development should be as follows:

- for North-South Ministerial Council *read* federal government;

- for NSMC Secretariat *read* federal civil service;
- for Implementation Bodies *read* federal government departments;
- for North-South Parliamentary Forum *read* federal parliament;
- for North-South Civic Forum *read* federal senate.

The task now is to proceed from the Agreement's foundations to the construction of a political edifice in Ireland which will mean the complete end of British sovereignty on the island.



At GFA negotiations in Stormont, Holy Week 1998 - left to right: Ted Howell, Kevin Winters [Solr], Daltún Ó Ceallaigh, Gerry Kelly (photo, courtesy of Francie Molloy)

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It is evident above that what is envisaged in the near future is a federation rather than a unitary (i.e. centralized) republic, but without precluding the latter in the longer term.

In fact, a federation might well be the immediately preferred option of Irish nationalists and republicans from a number of points of view. Firstly, the danger is that, even if a unitary republic could be quickly brought into being, all sorts of dilution of Irish ethnicity might be demanded, particularly as regards the Irish

language and Gaelic culture, so as to 'accommodate' unionists. Moreover, the British might actually see this as a way of 'allowing' the emergence of, ironically but effectively, a polity somewhat tethered to it. Secondly, the continuance of 'Northern Ireland' in a federation might appeal to that now emerging middle ground in the North of the self-identified 'Northern Irish', and so help, perhaps significantly, in getting across the 50% border poll barrier. Indeed, even some degree of cantonisation within the North might also be considered for 'difficult' local unionist areas. I raised this with SF before the 1998 Talks and Gerry Adams at one point mentioned it then in an interview, although perhaps suggested to him by somebody else as well. A duarchy within Ireland might also best for the aim of actually maximising SF power on the island, given SF's current strength in the North and possibly imminent role in government in the South. As for movement towards a border poll, if the Northern Ireland economy improves, some people from the 'South' might be attracted to move there and so further enhance the nationalist vote.

In earlier versions of its peace proposals, SF included the idea of resettlement in Britain for some unionists. This could usefully be revived in a manner which in no way suggests 'ethnic cleansing'. A united Ireland cannot be a prison; while nobody should be forced to leave, neither should anybody be forced to stay. Arlene Foster has already said that she would depart in the case of a united Ireland and, no doubt, there would be others of like mind. There are precedents for the British facilitating such a scenario such as in the instance of Hong Kong. A generous resettlement scheme should thus be considered by them. It would also mean that certain potentially discontented elements could be persuaded to go rather than remain and attempt to disrupt. In fact, probably only a few thousand people might be involved out of just over 855,000 unionists, of one sort or another, in the North (estimate based on Census 2021).

Appendix

NORTHERN IRELAND – CONSENT, DEVOLUTION & FEDERATION

Following on Deaglán de Bréadún’s recent piece in THE IRISH NEWS (16.6.23) referring to my reminiscences about involvement in the Good Friday Agreement, I have been contacted by a number of people for elaboration on two points in particular. The first concerns the change in redrafts of Article 3.2 of the Irish Constitution wherein a reference to “each jurisdiction” was finally altered to “both jurisdictions” in relation to polls concerning a proposed reunification of Ireland. The second related to the difference between devolution and federation in such a possible context.

Perhaps we should begin with the dictionary. Therein, we are informed that “each” means “two or more considered individually”, while “both” means “two considered together”. It is against this backdrop that the alteration in question has to be considered in what follows.

The relevance of Article 3.2 goes back to the partition of Ireland and the retention of the six north-eastern counties of Northern Ireland within the United Kingdom. Republicans have always held that this was an undemocratic and improper act and that the contrivance in question thus was and is invalid. This is because the correct constituency for deciding the status of the 32 counties is the island of Ireland and arising from a vote of all in unison.

As a consequence, down through the years, republicans called for Britain to make a declaration of intent to leave the north and accede to an all-Ireland democratic process of deciding the future of the island in which unionists would have to engage about their future. Another way of looking at this is that Britain would no longer consent to the union with the north.

By the mid 1990s, it was clear that Britain, right up to and including the Establishment, was finally prepared to go, but not in the manner outlined. This preparedness arose from a number of factors. Firstly, the north was no longer of the same strategic relevance to Britain in the post-Soviet world as it had been previously. Secondly, the financial and military cost (the latter taking account of the IRA campaign) was off-putting. Thirdly, the overwhelming majority of the British people (as constantly revealed in opinion surveys) wanted to detach themselves from the north.

Additionally and crucially, the demography of the north was fast approaching a potential nationalist majority within it. In the late Sixties, the Sunday Times Insight Team had accurately referred to the north as “the first and biggest gerrymander” in that six counties had been arbitrarily carved out of Ireland and Ulster to give the largest area which unionists could dominate. The problem with all gerrymanders is that they sometimes come a cropper with changing demography. And that is precisely what eventually began to emerge with Northern Ireland. As a result, Conor Cruise O’Brien, in his latterday neo-unionist phase, commented some decades ago (with the wisdom of hindsight of course) that unionists would have been better advised in 1920 to settle for four counties. Indeed, recently a unionist columnist suggested that, even now, perhaps those of his persuasion should raise the prospect of repartition having regard to the increased numbers of northern nationalists. (He did not however address the issue of the distribution of people within a possible four-county setup and whether he envisaged population movement out of the new entity as well.) Despite these various developments, it became evident that it would be too much of a loss of face for Westminster to withdraw from a part of the United Kingdom in the same fashion as it had done, for example, in the case of Palestine.

The result of all this is: Britain has now indicated that it will leave the north if a majority within it request same, and it is now feasible that such a majority might

actually be achievable. Perceiving this, republicans came to the assessment that, while they continued to view the principles of self-determination and consent as applying only to Ireland as a whole, if the method of reunification involved realisable consent within the north, it would hardly be sensible not to use that as a way forward. And that is where we are with the Good Friday Agreement. Furthermore, in consideration of the foregoing, if one goes back to Article 3.2 of the Irish Constitution, one can discern how “both” is compatible with the principle of national self-determination whereas “each” would not have been. The point is of course philosophical and ideological, but philosophy and ideology were and are not unimportant. Or, put more simply, the amendment of “each” to “both” was not for nothing.

And, as for the Good Friday Agreement, the key criterion acknowledged in it is in respect of “the people of Ireland alone” who are “to exercise their right of self-determination”, albeit bifurcatedly in polls, given that two jurisdictions currently exist on the island. In fact, that is the only self-determination right referred to in the Agreement. It is further stipulated that this be done “without external impediment”. Otherwise, it should be noted that the document was not generally signed; the only signatures formally appended to it are those of Tony Blair and Bertie Ahern. For republicans, the document is a useful working framework, and any exegeses of it which contravene republican principle are therefore unacceptable. In other words, republicans still do not condone that consent in the north signifies a right to opt out of a United Ireland, while consent can now be a means employed to opt back into one.

Turning to the question of devolution and federation. At present, with or without Stormont, Northern Ireland involves devolution within the United Kingdom. Not a lot of people appreciate that Article 15.2.2 of the Irish Constitution allows for the same kind of arrangement within a United Ireland. The reason for this is that deValera envisaged the possibility of Britain being persuaded to transfer the powers

it exercises over the north to Oireachtas Éireann. However, if Britain does leave the north, it may not eventuate in such a structure. As has been floated on a number of occasions, instead a two-unit federation of Ireland consisting of the existing six and twenty-six county areas might have to be considered in order to satisfy unionists. If one wants to grasp the difference between devolution and federation, contemplate at least the distinction between the current Northern Ireland within the United Kingdom and Idaho or Nebraska (each with a with similar population to N I) within the United States.

6 July 2023