

# Archaeology of an Agreement – Bedrock and Groundwork in the 1990s

Caitríona Mullan

*Caitríona Mullan is a policy, governance and leadership specialist for cross-border and territorial cooperation. She is a senior research associate with the Centre for Cross Border Studies. Her independent portfolio includes expert work with the Council of Europe Centre of Expertise for Good Governance and the European Commission. She also holds associate roles with the International Centre for Local and Regional Development and the Association of European Border Regions.*



It is always worth remembering that the past is as complex and multifaceted as the present. In the present, we often search for the simplicity of a message from our predecessors, as if we can restore an imagined, ephemeral simplicity to affairs before us. As with the present, if we look properly, there is never one reductive version of things.

The invitation from the Centre of Cross Border Studies to write an article on the work done in the years preceding the *1998 Belfast/Good Friday Agreement*<sup>1</sup> and in particular that of the Irish ‘rainbow coalition’ government between 1994 and 1997,<sup>2</sup> came at a point in time when I was reflecting on the *Agreement* from several perspectives. Firstly, as a resident of Northern Ireland, on what was a sense of irony at the celebrations – involving the surviving political actors – to mark the signing of the *Agreement* during a week in which the Northern Ireland women’s sector haemorrhaged jobs because of political dysfunction and want of a modest budget. Secondly, having worked in the rainbow coalition as a policy researcher to the then Minister for Social Welfare, I had a personal perception of the dynamics in

that period, which helped prepare over time for the 1998 *Agreement* – and I was curious to explore official records for the period. Thirdly, and in a contemporary professional sense as a cross-border development and governance specialist, I am conscious of the perceived and actual challenges and opportunities for North-South and cross-border cooperation which have arisen because of and despite Brexit, and remain concerned about the degree to which recurring paralysis of strand one has had the effect of limiting the ambition and potential of strands two and three.

In 2023, the *Agreement* itself governs much of how we live in Northern Ireland and is increasingly obscured by rhetoric full of claims of its irrelevance and even rumours of its death. In the context of the UK's exit from the European Union (EU), we have seen the rise of populist and adversarial politics which feed a far-right narrative; we have witnessed the hostilities awakened since Theresa May's deal – which would have kept all of the UK in the EU single market post-Brexit, preventing both sea and land borders for Northern Ireland – was defeated in the House of Commons with the *Democratic Unionist Party's* (DUP) casting votes against the bill. Northern Ireland voted to remain in the EU, but were it not for the terms of the *Agreement*, people in Northern Ireland would have been stripped of their EU citizenship overnight as a result of the Brexit referendum, which itself may well be seen by economic historians in the future to have triggered one of the most extraordinary acts of self-harm ever engaged in by the United Kingdom. Tribal animosities north and south are couched and broadcast on social media platforms in language and imagery that would have been unimaginable for the public sphere twenty years ago. In 2022, the Northern Ireland Women's Research and Development Agency highlighted that statistically, Northern Ireland has been the most dangerous place in Europe to be a woman.<sup>3</sup>

Yet, on the other hand – and here comes the sophistication and complexity – societies in Ireland, north and south, have moved on considerably. The Northern Ireland Executive Office in July 2023 – during a period of suspension and therefore on the action of civil service leadership – has published its *Ending Violence Against Women and Girls* (EVAWG) action plan and strategic framework for public consultation. A seat at the UN Security Council for 2021/22 marked Ireland's coming of age as a small country renowned for its particular brand of international diplomacy. Ireland is now the only English-speaking EU member state and continues to evolve as a modern and highly diverse republic. Northern Ireland has a confident electoral middle ground

which is pragmatic about how it votes from election to election<sup>4</sup> – arguably a modern Northern Irishness at work. The economy on the island has been transformed beyond recognition from that of the 1990s. Emerging from a global pandemic, as Europe was a century ago, we have learned a hard but constructive lesson on health status's role in economic prosperity. On an island in the North Atlantic with a rich offshore natural resource (wind energy and energy derivatives from wind, such as hydrogen) which can democratise wealth if we prevent monopolies, we know we could change the economic story of both parts of the island for good, or the best part of a millennium. In Northern Ireland, there is an emerging whole-systems literacy and practice in mitigating the multigenerational impact of trauma from conflict – a gift of knowledge, compassion and know-how that we can offer the rest of the world. Ireland has endorsed equal marriage. In both jurisdictions, legislation is now in implementation towards delivering women's rights to fully access reproductive and sexual health services. In both jurisdictions, a painful legacy has begun to be narrated around societal and institutionalised abuse of the human rights of women and children.

In considering how I might approach this article, I did two things. First, I went to the National Archives of Ireland, curious to look at the Irish state papers for those years in the 1990s that preceded the *Agreement* in 1998. Second, I kept an open mind about what article I would write.

What I found in the archives, in releases from the Department of Foreign Affairs and Department of the Taoiseach for that period, was document after document reflecting a kind of connected, internationalist, cross-border, pacifist thinking and statecraft. This was the deep intellectual capital that had gone into connecting Ireland and the UK in the context of the EU single market, of collective action concerning EU Structural Funds such as the first Interreg programme. This energy, coming from within the permanent administrations of Northern Ireland and Ireland, was from ordinary civil servants working with supportive politicians – all interested in best practices in public administration, tackling poverty and regional disadvantage, sharing resources where the whole was greater than the sum of the parts, and building economic potential in a way which benefitted both parts of the island through a vision of functionality and efficacy unconstrained by administrative borders.<sup>5</sup>

Christine Bell's ground-breaking book *On the Law of Peace – Peace Agreements and the Lex Pacificatoria*<sup>6</sup> analyses a range of 646 documents

which could be described as peace agreements, drawn from all over the world. Bell outlines the role of international law in such processes and considers their antecedents and the dynamics associated with securing them. She also identifies a stage and function classification framework for agreements,<sup>7</sup> which specifies three stages/functions:

1. Pre-negotiation agreements;
2. Substantive or framework agreements; and
3. Implementation agreements.

The 1998 *Agreement* and those which followed it (including *St. Andrews*, *Stormont House*, and *New Decade, New Approach*) can be classified as implementation agreements in this framework. These are dependent on the groundwork and bedrock that are the preceding stages. In terms of the 1990s, the *Joint Declaration on Peace* (known as The Downing Street Declaration (1993)) arguably falls into the category of a pre-negotiation agreement; and *Frameworks for the Future* – commonly referred to as the Framework Document (1995) – was the substantive framework on which the terms of the 1998 *Agreement* were elaborated and eventually agreed by the main political protagonists.

The following is an illustrative tour through evidence from 1990s Irish state papers of the gradual whole-systems preparation of the substance, terms and acceptability of an agreement, which characterised efforts in the years running up to 1998.<sup>8</sup> I have focused on cross-border cooperation, Ireland and Northern Ireland in Europe, and nurturing political consensus.

## Cross-border cooperation

In November 1992, a meeting of the Anglo-Irish Intergovernmental Conference in Dublin<sup>9</sup> had an agenda which included ‘confidence issues’ and ‘economic and social matters’.

The confidence issues detailed include lethal force, cross-border roads, Carlingford Lough (the matter of British naval inspections of local civilian vessels using the Lough and the impact on good relations), accompaniment (the practice of officers of the Royal Ulster Constabulary (RUC) accompanying British army patrols), harassment, holding centres, parades and extradition.

The economic and social issues detailed include progress in disadvantaged areas, cross-border economic cooperation and a particular focus in this

instance on cooperation on forestry – noting the history of “good working relations between the Department of Agriculture for Northern Ireland (DANI) and the Forest Service”, and that further cooperation should continue in plant health:

*There exists a sound phytosanitary rationale for treating the island of Ireland as a single protected zone for plant health purposes. Both sides should co-operate closely in maintaining this position and in identifying and eliminating any threat to forest plant health on the island of Ireland.*

Noting that the previous March had seen the establishment of a North-South working group to promote trade and business development, a further note in this fiche reveals that the Northern Ireland administration “had proposed the establishment of a cross-border public purchasing development group” to explore joint North-South approaches to public purchasing, i.e. what would now be referred to as shared services models for joint public procurement. This is an interesting indicator of the appetite and thinking within the Northern Ireland civil service for public sector reform, quality improvement and efficiency and that cross-border working was understood, in some quarters at least, to be a critical enabling dimension of such reform. A further item deals with the impact of a chemical spill by Dupont on Lough Foyle and the timing of the cross-border communications and alerts which took place in its wake. A final item focuses on a North-South electricity interconnector and establishing a backup regional cross-border interconnector in the North-West between Strabane and Letterkenny.

Cross-border economic cooperation was formally framed as a theme within administrative papers by 1990. Early papers indicate discussions on the Dublin-Belfast rail link<sup>10</sup> and a draft scoping study from the Northern Ireland Department of Finance and Personnel on the social and economic implications of road closures along the border between Ireland and Northern Ireland. Cross-border cooperation on health and social welfare was being discussed in 1990, and Ireland and Northern Ireland health ministers were meeting. There was even some exploratory work done between 1987 and 1994 on proposals for North-South cooperation in the justice system – including a proposal for an all-Ireland court and discussions between Irish and British officials on a bid to introduce three-judge courts for trials on indictment for scheduled offences in Northern Ireland.<sup>11</sup>

Department of Foreign Affairs Anglo-Irish Division files for 1992-95 also include briefings on industrial development in Northern Ireland and detailed papers relating to the status and social inequality experienced by women in Northern Ireland. Planning discussions for the Washington Conference for Trade and Investment in Ireland, planned for May 1995, included discussions of forming better trade links between the Republic of Ireland and Northern Ireland and the need for tourism development and trade in the border counties.<sup>12</sup>

A detailed February to May 1995 file contains multiple documents relating to the EU Aid Package: Initiative for Peace and Reconciliation.<sup>13</sup> The records relate to engagements made by the Northern Ireland Department of Finance and Personnel (DFPNI) to ensure a balanced update of the package across all communities and meetings made by Tánaiste Dick Spring with Teachtaí Dála and senators to discuss the update of the package in the Irish border counties. It is noted in another file that on 10<sup>th</sup> June 1992, *Dáil Éireann* “unanimously adopted a motion advocating a coordinated approach between north and south concerning the next round of EU Structural Funds.”

The British Irish Interparliamentary Body (BIIPB) maintained an interest in the progress being made on cross-border North-South cooperation, and the BIIPB papers for this period provide an interesting point of analysis in themselves. In September 1993,<sup>14</sup> a briefing memo for the BIIPB from the Irish Department of Finance focused on forming a joint structural funds programme for Northern Ireland/Ireland. In this document and its equivalent memo – within the same fiche – from the DFPNI, more than in any other sources I reviewed, there is a complete and comprehensive analysis of the spatial, economic and financial rationale for cross-border cooperation on the island of Ireland. The briefing refers to the fact that:

*The development plans for Ireland and Northern Ireland for this 1989-93 period recognised the benefits which could be obtained for the whole island of Ireland from closer economic co-operation. In preparing the development plans for the 1994-99 period, the British and Irish governments have paid close attention to the opportunities for expanding economic collaboration in the context of the next round of assistance from the [European] Structural Funds.*

*For the two economies, the creation of a Single European Market and movement towards greater economic and monetary union and*

*economic and social cohesion in the EC pose very similar challenges but at the same time present unparalleled opportunities. ... A great deal of economic cooperation does, of course, exist and steady progress in promoting cross-border partnership has been made over the past decade.*

The document emphasises that cross-border cooperation has not been confined to the two governments and references explicitly the efforts made by CBI in Northern Ireland and Ibec

“to explore the potential for increasing trade between the north and the south ... the enthusiasm with which these private sector cross-border initiatives are being pursued is a clear recognition of the mutual benefits which closer co-operation can bring.”

In the same fiche, a memo from the DFPNI to Committee B of the BIIPB<sup>15</sup> acknowledges the emphasis placed by both governments on the potential benefits which ‘carefully directed’ cross-border cooperation could bring. The document contains a litany of points and information on developments in a bilateral context, in which cross-border cooperation is referenced.

A further vignette on the matter of the changes brought about by both Ireland and the UK’s membership of the EU single market is in the 1993 DFPNI evaluation report of the previous Interreg Programme,<sup>16</sup> which refers to the matter of a just transition for customs agents, and the need for “retraining assistance in cases where economic activities connected to the existence of a border are in a process of change, particularly the customs sector following completion of the single market.”

Reading this in 2023, working on cross-border mobility, cooperation and harmonisation issues across the EU, I am struck by how in so many places, the ghosts of trade borders still stalk the open fields of an EU single market and how the solution lies with those in member states who understand what specifically can be done to improve things on their own borders.

## **Ireland and Northern Ireland in Europe**

Policy-makers in the 1990s understood the relevance of the new European regionalism agenda – or the concept of a Europe of the Regions – for national/member states and EU competitiveness, as indicated by papers.<sup>17</sup>

A BIIPB document from 10<sup>th</sup> September 1993 sets out a detailed proposal driven by the five district councils of Merseyside for an Ireland/Merseyside/Northern Ireland Interreg Programme.<sup>18</sup> The reasons for the proposal are cited as the fact that Northern Ireland, Merseyside and the Republic of Ireland shared objective one status in EU regional performance and investment terms, shared a vulnerable economic base, had persistent unemployment, including high levels of unemployment, had an inadequate skills base, and peripheral locations with gaps in infrastructure which

“promote a peripheral image of each area relative to the economic core of Europe”. The document also references inequalities in health status among the populations of the three regions.

Europe of the Regions was also beginning to contribute conceptually to new thinking on possible solutions in Northern Ireland. A speech given by British Foreign and Commonwealth Secretary Douglas Hurd at an Encounter/British-Irish Association conference in Oxford in April 1993<sup>19</sup> notes that: “we in Western Europe are lucky enough to have the confidence to see that states do not need to be ethnically homogeneous”; that in modernising states in a way which reflects the diversity within their populations, “we must be untidy cartographers, with imperfect maps ... we must accept that the structure of those states needs some new thinking. States depend on the consent of their people. Pluralist solutions, taking many forms, will nearly always be the answer.” Hurd cites Catalonia, Spain, and Brazil as positive models of regional devolution and refers to the formal recognition by their governing states of the German-speaking communities of South Tyrol, Swedish-speaking Finns of Ostrobothnia, and the *Sámi* people of Norway. Hurd reiterates a desire that Ireland and the UK work together closely as states, to renew efforts towards talks in the wake of the Warrington bombing, and to embrace difference as something enriching.

A speech by Tánaiste Dick Spring, from the same period and in the same file,<sup>20</sup> refers to the importance of the regional dimension of the Maastricht project and “ways in which the thinking behind the objective of a ‘Europe of the Regions’ could contribute to progress on Northern Ireland:” it “offered a model of how conflict could be resolved through a creative acceptance of diversity. It also offered a new framework free of the connotations of victory or defeat for either side and carrying no liabilities of the past.”

A note from July 1996 on proceedings of the European Council during Ireland’s then-presidency of the EU reports Spring as saying that Ireland was



“taking over at a time when the EU faced [an] exceptional challenge, including job creation, the security of citizens, moves to Economic and Monetary Union (EMU), EU enlargement and the IGC [Intergovernmental Conference].” The challenge ahead, he said: “was to translate the benefits of peace in Europe, the single market, and sound money into secure jobs and safer streets.” He pledged that Ireland would emphasise employment as a theme for its EU presidency. I recall from memory that the Irish presidency of the EU also hosted vital discussions on integrating social insurance and protection for European citizens – the underpinnings of a single market that works for citizens. EU dialogue continued towards the provision now known in daily parlance as the EU social security regulation.<sup>21</sup> Documents for this period also evidence work undertaken by an interdepartmental committee, chaired by then Irish Finance Minister Ruairi Quinn, on taxation of cross-border workers, drawing on OECD (Organisation for Economic Cooperation and Development) principles of avoiding double taxation.

## Nurturing political consensus

1992 saw the conclusion of an initial round of all-party talks initiated by Secretary of State for Northern Ireland Peter Brooke, chaired by Australian Sir Ninian Stephen, and focused on devolution. On 10<sup>th</sup> November 1992, the talks participants issued a statement indicating that “while there was no basis to agree a settlement, they had identified and discussed most, if not all, of the elements which would comprise an eventual settlement.”

Another file contains statements from various ambassadors to Ireland, welcoming the 1993 Downing Street Declaration<sup>22</sup> by Taoiseach Albert Reynolds and Prime Minister John Major. Among the statements is that issued by a Russian Foreign Ministry spokesman on 21<sup>st</sup> December 1993, noting that “the joint efforts of governments and political forces and the combination of public dialogue with the technique of the quiet diplomacy made possible the first steps on the long road towards peace and accord in this long-suffering part of Europe... there are reasons to hope that striving for peace and common sense will finally triumph.” In practical terms for Irish and British cooperation, the declaration marked a move to more direct communication between heads of government in Downing Street and Merrion Street, as distinct from communication channelled via the Anglo-Irish joint secretariat at Maryfield, established under the *Anglo-Irish Agreement* of 1985.<sup>23</sup>

A briefing note labelled confidential, 2<sup>nd</sup> February 1993,<sup>24</sup> refers to an informal discussion between Seán Ó hUiginn, Department of Foreign Affairs and a senior member of the Ulster Unionist Party (UUP), who the then party leader Jim Molyneaux had authorised to act as an interlocutor. They deliberated on the DUP's pre-election challenge to the UUP and the then Tánaiste's aspiration to engage with UUP leadership. So too, was the desire by the UUP leadership to see low-key but successful contact with Dublin and for momentum towards talks to be maintained, at risk of what would otherwise become a dangerous 'political vacuum'.

Department of the Taoiseach papers for the period 1995-1997<sup>25</sup> provide a detailed insight into the interaction between Merrion Street and Downing Street, including personal correspondence between the Taoiseach and Prime Minister – quite literally, a series of letters which both correspondents begin with “Dear John”, and some of which are marked ‘personal and private’. The correspondence and supporting documentation chart the detailed, varied discussions – some assisted by the diplomatic contribution of the then British Ambassador to Ireland, Veronica Sutherland – and meetings with each other on the fringes of other international events in places which included Cannes and Moscow.

A snapshot of summer 1995 – amidst the declarations of ceasefires by the IRA and Loyalists, the publication of the *Framework Document*, and intensified efforts by the Irish and UK governments to secure all-party talks – indicates a period of intense focus and communication between Bruton and Major on the matter of reaching a point where unionists would come to talks and Sinn Féin had consented to some terms on decommissioning; both factors being interdependent.

There is a detailed transcript of a meeting between Bruton and Major in Moscow on 9<sup>th</sup> May 1995. Both were in Moscow as First Ministers to attend the Victory in Europe (VE) Commemorations hosted by Russia, and the Moscow visit was clearly of interest to members of the Oireachtas, essentially because the Taoiseach was facing accountability for expressing Irish concerns about the war in Chechnya. A fax to Declan Ingoldsby at the Department of the Taoiseach, of material for inclusion in response to parliamentary questions, indicates that the Taoiseach raised Chechnya as a point of concern in his interactions with President Yeltsin, specifically the Irish view that ending the fighting in Chechnya should be a matter of urgency.

According to the transcript of the meeting between Bruton and Major, the discussion focused on what was necessary to bring the Northern Ireland parties to the table. The honesty of the exchanges is striking:

Major: I wish I could see clearly into the Sinn Féin mind. Have they mapped it all out as a strategy, or is it a case of ‘suck it and see’ as they go along?

Bruton: They seem to distinguish peace in this generation from the possibility of recurrence at some other time. Those [...] involved are not of a mind to go back to violence themselves, but the question for them is the possibility of recurrence at a later time in another generation (if there is not a permanent settlement now) ... I doubt they are so innocent to believe that this will result in a change in the status of the Union.

Major: Yes, I agree. They are hard-headed and not dreamers.

In the document *A Practical Approach to Problem-Solving in Northern Ireland*, which is also on file, discussion follows on the chances of Unionists accepting the *Framework Document* in the context of the UUP's reaction to the leaking of the *Framework Document* and concerns expressed about the importance of democratic adherence and consent. Major indicates that he was reluctant to alter the document but reveals “they are genuinely worried about cross-border structures”. Major views the Unionists' internal discussions on entering talks as a positive development and is content to let this process take its course. The discussion then turns to Russia, NATO expansion and EU enlargement.

Irish state papers from 1995 also show an awareness that a general election was approaching in the UK, coupled with Labour's evident interest in Irish affairs before the general election. A Department of Foreign Affairs secret memo from June 1995, provided for the Taoiseach in advance of a meeting with Major in Cannes, wryly remarks that:

*Prime Minister Major will presumably want to avoid any negative connotations in his Irish agenda just now, so [...] whatever frank signals may have to be given in private, the public presentation should be an upbeat message of close cooperation and the hope of steady progress.*

Ireland wanted to persuade the British to “move away from their present position of treating decommissioning in effect as a precondition of political talks”. It wished them “instead to adopt a policy of pursuing these issues in parallel”.

A further issue raised repeatedly by the Irish government in this period was that of prisoner conditions, sentence reviews, conditions for remission, and release. A meeting in Cannes in June 1995, on the fringe of the EU summit, included an agreement by the Taoiseach and Prime Minister to undertake joint feasibility studies on decommissioning and paramilitary prisoners. It is clear from sources around this time that the release of Private Lee Clegg by Northern Ireland Secretary of State Sir Patrick Mayhew had caused significant controversy. One particular letter from Bruton to Major, dated 17<sup>th</sup> July 1995, suggests that in light of the release, any non-movement by the government on the broader issues of prisoners could become a political stumbling block in future talks – particularly if seen as a tactic to try to force an IRA commitment on decommissioning. Bruton concludes with the statement: “On our side, we have decided to undertake a significant release of prisoners and improvement in conditions for others before end July.” In a detailed speech to the *Dáil* on 4<sup>th</sup> July 1995 on the importance of all-party consensus on support for the peace process, Bruton indicated that:

*... the British/Irish intergovernmental relationship has been at the heart of all the major efforts over the past twenty-five years to forge a new destiny for the Nationalist and Unionist people of this island.*

A meeting occurred on 21<sup>st</sup> July 1995 at Merrion Street between the Taoiseach, the Tánaiste and Minister for Foreign Affairs, the Minister for Social Welfare and a delegation led by Sinn Féin President Gerry Adams.<sup>26</sup> The objective of the meeting was to allow for a thorough and extended discussion of the peace process, and conversations quickly turned to what Sinn Féin was willing to accept concerning the decommissioning issue. There is some discussion as to whether there was an understanding in the Republican movement before the (1994) ceasefire that decommissioning would eventually become a requirement. Discussions refer to the proposal for an international commission on decommissioning, put forward by the Irish government and – significantly, emphasises the Taoiseach – agreed to by the British Government. Bruton emphasises this as a way of creating good faith on the decommissioning issue without allowing it to become a precondition with the potential to prevent the commencement of talks. Sinn

Féin emphasised the crucial importance of initiating the talks process promptly. Adams points out that if one part of the peace process is moving slowly, there is still potential to speed up other parts—in this case, movement on prisoners’ issues in the Republic of Ireland. Proinsias De Rossa – a public critic of Sinn Féin and the IRA – indicates that once talks are possible, the process will take on its own momentum, and momentum then ceases to be an issue of concern. Adams agrees with this point. The meeting ends with McGuinness asking: “Can you trust the British government?”. The Taoiseach responded by saying that if Sinn Féin did not, they should welcome the involvement of an international commission on decommissioning as a third party. In concluding the meeting, all sides are noted as having described it as very useful, and it is pointed out that the Irish government agreed to give a briefing to Sinn Féin following an upcoming meeting planned with Sir Patrick Mayhew.

These exchanges from May to July 1995 reflect the intensity of effort to maintain momentum in the peace process and the complexity of dynamics, as documented by one set of stakeholders. In February 1996, the IRA bombed Canary Wharf in London’s Docklands, killing two civilians and injuring more than 100 people, some permanently. At the time, the temptation in Dublin was to cut off contact with Sinn Féin. However, it was decided to maintain official-level contact: earlier unpublished research on this period which I conducted, suggests that De Rossa persuaded Bruton that it would be important to ensure some contact channel remained open, if only at an official level, to avoid the gains of the process being completely lost. The period from February 1996 to the opening of all-party talks in June of the same year merits more analysis than I can afford in the context of this article. The talks opened in June 1996, albeit initially without the presence of Sinn Féin.

A lengthy speech by Bruton on 7<sup>th</sup> May 1997 to the Oxford Union provides a comprehensive overview of East-West and North-South cooperation undertaken by both governments up to May 1997.<sup>27</sup> This visit to Oxford coincided with the Taoiseach’s first meeting with the newly-elected Prime Minister Tony Blair. The speech points out that the Irish government had, with the British government, delivered the first element of a peace plan: the launch of an all-inclusive talks process. These talks opened on 10<sup>th</sup> June 1996; all parties had secured an agreement for the rules and procedures by July 1996. Bruton refers to the planned resumption of talks for 3<sup>rd</sup> June 1997, following national and local elections in Northern Ireland. Bruton also

outlines that the two governments had agreed and launched the *Framework Document* in 1995 and established the International Group on Decommissioning chaired by Senator George J. Mitchell. He refers to the fact that the Forum for Peace and Reconciliation had reported and that the forum opportunity would be re-opened for Sinn Féin to work with all parties, north and south, “when the IRA declares a ceasefire”. This second ceasefire came in July 1997, weeks after the Irish general election, which saw the establishment of the Fianna Fáil/Progressive Democrats coalition government led by Bertie Ahern and Mary Harney.

In May 1997, in the *Joint Statement of Intent on Cooperation Between the Irish and British Governments*, both governments agreed to intensify cooperation between them in a range of fields, including tackling long-term unemployment, consumer affairs, health and medical issues, education, culture, the environment, the fight against drugs and crime, civil law matters, processing of social security payments and measures to combat fraud, youth and school exchanges, and transport links.<sup>28</sup>

From memory, happening in parallel to official efforts pre-1998 were countless efforts in civil society north and south to nurture and support the conditions in which people eventually embraced the spirit of the *Agreement* and gave it their assent. I hope young historians will have an appetite for interpreting this period. A particularly fascinating study would be an oral history archive of the Peace Train’s journeys between Belfast and Dublin, capturing firsthand accounts from individuals aboard and documenting their discussions, especially while those individuals are still alive.

## Conclusion

In conclusion, it is possible to say that the collection of sources which I reviewed, drawn from Irish state papers for much of the decade leading up to the 1998 *Agreement*,<sup>29</sup> appear to contain DNA variously – and, in some cases, fully developed proposals and schemes – for each and all of the themes which came to be present within one or more strands of the 1998 *Agreement*. The idea that the *Agreement* was a feat of late-1990s heroic brokerage is accurate, but to assume that this was a sudden event achieved by a group of high-profile individuals is far from the complete story of how the *Agreement* was made and the broad professional and human effort which went into making it possible, by people who can be named, and people

who remain unnamed. Perhaps the acceleration towards the *Agreement*, in the months between July 1997 and spring 1998, can be attributed in part to the robustness of this preparation and groundwork.

The *Agreement*, as well as being a model of power-sharing in a divided society (notwithstanding the possibility that this has now enabled a sectarian veto on the democratic health of Northern Ireland and should be updated in the interests of good democratic governance), is a substantial framework for what remains some of the most sophisticated cross-border and inter-jurisdictional cooperation governance in Europe. Based on a plebiscite in two jurisdictions, both Ireland and the UK have protected the terms of the *Agreement* in domestic law. For the *Agreement* to be actually certified dead would require an extensive programme of legislative repeal in Dublin, London and Belfast. All three administrations are busy with more pressing matters.

Reading the sources referenced, as a cross-border cooperation specialist working on the island and in the rest of Europe, it is clear that the model of both parts of the island embracing shared priorities for economic, spatial and regional development – which originated in quiet and thoughtful ideas put forward by ordinary civil servants north and south in the early 1990s – should be renewed as a driver for North-South cooperation. Focusing on placemaking as a unifying concept does not assail national identity or sovereignty and nurtures the dynamics of creativity and solution-finding in all who love a place. A rarely-advertised fact is that while the political institutions of strand one stand still, a momentum of cross-party consensus-based political cooperation has continued undisrupted at the local government/regional cross-border level since the 1990s and allowed the border region and Northern Ireland to withstand the shock and avert the worst of the potential economic and social disruption of both a global pandemic and the Brexit process.

Unionist concerns about the implications of North-South institutional structures have frequently been expressed in the same breath as a preference for flexible and adaptive sectoral and thematic cooperation, which has a sound rationale and respects sovereign governance. There remains a question as to how best the types of harmonisation, alignment and coordination required across borders, for both economies and societies to thrive in the 21<sup>st</sup> century, are best delivered in the years ahead in a way which, to use the words of Ulster Unionist John Taylor in 1995, passes the ultimate test of improving the standards of people's lives.<sup>30</sup> From the papers

reviewed, the scope of intellectual capital for cross-border cooperation within the two administrative systems on the island went well beyond the sphere of political diplomacy and was a significant capability and asset within a range of major areas of domestic public administration and related policy-making. We should ensure that institutional understanding of the means and philosophy of implementing the *Agreement* across all three strands remains strong in emerging generations of public officials, as does the ability to work across sectors.<sup>31</sup>

As a set of proposed concepts and conditions for the future, the *Agreement* itself was the tip of an iceberg of human effort. It had depth and maturity in how only something developed and refined over time can be. It provides the basis for relative stability on what is now an external EU land and sea border. In years when Europe has been plunged into a crisis unimaginable in the 1990s, following Russia's illegal invasion of Ukraine, we should not underestimate what the legacy of the *Agreement* can be. We should not be afraid to discuss issues that can strengthen the *Agreement* for a further 25 or 50 years if reviewed and updated. We can start to turn our attention to using these priceless tools we have been given by all those who worked for a better future on these islands and between these islands. In doing so, we can contribute to a sense of possibility that recognising a shared humanity can remain a driver for peace in an international geopolitical context. It's our choice.

*In recognising the efforts of many, named and unnamed, I would like to acknowledge the work of Dr Stephen King, former advisor to the Ulster Unionist Party, who worked tirelessly through the period in question to promote the necessary understanding required in securing agreement.*



## Endnotes

---

- <sup>1</sup> United Nations Peacemaker (1998) *The Northern Ireland Peace Agreement*, 10 April. Available at: <https://peacemaker.un.org/>
- <sup>2</sup> Coalition of Fine Gael, Labour and Democratic Left Parties led respectively by John Bruton, Dick Spring and Proinsias De Rossa.
- <sup>3</sup> Women's Resource & Development Agency (2022) *Blog: Women – we want to hear your views on developing a Violence Against Women and Girls Strategy in Northern Ireland!*, 21 January. Available at: <https://wrda.net/>
- <sup>4</sup> Hayward, K. (2020) 'The 2019 General Election in Northern Ireland: the Rise of the Centre Ground?' in *The Political Quarterly* Vol. 91, Issue 1 (Jan-Mar 2020); pp. 49-55. Available at: <https://doi.org/10.1111/1467-923X.12835>
- <sup>5</sup> None of the papers suggested that cooperation was a threat to sovereignty and there is an absence of any sense that actively exploring North-South cooperation was somehow outside of a public administration official-level mandate. Nowhere in any Irish state documents reviewed was there any implication that Northern Ireland was viewed as anything other than an integral part of the United Kingdom.
- <sup>6</sup> Bell, C. (2008): *On the Law of Peace: Peace Agreements and the Lex Pacificatoria*. Oxford University Press.
- <sup>7</sup> Ibid. pp. 56-63.
- <sup>8</sup> In that my purpose for reviewing was to write this article, the article content is necessarily and decidedly a 'light touch' treatment of the richness and depth of material that remains. It is therefore firmly intended to be illustrative in nature and is not a comprehensive analysis of all sources.
- <sup>9</sup> National Archives of Ireland Doc. Bundle Ref. 2021/46/67.
- <sup>10</sup> National Archives of Ireland Doc. Bundle Ref. 2021/47/273.
- <sup>11</sup> National Archives of Ireland, Doc. Bundle Ref. 2021/48/56.
- <sup>12</sup> National Archives of Ireland, Doc. Bundle Ref. 2021/49/246.
- <sup>13</sup> National Archives of Ireland, Doc. Bundle Ref. 2021/49/274.
- <sup>14</sup> National Archives of Ireland, Doc. Bundle Ref. 2021/47/200/1 & 2.
- <sup>15</sup> National Archives of Ireland, Doc. Bundle Ref. 2021/47/200/1 & 2.
- <sup>16</sup> National Archives of Ireland, Doc. Bundle Ref. 2021/47/200/1 & 2.
- <sup>17</sup> This was a policy agenda that led to interventions such as the Interreg Programme, and the ongoing focus on the importance for European cohesion of regions and cross-border regions which remains part of the core business of European Commission DG REGIO.
- <sup>18</sup> National Archives of Ireland, Doc. Bundle Ref, 2021/47/200/1 & 2.
- <sup>19</sup> National Archives of Ireland, Doc. Bundle Ref. 2021/47/12.
- <sup>20</sup> National Archives of Ireland, Doc. Bundle Ref. 2021/47/12; (prep notes and miscellaneous materials prepared for Martin Mansergh).

- <sup>21</sup> Official Journal of the European Union (2004) Regulation (EC) No 883/2004 of the European Parliament and of the Council on the Coordination of Social Security Systems, 29 April. Available at: <http://eur-lex.europa.eu/>
- <sup>22</sup> Department of Foreign Affairs (1993) *Joint Declaration 1993 (Downing St. Declaration)*, 15 December. Available at: <https://www.dfa.ie/>
- <sup>23</sup> Department of Foreign Affairs (1985) *Anglo-Irish Agreement 1985*. Available at: <https://www.dfa.ie/>
- <sup>24</sup> National Archives of Ireland, Doc. Bundle Ref. 2021/47/12.
- <sup>25</sup> National Archives of Ireland, Doc Bundle Refs. TAOIS/2021/97/25; TAOIS/2021/97/6.
- <sup>26</sup> National Archives of Ireland, Doc. Bundle Ref. TAOIS/2021/97/25.
- <sup>27</sup> Overall, state papers for 1995-1997 reflect the degree of East-West coordination happening on the peace process itself. Other pressing East-West issues reflected in papers for 1995-97 and beyond, which then disappear from view, include those associated with Irish concerns about the impact of THORP - the nuclear fuel reprocessing facility located close to Sellafield - on the Irish Sea and on associated human and marine animal health. DFA papers for 1997 onward, released in 2023, reflect an increasing attention on the issue of identity issues and parades in Northern Ireland alongside records of the all-party talks process.
- <sup>28</sup> In addition, the governments agreed to explore cooperation in the additional areas of “new information and communication technologies, ‘having regard to progress towards the Information Superhighway’, skills potential and added value for workforces, and detailed cooperation on fighting organised crime ‘Having regard to the Common Travel Area in these islands’”. Additional cooperation would take place in relation to homelessness (in particular Irish people affected by homelessness in Britain), food safety, and strengthened work together on environmental issues.
- <sup>29</sup> National Archives of Ireland: List of Doc. Bundles reviewed (complementing specific references): 2021/47/12; 2021/47/10; 2021/46/67; DFA/2021/51/296; DFA/2021/51/379; DFA/2021/51/323; TAOIS/2021/97/25; TAOIS/2021/97/6.
- <sup>30</sup> Ulster Unionist politician, John Taylor, in a May 1995 meeting with the Irish Ambassador to the UK: ‘The test for all North South Co-operation should be the degree to which it improves the standards of people’s lives’. National Archives of Ireland Doc. Bundle Ref. DFA/2021/51/323.
- <sup>31</sup> If we view work across international borders as driven by territorial, economic and social development objectives, there is an argument to say that cross-border cooperation should be part of normal business and within the leadership competencies of both extended public service workforces on an ongoing basis, that to mobilise existing systems to work together requires only effective governance and accountability, and that an overly-formalised approach to North-South work which is confined in scope to designated institutions and bodies, may not on its own nurture the necessary agility to deliver effectively for citizens.