

## **NORTHERN IRELAND: PEOPLES, NATIONS, STATES AND SOVEREIGNTY**

*Robin Wilson*

Just after the signing of the Anglo-Irish Treaty of 1921, Sir James Craig, premier of the opting out area which was Northern Ireland, emerged from Downing Street saying: 'There's a verse in the Bible which says Czechoslovakia and Ulster are born to trouble as the sparks fly upwards.'

It is a parallel Jonathan Bardon, who cites this remark in his monumental **A History of Ulster** (1992), does not shy away from: 'Czechs and Slovaks spoke the same language, though in different dialects, but, in spite of appalling dangers threatening them, relations were severely strained between the devout Catholic peasants of Slovakia and the urbanised sceptics of Bohemia and Moravia.' The difference, however, was that 'unlike Czechoslovakia, Northern Ireland had a powerful neighbour ready to provide support in times of crisis'.

It was a neighbour prepared for 50 years to insulate Northern Ireland from Westminster or international criticism, to endorse by its silence (and its subvention) the Stormont regime. By the time the non-violent resistance to tanks in Prague was inspiring students in Belfast to spearhead the campaign for civil rights for the region's Catholic minority, the consistency of that neighbour had, however, become rather less certain.

I want to focus on both the period earlier this century of the construction of two new states in Ireland and on the euphemistically entitled 'troubles' so unwittingly launched in 1968. In both periods, events in Ireland are of an international resonance and are themselves shaped by the European context.

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Both are periods during which dramatic international convulsions have dismantled states, shifted borders, created new states and thrown up new minorities.

#### **THE FAIRY TALE: A 'VELVET DIVORCE' FROM BRITAIN?**

In what has become far-and-away the most frequently quoted Irish cliché, Winston Churchill told the Commons in 1922: 'Great empires have been overturned. The whole map of Europe has been changed ... but as the deluge subsides and the waters fall short we see the dreary steeples of Fermanagh and Tyrone emerging once again. The integrity of their quarrel is one of the few institutions that has been unaltered in the cataclysm which has swept the world.' (I say far-and-away, but of course the other prevalent cliché about Ireland, that every time Britain thinks it has answered the Irish question the Irish change the question, has precisely the opposite import.)

Anyway, Churchill was wrong. Ireland's conflict did not represent an atavistic hangover - the convenience of that assumption representing the reason why this speech is so often cited - but, as in 1848, it was an entirely typical European eruption, this time in a continent where multinational empires had been shaken by total war. And the map of Ireland was, of course, changed - by partition - in 1921.

In arguing for acceptance of an all-Ireland parliament, Lloyd George had once told Craig: 'The existing state of central and south-eastern Europe is a terrible example of the evils which spring from the creation of new frontiers.' Evils indeed there were and, far from those being backward glances at an ancient 'quarrel', it is better to see them as having laid down consequences only now fully unravelling. The contemporary effects of the major 'new frontiers' of that period - which saw an estimated more than 25 million people rendered national minorities after 1919 - are all too evident today.

Could violence in Ireland have been avoided? Could there have been a 'velvet divorce' from Britain? Theoretically, yes - and we might now be living in a peaceful, united Ireland and a very different Britain as a result. But the difficulty was twofold. Firstly, unionists indeed had a powerful neighbour, sections of whose ruling bloc saw in the home rule issue a focus for a Tory revolt against enemies without (such as Irish nationalism) and within (such as syndicalism). After the war, that support diminished, as many Conservatives saw the Ulster unionists' sectional campaign as inimical to the stability of the wider empire. But for others the folk devil of the 'Bolshevik-Sinn Féin conspiracy' was real enough - particularly with India in mind.

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Yet an appropriate focus on unionist conservatism and Conservative reaction should not blind us to the limits of Irish nationalism, which was fundamentally incapable of establishing a hegemonic project in Ireland. The leader of the 1916 Rising, Patrick Pearse, described his goal as an Ireland not only free but Gaelic as well, not only Gaelic but free as well. In its separatism, it conceded nothing to the Irish minority's predominant allegiance (unionism), and in its 'Irish-Ireland' encapsulation of national identity it allowed no space whatever for unionist variants. It was a message for 'devout Catholic peasants' in Connacht, Munster and Leinster, not 'urbanised sceptics' in Ulster.

The only way a clash could have been mitigated would have been had Britain not allowed unionists the option of resisting home rule, with nationalists settling for less than independence. The latter was, actually, a very real possibility. Up until the executions after the rising, and the crisis the following year over the attempt to impose conscription, the home-rule supporting Irish Parliamentary party remained dominant in nationalist Ireland. Sinn Féin did not effectively emerge until by association with 1916 - the 'Sinn Féin rebellion' - though in fact it was not directly involved. The Irish Volunteers comprised the majority of the insurgents, yet only some 11,000 of them had split in 1914 from the 170,000-strong force, which the IPP controlled, when its leader, John Redmond, had called for support for the British war effort.

As for the former, the only viable approach would have been to pursue the idea, floated around the time of the home rule crisis, of 'home rule all round'. The idea was based on a recognition of the political overload of the Westminster parliament and the desirability of devolving non-'imperial' functions to parliaments in Scotland and Wales, as well as Ireland. Apart from representing a structural reform of the British state still not essayed 80 years later, it would have made home rule less threatening to unionists - being implemented consistently across the UK, in recognition of its multinational character (think of the four windows in the lobby of the House of Commons). And it would simultaneously have closed off as a unionist option their defence of the status quo of Ireland as an integral part of a centralised UK.

A 'velvet divorce' would thus have depended on political configurations in Britain being different from what they were. This would not, of course, have been a sufficient condition for a peaceful resolution, but it would have been a necessary one. Without wishing to engage in the practised Irish deception of blaming Britain for all our woes, the fundamental failure of modernisation which marked the trajectory of the British state, which Tom Nairn charted in

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**The Break-up of Britain**, ensured that a 'new frontier' would indeed be established - however much or how little Lloyd George claimed to want it - in Ireland.

It is also worth speculating for a moment on what kind of archipelago we would now be living in, had such a 'velvet divorce' been possible. Decades of self-government in Ireland would, plausibly, have led - gradually and on the basis of growing mutual trust between Irish men and women - to independence within the European Union, providing a model along the way for an easier imperial decolonisation. Scotland would have moved into a more or less confederal relationship with Westminster, Wales into a federal one, with the more assertive English regions inspired to establish a regional autonomy. In other words, a typical modern (and typically prosperous) European state.

It's an appealing thought - so much for fairy tales. My point, however, is that the character of the British state was - and remains, in the contemporary period - a major barrier to a settlement. What did emerge instead was - like any compromise, as Lloyd George admitted - illogical.

### **THE REALITY: THE ROAD TO THE 'TROUBLES'**

With the collapse of the empires during the war, a logic for a new international order had been sought in the principle of self-determination, enunciated in 1918 by President Wilson. Because of British opposition, the claim of Irish nationalists was not accepted at the Versailles Peace Conference. But in any event, as Kamal Shadadi has argued (Shadadi 1993), 'there were practical considerations which rendered the principle irrelevant. There was no readily available answer to the question of what constituted a community entitled to claim the right to self-determination. Another practical problem was how to allow a people to exercise self-determination without creating new national minorities.' In the absence of an adequate international organising principle, military (or paramilitary) power and realpolitik thus prevailed.

In Ireland, this left behind a resentful Catholic minority, which the new Northern Ireland state, its unionist majority guaranteed by the way it had been carved out, did nothing to conciliate. The catalogue of oppression and its enduring legacy are eloquently captured in Fionnuala O'Connor's study of contemporary northern Catholic opinion, **In Search of a State** (Blackstaff 1993).

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For over 40 years, between the boundary commission report of 1925 - which set the border in stone - and 1968, that minority remained, in the main, quiescent, facing a Westminster convention excluding discussion of Northern Ireland and a southern state ambivalent about its separated brethren in the north and, in any case, impotent. Neither fitful anti-partition campaigning nor equally fitful IRA campaigns made any significant impact on international opinion.

Nineteen sixty-eight changed all that. International street politics, and its internationalisation through television, showed that even minorities - as in the US - could shake political power. Need the conflict have become violent? This time, it is much easier to avoid speculation - no.

All the accounts of the early civil rights movement indicate that it was a civil society movement seeking inclusion within the existing state, not its incorporation into a united Ireland - the character of the latter as an autonomous, eventually independent, state having in any event diverged from its northern counterpart over the preceding decades. As such, the demands of the civil rights movement could readily have been met within a framework of minority rights.

But as Asbjorn Eide (1993) has commented more generally,

sometimes conflict is initiated, from a condition of peaceful relations, by allegations (true or false) [true, in this case] made by activists within a minority group that it is subject to discrimination or is deprived of its culture. Such allegations, gradually combined with protests and political demonstrations, sometimes lead to over-reaction on the part of the government security forces, and in turn to a violent response by the minority group concerned. This can agitate public opinion on both sides, leading to massacres and much heavier repression by the security forces, generating a guerrilla response on the other side and eventually escalating into a total cataclysmic polarisation beyond all rational control.

The all-too-familiar vicious circle, now well beyond 'all rational control' - as the rival atrocities of October 1993 or the failure of the rounds of political talks in recent years have testified - could have been broken, at that early stage, by a thorough-going project of structural reform of the Northern Ireland state. As Home Secretary, James Callaghan at one point rallied Catholic opinion from an upper-storey window in Derry's Bogside. Yet

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Callaghan's **A House Divided** testifies throughout to his reluctance to get drawn into what he variously describes as the Irish 'quicksands' or 'bog'. The constitutional conservatism of the British state once more proved inadequate to the task.

In 1972, Britain was driven - too late - to establish direct rule, having been perceived by many Catholics as shoring up the unionist régime with troops. Internment at unionist behest and Bloody Sunday had confirmed in the minds of a burgeoning republican constituency, however, that the British presence was itself the problem and only a British withdrawal would do.

### **PROBLEMS WITH 'SELF-DETERMINATION'**

Latterly, republicans have couched that demand once more as a clarion call for 'self-determination' - a slogan which has now spread like wildfire since the fall of the Wall. As Shedadi writes, 'The drive towards ethnic-national self-determination is one of the greatest challenges facing the international community in the 1990s. From the Balkans to Burma, from the Caucasus to the Horn of Africa, communal groups are asserting claims to self-determination by force.'

First, a point of clarification. As Kaldor and Kumar explain in **Conflicts in Europe** (HCA 1993), 'Ethnie in this definition comprises the formation of collective identities through custom, religion, language, etc and ethnic nationalism refers to movements which assert ethnic identifies as the primary basis for building nation-states (the ethnies thus acquires a territory).'

Can there be a peaceful resolution of such claims? Shedadi is sceptical, with a notable exception: 'The example of the Czech and Slovak separation is a case in point ... The peaceful resolution of this dispute was made possible by a number of factors. Not only was the elected leadership of both sides willing to accept partition, but both also realised they could not secure international recognition without the approval of the other party.'

In our context, of course, partition is a different matter. The British and Irish states have come to accept it - passing through Ireland rather than the Irish Sea - though neither with great enthusiasm. But neither has so far found a way to reconcile the conflicting claims to self-determination, as the Sunningdale agreement of 1973, the Anglo-Irish Agreement of 1985 and the Downing Street Declaration of last December have all sought to do.

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The right of self-determination, while in theory embracing 'the emergence into any other political status freely determined by a people', as the 1970 UN Declaration on Principles of International Law concerning Friendly Relations indicates, tends to come down to 'the establishment of a sovereign and independent State' or 'the free association with an independent State', as the declaration otherwise indicated. All very well if, as in the former Czechoslovakia, two mutually recognising 'peoples' - nationally defined - elect to separate into two 'sovereign and independent states'.

The difficulty, of course, is when one self-defined people, such as Northern Ireland's nationalists, chooses the 'sovereign and independent' objective, while another self-defined group, such as unionists, chooses 'free association' - and neither accepts the right of the other to 'people' status, or the associated right of veto on participation in a state they reject.

The Hume-Adams initiative of last year, concluded between the leaders of the Social Democratic and Labour party and Sinn Féin, assumed that the nationalist claim could prevail - albeit by 'agreement' - if unionists were effectively denied the right to sustain, in the long term, their 'free association' with Britain. Yet, by failing to develop a sufficiently inclusive notion of Irishness, as indicated earlier, nationalists have been unable to persuade unionists to see themselves as part of the 'Irish people' - never mind to 'agree' any all-Irish 'self-determination'. And all the previous evidence of British efforts to persuade unionists to endorse nationalist gains (such as in 1886, 1912, 1974 or 1985) has been singularly counter-productive - intense violence erupting.

The joint declaration, which has attracted more cross-community support in Northern Ireland, has been more balanced. Yet it has failed to stem the violence arising from loyalist insecurity, while failing also to secure a republican cessation. In the former case, this is because of the way the declaration adopts the rhetoric of 'self-determination' in its nationalist version - 'the right to self-determination of the Irish people as a whole' - which loyalists read, not surprisingly, as signalling a British willingness to disengage. Yet, as regards the latter (the continuing IRA campaign), that right is qualified in the declaration as having to be 'freely and concurrently' expressed, north and south - which republicans have read, along with the references in the declaration to the 'constitutional guarantee' and associated British commentary, as entrenching the so-called 'unionist veto' over constitutional change in a nationalist direction.

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The problem arises because the language of 'self-determination', however subtly - as in the declaration - it is deployed, is unable to resolve the modern plethora of ethno-nationalists conflicts. Almost all of these conflicts - with tragic exceptions like East Timor - are post-colonial. So mobilisation of a relatively unified internal 'people', allied to international support, to eject the régime and install a popular alternative, is rarely an option now. In almost every case, it is in fact a zero-sum game. In Czechoslovakia, the two élites (rather more than the peoples) were agreed on separation - for them, exceptionally, it was win-win, not win-lose.

True, the language of self-determination can be used by way of rhetorical challenge: can a group really claim to represent the 'people' in whose name it speaks? In this specific regard, the declaration does create significant problems for the republican movement, which commands the electoral support of only some 5 per cent of 'the Irish people as a whole' and whose continued association with violence is clearly vastly unpopular among the other 95 per cent.

Yet Sinn Féin has used the nationalist claims of the declaration to urge the delegitimation of the unionist position, and the wooing of itself by both governments (and the US administration) to present itself (somewhat incredibly) as on a par with the popular forces of the PLO and ANC. And, even were it now to renounce violence, the danger is that loyalist violence, too complacently assumed to be 'reactive' - in fact it has been running at a significantly higher level than republican violence for the past couple of years - might actually escalate, on the basis of suspicion that a secret deal had been done with republicans.

### **PEOPLE, NATION, AND STATE**

So, fundamentally, a different approach needs to be adopted. And, happily for Northern Ireland (if not for peoples elsewhere), the explosion of ethno-nationalist conflicts in the former-Yugoslavia, the Transcaucasus, amongst the Hungarian diaspora and so on has at long last stimulated concentrated attention in the wider Europe upon ways to settle them. The answers offered have, crucially, entailed separation of the concepts of 'people', 'nation' and 'state'.

The concept of self-determination fundamentally fuses those notions: peoples comprise nations, nations form states and states have absolute sovereignty. The idea of supranationality, especially as represented by the European Union, has, already, challenged this conceptual chain at the latter end

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(except, naturally, in the collective mind of the British state). It is between competing embodiments of this rigid connotative chain that ethno-nationalist conflicts erupt. And disarticulating all its links is the mechanism to defuse tensions and establish settlements.

Firstly, the assumption people=nation must be supplanted by a concept of citizens. For citizens not only have rights, but, unlike nationalists (and here I included unionists as a reflection), they perceive these as universal or, in as far as they are communal, part of a pluralist framework of rights which establishes equivalences between themselves and other citizens, rather than counterpositions. Similarly, citizens are democrats. They refuse to accept the populist subjecthood nationalist élites often advance, in demonising and excluding others.

This concept of citizens has, in turn, two required forms of implementation. As rights, it implies a focus on the minority group, whose rights above all must be guaranteed. The 1992 UN Declaration on the Rights of Persons Belonging to National or Ethnic, Religious and Linguistic Minorities is an important step in codifying what these rights entail. But the key is that those citizens who are members of minority groups must feel that they enjoy the same rights, freedoms and life-chances that they would were they to be members of the majority - in other words, must feel they are not really a minority at all.

In terms of democracy, the citizenship approach similarly entails abandonment of the nationalist (or, as I say, unionist) view that the majority ethnic group must automatically dominate. This means citizens in each group coming to see it as impossible for government to be established except in conjunction and collaboration with citizens of the other, without either being in a position to steal a march through demographic supremacy. This means support for consociational democracy.

The key difference, here, is between ethno-nationalists and what has been called 'communal contenders'. As Eide explains, the latter are culturally distinct groups in heterogeneous societies who hold or seek a share in state power.

They are different from ethno-nationalists in the sense that the group or its leaders do not seek to dominate culturally or linguistically the national society as a whole, nor do they try to secede from the national society; but they seek to enhance their own position or maintain their own

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position when challenged by other communal contenders. Therefore, the description suits well the situation in most post-colonial societies where borders were drawn rather arbitrarily by colonial powers.

The Opsahl Commission on ways forward for Northern Ireland, which reported last year, was a citizens' inquiry chaired by the late chair of the Norwegian Human Rights Centre (directed by Mr Eide), Professor Torkel Opsahl (Pollak 1993). The commission recommended just such an egalitarian sharing of power in Northern Ireland. But perhaps its key innovation was based on breaking the second link in the connotative chain: nation=state.

For the above two proposals do not in themselves address the issue of the affinity some minority groups feel with the citizens of *adjacent* states - particularly where, as in Northern Ireland, the legitimacy of partition remains contested. This is not to confuse identity and allegiance: as O Connor's book shows, most Northern Ireland Catholics feel precious little fealty towards, or trust in, the southern state. But, as the Opsahl Commission robustly found, many feel a very strong sense of an Irish *identity* and feel unable to express that identity in Northern Ireland as currently constituted.

Here, the commission made the radical proposal that Irish nationalism should be given 'legal recognition' in Northern Ireland, to ensure that citizens who identified themselves as Irish (as against being simply objectively Catholic or Protestant) could enjoy the same rights as those who professed allegiance to the British state. (Indeed, one could conceivably do both.)

This idea has been argued more generally - though including in the Irish context - by Gidon Gottlieb (1993). Gottlieb claims that 'where ethnic separation has not taken place, where nations are divided by state boundaries, and where two peoples lay claim to the same tract of land', what is required is that, in addition to the existing state structure, a 'national home' (*patrie* or *heimat*) régime is required. Thus, without prejudice to the rights acquired through membership of the UK, those who chose to identify with the Irish 'national home' would be eligible to choose, for example, not only to carry an Irish passport (as now) but also to participate in the political life of the Republic of Ireland on an equal footing with citizens there.

The last link to be broken is state=sovereignty. And here the principle of 'non-interference' is the victim. Through supranational bodies the compliance of 'independent' states, whose sovereignty would otherwise be absolute, is inevitably compromised. International conventions and agencies, including the Conference on Security and Co-operation in Europe and the Council of

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Europe, are essential guarantors of minority protections (though they are in a number of respects inadequate to the task). International non-Governmental organisations, like the Helsinki Citizens' Assembly, are of equal importance.

All these principles have one thing in common. They are ways to separate the concept of settlement of conflicts from secessions. As Kevin Boyle and Tom Hadden seek to argue in their **Northern Ireland: the Choice** (Penguin 1994), promoting sharing is preferable to allowing a drift towards separation. It remains perhaps a pity that, however non-violently, separation was the choice that Czech and Slovak leaders made.

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