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<td><strong>Authors(s)</strong></td>
<td>Ahern, Dermot; Collins, Stephen</td>
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<td><strong>Publication date</strong></td>
<td>2005</td>
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<td><strong>Conference details</strong></td>
<td>Revised text of two lectures presented as part of the seminar series Implementing the agreement: towards completion, organised jointly by the Co-operation Ireland and the Institute for British-Irish Studies. The lectures were presented in UCD on 10 May 2005.</td>
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<tr>
<td><strong>Series</strong></td>
<td>IBIS Working Papers; 46; Implementing the agreement: towards completion Lecture Series</td>
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<tr>
<td><strong>Publisher</strong></td>
<td>University College Dublin. Institute for British-Irish Studies</td>
</tr>
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<td><strong>Link to online version</strong></td>
<td><a href="http://www.ucd.ie/ibis/filestore/wp2005/46/46_dasc.pdf">http://www.ucd.ie/ibis/filestore/wp2005/46/46_dasc.pdf</a></td>
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THE IRISH GOVERNMENT AND THE IMPLEMENTATION OF THE AGREEMENT

—A POLITICAL PERSPECTIVE
Dermot Ahern, TD

—AN OBSERVER’S PERSPECTIVE
Stephen Collins

Part of the Co-operation Ireland – IBIS joint lecture series, “Implementing the agreement: towards completion”,

Working Papers in British-Irish Studies
No. 46, 2005

Institute for British-Irish Studies
University College Dublin
THE IRISH GOVERNMENT AND THE IMPLEMENTATION OF THE AGREEMENT—A POLITICAL PERSPECTIVE

The Good Friday Agreement continues to play a central role in providing a level playing pitch for the future governance of Northern Ireland. The Agreement itself was unique in being endorsed by the people of the whole island. Following the Northern Bank raid in December 2004, though, the Irish government has taken the view that the continuing existence of IRA paramilitarism constitutes the greatest obstacle to full implementation of the agreement. The debate within the Provisional movement on this subject is to be welcomed, but paramilitarism must be ended definitively. One remarkable sign of progress has been the increasing acceptance of the Police Service of Northern Ireland by nationalists, marked at an early stage by a courageous decision by the SDLP to serve on the Policing Board, a lead that should be followed by Sinn Féin as soon as possible. It will then be appropriate for the DUP, which now holds the political leadership of unionism, to reciprocate by embracing partnership politics and the reinstatement of devolution. Only the definitive end of paramilitarism and stable and inclusive politics in Northern Ireland will provide a conclusive outcome.

THE IRISH GOVERNMENT AND THE IMPLEMENTATION OF THE AGREEMENT—AN OBSERVER’S PERSPECTIVE

The May general election showed a shift in Northern Ireland in the direction of a movement that remains wedded to paramilitarism and criminality (Sinn Féin) and one which is still deeply sectarian and bigoted (the DUP). Much of the enhanced status of Sinn Féin arises from the fact that the Irish and British governments have, until recently, been prepared to overlook the criminal activities of the IRA, in the interest of keeping that movement involved in the political process. Following the Northern Bank robbery and the murder of Robert McCartney, though, the Irish government adopted a tougher attitude, paying much greater attention to the criminal activities on which the IRA has been engaged and insisting that they must cease. Because of recent events, though, the prospects for the restoration of devolved government are slim, and further development of the North-South axis may provide the most promising way forward.

Publication information

This contains the revised text of two lectures presented as part of the seminar series “Implementing the agreement: towards completion”, organised jointly by the Co-operation Ireland and the Institute for British-Irish Studies. The lectures were presented in UCD on 10 May 2005.
**BIOGRAPHICAL INFORMATION**

**Dermot Ahern, TD.** is Minister for Foreign Affairs. He has been a Dáil deputy, representing Louth, since 1987. He served as assistant government whip (1988-91), Minister of State and government chief whip (1991-2), Minister for Social, Community and Family Affairs (1997-2002), and Minister for Communications, Marine and Natural Resources from 2002 until September 2004, when he took up his current position.

I welcome this opportunity to generate some broad-ranging discussion on the Good Friday Agreement, its implementation and its completion. It is worth recalling that the Agreement was a key milestone in the history of this island. It was a document of transforming impact and potential. It represented a wide-ranging and challenging agenda for change across many aspects of life in Northern Ireland. The scale and ambition of the Agreement is reflected in a number of its key elements:

- it affirms the right to self-determination of the people of this island, by agreement between North and South, without external impediment;
- it vests decisions on the constitutional status of Northern Ireland in the people living there, based on the consent of a majority;
- it opposes any use of force or the threat of force to achieve political ends;
- it mandates absolute equality for all citizens and asserts the parity of esteem of both traditions within Northern Ireland;
- it provides an ambitious agenda of change and reform in the areas of policing and criminal justice;
- it enshrines the centrality of human rights in all aspects of life in Northern Ireland;
- it mandates political equality through structured power sharing and effective cross-community safeguards;
- and it provides for structured North-South cooperation as an expression of the commonalities and affinities on this island.

In short, the Agreement provides a level playing pitch for the future governance of Northern Ireland. Henceforth, the administration of Northern Ireland is to be run according to the principles and mandates laid out in the Good Friday Agreement.

By securing equality in all its dimensions, the Good Friday Agreement seeks to remove the key cause of instability that has afflicted Northern Ireland since its creation. The transforming significance of the content of the Agreement was considerably reinforced by the manner in which it was solemnly and democratically endorsed.
The Agreement is unique in our history as a document that has been put before all the people of this island for their consideration and approval. Its endorsement in an island-wide democratic act gives it particular status and significance for everyone who considers himself or herself an Irish republican. No other claim can compete with the fact of its endorsement. There are no valid alternative claims to legitimacy or authority. The only other document in the history of Irish nationalism to enjoy a direct mandate by the people—and, in that case, of this part of the island—is the 1937 Constitution. It is only through these documents, and the structures they establish, that legitimate democratic political power can flow. As a republican I accept the legitimacy and the authority of both Bunreacht na hÉireann and of the Agreement.

As we survey the post-electoral landscape, a key question is whether those affiliated with the Provisional IRA abide by the rules, laws and decisions that flow from the Good Friday Agreement and our Constitution or seek to obstruct or influence those rules, laws and decisions by means other than democratic politics. The bottom line is this: implementing the Agreement depends on the Provisional movement heeding the will of the Irish people. It means accepting that Irish people—in the first act of all-Ireland self-determination since 1918—backed the Agreement. It means delivering on our legitimate expectation of an end to paramilitarism and criminality. Finally, it means accepting once and for all that the Irish Republic, the Irish nation and Irish sovereignty lives in the Irish people and nowhere else.

By obstructing the will of the people the Provisional IRA has set a boundary on the march of a nation—a boundary which impedes our drive for equality, human rights and an all-island economy, a boundary which must be removed, once and for all.

To deal with these issues, the Taoiseach, on 24 January—following the Northern Bank raid—met with Gerry Adams and Martin McGuinness. He outlined the government view that the continuing existence of IRA paramilitarism was now the greatest obstacle to the full implementation of the Good Friday Agreement. He informed the Sinn Féin leadership that further progress towards securing inclusive political institutions depended on the Provisional movement dealing with this issue, once and for all.

Subsequent to this presentation, Gerry Adams on 6 April launched an internal debate within the Provisional movement. I accept the importance of this debate for the members of the Provisional movement and its potential to assist the wider peace process. I hope that the internal debate is not limited to a question of abstinence from certain kinds of paramilitary activities that, when uncovered, cause political embarrassment to Sinn Féin. I hope that the discussion is not about how the Provisional IRA submarine can go deeper to avoid detection for a time but is about fully decommissioning its weapons and capacity and accepting true republican values. That it is about removing itself from the equation for good in deference to the wishes of the people of this island.

I welcome the fact that the Provisional movement has opted for this debate. Too often in the past the response of the Provisional IRA to demands of political nego-
tiation seemed tailored to answer particular points, but never to resolve the underly-
ing issue. Had the issue of paramilitary activity been resolved substantively, it
would not have re-surfaced with frustrating regularity to scupper successive political
advances.

Herein lies the challenge for the Provisional movement: to resolve the issue of pa-
ramilitarism without the immediate political pressure of intense negotiations, but in
a way that is definitive. An ambiguous outcome offered as a take-it-or-leave-it will
merely repeat the weary cycle of Sinn Féin salesmanship followed by unionist re-
jection and collapse.

After so many such cycles since 1998, the Provisional leadership and, more impor-
tantly, the wider public will be acutely aware of what will constitute a convincing out-
come. There should be a statement of closure describing the outcome of the proc-
ess, which must be compatible with the Good Friday Agreement and our Constitu-
tion. The method by which that outcome is validated within the Provisional IRA will
be critical, for in that method one will be able to assess its seriousness and com-
pleteness.

And there will be the verifiable record of what happens and what does not happen.
Will all weapons and the capacity to use them in a campaign be fully decommiss-
ioned and will this be duly verified by the Independent International Commission
on Decommissioning? Will paramilitary activities as defined by paragraph 13 of the
Joint Declaration cease for good? Will the Independent Monitoring Commission
progressively report that that is the case over a sustained period of time? What will
the outcome say of the relationship between the Provisional movement, the PSNI
and complete regard for the rule of law in both jurisdictions?

The fact that this debate within the Provisional movement is happening now has
raised the question why it was not concluded years ago, for example after the Good
Friday Agreement was endorsed by the people in May 1998.

III

I believe that the time it has taken to engage in this debate reflects the fact that the
Provisional movement is actually a very conservative one. One of the most daring
and courageous political acts by nationalists in this peace process was in fact taken
by the SDLP when, at Weston Park, it endorsed policing and agreed to serve on
the Policing Board. At the time there was no complete certainty that the structures
and arrangements set out in the Patten Report would work. There was no certainty
that the Board members could agree on the range of what up to then were highly
divisive issues. There was no certainty that the changes to policing were to be deep
and enduring. The SDLP took a huge political risk, and by their skill and determina-
tion have made a major contribution to the peace process.

The courage and determination shown by the SDLP has been vindicated. The pro-
gress that has been made towards the creation of a community-based police force
has been one of the most welcome and exciting successes of the Good Friday Agreement. The senior Canadian police officer who has been given the job of monitoring the reform of the police service in the North has made it abundantly clear what he believes has taken place, describing it as “remarkable and unparalleled in the history of democratic policing reform”.

If the sceptics had been told back in 1998 that a Policing Board would be formed with representation across the political divide in Northern Ireland, and that this Board would successfully govern the conduct of policing policy across a range of contentious issues, they would have been totally incredulous. Yet that is exactly what has happened. The Policing Board has fulfilled its mandate of holding the Chief Constable to account. The Board also supervises and monitors the effectiveness of the District Policing Partnerships which are the engine of community policing, itself the very heart of Patten.

We are rapidly reaching the point where the number of Catholics in the Police Service will reach 20%, more than double the 1998 figure. The Police Ombudsman, Nuala O’Loan, is operating as an effective vehicle for dealing with complaints against the police and has reported a steady decrease in the number of complaints against police officers since 2001. What recent events have shown is that communities across Northern Ireland want to see effective policing and want to see an end to vigilante justice. Sinn Féin itself has admitted that these events have sullied their political cause and delayed the full implementation of the Agreement.

A decision by Sinn Féin to fully support the Police Service in Northern Ireland would in itself be a major step forward in the implementation of the Patten report and the Agreement. As the government has stated previously, such a decision will also involve offering positive encouragement to young nationalists to join the Police Service or the part-time reserve. It will also mean contributing constructively to the Policing Board and the District Policing Partnerships and, of course, an end to all the subtle and not so subtle forms of discouragement that are still inhibiting ordinary people from dealing with the police. And, of course, a decision to support the Police can only be convincing if it happens in the context of ending paramilitary activity and crime.

We are still waiting for Sinn Féin to make that jump and when they do they will have had the assurance that the heavy lifting has been done already by the governments, the SDLP, the rest of the Board, the Policing Partnerships and the PSNI leadership under Hugh Orde. The conservatism of Sinn Féin has also meant that it has approached the political challenges of the peace process extremely carefully. One detects indeed a degree of uncertainty too. There are certainly those who realise that a political deal with unionism is an absolute essential to improving relations on this island between both traditions. But there also seem to be those within the Provisional movement who wonder if a deal with unionism is either possible or desirable, who may think that the real deal can only be done directly with the British government. Some recent statements from Sinn Féin would seem to indicate such a perspective. I believe that any such narrow strategy is gravely mistaken. The true
Ahern / Irish government and implementation of the agreement

The objective of Irish republicanism has to be a local political relationship with unionism based on mutual respect and on the principles set out in the Good Friday Agreement.

However benign in its governance and however influenced by the Irish government in its administration, direct rule will never complete the transformation in relationships between the two communities that is necessary to help normalise society in Northern Ireland. I also believe that the caution of the Provisional movement does not properly reflect the ambitions of Northern nationalism. Those ambitions are reflected in the progress made on the policing issue, in large part, as I have said, thanks to the courageous leadership of the SDLP, and also the individuals from within nationalism who have joined the PSNI. It is an ambition based on the notion that there is no area of life in Northern Ireland—be it economic, social or political—that is off limits. Nationalists want to be involved and engaged in all the available opportunities that are on offer.

This perspective of constructive engagement is open to the challenge that Sinn Féin’s electoral success speaks for itself. But I think that one has to be careful here. I believe that its electoral success, such as it is, is based on a number of factors, not least the sense that nationalists are rewarding it, not for its conservatism, but for its progress, however incremental: progress away from violence and paramilitarism; progress toward engagement with unionism; and the promise of further progress ahead, including in regard to the question of policing and complete adherence to law and order.

IV

As we move forward, what then are the obligations of unionism? The Good Friday Agreement was a document of transformation across many aspects of life, involving obligations on all sides, including the two governments. At its core, however, was the achievement of two related imperatives—total closure on paramilitarism and, in this context, all parties embracing partnership politics in the new institutions.

If the outworking of the internal debate within the Provisional movement provides that closure, and does so in a clear and decisive way, the political leadership of unionism—now held by the DUP—must reciprocate in a meaningful and substantive way. Given the confidence-shattering events of recent months, and the pressures of an electoral campaign, I can understand why stated positions may have hardened.

Nevertheless, if the IRA is decisively removed from the equation in the manner that I have outlined earlier, and if that outcome is validated and verified by the Independent International Commission on Decommissioning and by the Independent Monitoring Commission, the Irish government will expect the DUP to commit itself to inclusive power sharing within the assembly and the executive and to fully work the North/South institutions of the Agreement.
The proposals on Strands 1, 2 and 3 published by the two governments in December provided a basis on which the DUP was willing to participate in the institutions. These proposals, which were consistent with the fundamentals of the Agreement, included participation in an inclusive executive. Several of the parties may in the coming months wish to revisit aspects of these proposals. We will listen carefully to their views. However, insofar as the Irish government is concerned, the principle of inclusion—and the mechanisms used to achieve it—remains an essential element of the overall political architecture.

In the final analysis, I believe that the DUP is capable of making a power-sharing accommodation with nationalism. The DUP is fundamentally a devolutionist party. It realises that the long-term interests of the citizens of Northern Ireland are not best served by prolonged direct rule. It knows that local ministers, who are locally accountable, will provide better government for the people of Northern Ireland, including within the agreed North/South framework. Indeed, Peter Robinson and Nigel Dodds have already shown themselves to be able ministers.

In the negotiations last year, the DUP also displayed an informed and sophisticated understanding of the socio-economic challenges that confront Northern Ireland in the coming years, not least in addressing its infrastructure deficit. The sooner the issue of IRA paramilitarism is resolved and the political impasse is ended, the quicker that all of us, working together in partnership, can collectively get on with the job of dealing with the common challenges and opportunities that face both parts of the island.

V

Let me conclude by directly answering the question posed in the title of this lecture series, “Implementing the Agreement: towards completion”. For the question is clearly what will most quickly bring us to that completion.

The answer is, not when we in nationalist Ireland catch up with the Provisional movement, but when the Provisional movement eventually catches up with us. We constitutional republicans have established in the Good Friday Agreement the template for future relations on this island between North and South and between nationalists and unionists living within Northern Ireland. When Sinn Féin and the Provisional movement implement those elements chiefly falling to them—particularly in regard to paramilitarism and policing—we can then all collectively devote our energies to ensuring that the full potential of all other aspects of the Agreement is realised. The realisation of that potential requires the unionist leadership, in turn, to fully accept the principle and practice of partnership politics, both within Northern Ireland—with those who are exclusively committed to peace and democracy—and, through the North/South framework, with democratic nationalism on this island.

These are the challenges that both governments will address with renewed purpose and vigour in the coming weeks and months. The Taoiseach has already had a lengthy phone conversation with the Prime Minister over the week-end. I have
also spoken to Peter Hain, the new Secretary of State, and look forward to meeting him soon. In partnership, both governments will pursue renewed engagement with the parties to find a political way forward.

In this regard, all of the parties elected to the Northern Ireland Assembly will have an important role to play and we will listen carefully to what each one of them has to say. The results of last week’s Westminster and local government elections did not validate the thesis that Northern Ireland has, in party political terms, become a bipolar world. A number of parties—not least the SDLP and UUP—have significant mandates and all of them will be respected. The restoration of the devolved institutions in Northern Ireland will best be achieved if we harness the goodwill and creativity of all the parties, and the governments will seek to engage with them on that constructive and inclusive basis.

There has not been a lot to cheer about in the peace process since last December. However, one consequence of the evolution of recent events is that it has become very clear what needs to be done if progress is to be made. I believe that this clarity will ultimately assist us in achieving conclusive outcomes that will both provide, as envisaged by the Good Friday Agreement, the definitive end of paramilitarism and the underpinning of stable and inclusive politics in Northern Ireland.
INTRODUCTION

It has been obvious for some time that the Good Friday Agreement is in serious trouble. The results of the Westminster and local elections in the North emphasise the point. Moderate unionism has collapsed and, while moderate nationalism has survived, against the odds, Sinn Féin has emerged in a stronger position than before. Sinn Féin’s consolidation has happened despite the continued existence of the Provisional IRA, and the robberies and violence with which it has been associated in the past year.

The future of the North is now in the hands of a republican movement that remains wedded to paramilitarism and criminality, despite repeated promises of a new beginning, and, on the other side of the community divide, the DUP, which is still a deeply sectarian and bigoted political movement. While there is an assumption in some quarters, particularly in the media, that those two parties will cut a deal, the evidence for such optimism is not very apparent.

The tragedy of the political process, which has now gone on for more than 11 years, is that the moderates on both sides have been sold out step by step. The primary responsibility for this lies, of course, with Sinn Féin and the IRA, who again and again failed to deliver an end to IRA paramilitarism. That failure put David Trimble under an intolerable strain and led ultimately to his political destruction and the emergence of Ian Paisley, after all these years, as the unchallenged political leader of unionism.

However, the Irish government, and the British government, must take their share of the responsibility for the current mess. While it may seem unfair to blame the Irish government for the failure of republicans to deliver on their side of the bargain, there is no escaping the fact that the government misread the situation for the past few years and took a much more benign approach to republicans than the facts ever warranted. The outcome of this misreading has contributed to the current impasse. It has also created the twin monsters of a dominant political movement on the nationalist side that appears wedded to violence and criminality and the dominance on the unionist side of a party that is immersed in sectarianism and bigotry.

THE POLITICAL PROCESS

Not long after the Good Friday agreement was signed and endorsed by the people of Ireland in 1998 Bertie Ahern declared at a state banquet in Dublin Castle in honour of Tony Blair that he had not worked so intensively on the peace process only
to end up with “an armed peace”. Yet that is precisely what the Taoiseach accepted when the Provisionals failed to deliver on decommissioning in 2000 and he continued to accept it, albeit reluctantly, up to last December. Although the Irish government made repeated efforts to persuade the Sinn Féin – IRA leadership to wind up IRA activities, it also made repeated excuses for the failure of the republican leadership to deliver.

By not insisting that the Provisional movement lived up to its commitments the Irish government allowed Sinn Féin to believe that it could always get what it wanted by refusing to compromise. It indulged the fiction that the Sinn Féin leadership and the IRA are two separate entities. This indulgence was a clear signal of weakness, something that republicans have continued to exploit remorselessly ever since. The government’s failure to put enough public and private pressure on Sinn Féin facilitated the party’s long term strategy and allowed it to build its support base North and South.

The failure of the Provisional movement to deliver on decommissioning and bring an end to paramilitarism fatally undermined the political institutions established by the Good Friday Agreement and led to one suspension after another. Those institutions have now been in suspension for longer than they have been operational. With the centre ground of unionism gone, the chances of a resumption in the short to medium term are close to zero.

A central problem arising from the Irish government’s “softly, softly” approach to Sinn Féin was that we ended up in the nonsensical situation in which a party which operated as the political wing of a paramilitary movement was able to portray itself as more committed to peace than fully democratic and legitimate political parties. It was able to do this because of the indulgence shown to it not only by the government but by the media, who engaged in the pretence that Gerry Adams and Martin McGuinness were political leaders with some vague affiliation to the IRA, who were really doing their best to bring that organisation around.

The truth of course is that the IRA Army council is the ruling body of the Provisional movement and Adams and McGuinness have been members of it for more than 20 years. This reality has only been presented to the public in recent months by the Minister for Justice, Michael McDowell. Everybody involved in the political process and many outside it have known this fact but a wide swathe of public opinion had no such understanding.

The public’s innocence is hardly surprising given the way Sinn Féin was facilitated with endless photocalls of the party leaders trooping in and out of Government Buildings and Downing Street with their latest candidates for election in tow for the cameras. It was priceless propaganda for the republican movement. Why they were facilitated in this propaganda exercise baffled many Government TDs, never mind the Opposition parties.

Seamus Mallon, the deputy first minister in the first administration established under the Good Friday Agreement, has no doubt about whom to blame for the rise of
extremism lies. He laid it squarely at the door of the Irish and British governments for what he described as their pandering to Sinn Féin.

His fundamental point is that primary interest of the two governments in keeping the IRA on ceasefire effectively destroyed the political process of establishing a lasting devolved government. “The political process was wrung dry to facilitate the peace process,” he maintained. “If you look at all the side deals, the lesson Sinn Féin got from Blair and Bertie Ahern was the more often you ask, the more often you get.” Sinn Féin “damn well near lived in Downing Street”, giving the electorate the message that these are the people we should support because they are the people doing the deals. “The centre parties acted in good faith only to discover weeks or months later that the governments were not acting in good faith. You cannot negotiate on that basis.”

Mallon maintains that the net effect of the peace process has been to polarise the communities in the North, and drive them into the arms of extremists, a process he has referred to as Balkanisation.

David Trimble also laid the blame at the door of the two governments, saying they were seriously at fault for not upholding the agreement. “When republicans failed to deliver the governments were too indulgent of them and protected them,” he said.

While it was understandable in the early years of the peace process that the primary concern of the Irish government would be to ensure that republicans stayed on ceasefire, it should have become obvious after 2000 that they were not going to deliver on the commitments made in the Good Friday Agreement to end paramilitary activity. The penny only dropped five years later when republicans were in a much stronger political position.

That failure eventually made life impossible for David Trimble but instead of supporting the middle ground in challenging republicans to deliver, the Irish government made concessions and excuses for the Provisional leadership for every failure to deliver on decommissioning or acts of completion. That in turn facilitated the republican strategy to overtake the SDLP and indeed their strategy to take support from Fianna Fáil in the Republic.

CRIMINALITY

Even more extraordinary than the failure of the government to stand up to Sinn Féin’s political strategy, was that it appeared to sleep walk into a situation in which democratic standards in this Republic were put at serious risk. The government was out-maneouvred by a republican movement that clearly felt it could do what it liked and get away with it.

It was only when the Northern Bank robbery followed hard on the heels of the failure to conclude a deal between Sinn Féin and the DUP on 8 December 2004 that alarm bells could be ignored no longer. In the Dáil in January when dealing with the
fact that the IRA had pulled off one of the world’s biggest ever bank robberies, the Taoiseach conceded that a political blind eye had been turned to acts of IRA criminality in recent years in order to advance the peace process. Surprisingly, the Opposition made very little of an admission that, on the face of it, was extremely damning.

While the scale of the Northern Bank robbery came as a surprise to everybody, it actually represented a logical progression in a pattern established by a series of IRA crimes last year. First there was the £1m raid on the Makro store at Easter, 2004, then the major robbery at Strabane in September, which was followed in October by the theft of £2m worth of cigarettes from the Gallagher warehouse in Belfast. All were credited to the IRA, whether by the PSNI, or the Independent Monitoring Commission (IMC). The Northern Bank robbery in December was simply a decision by the IRA to move further up the value chain of organised crime.

Of course the crime was doubly offensive, both because of the scale of the robbery, and because of the breach of political and personal trust involved. Throughout the second half of last year the Sinn Féin leaders were engaged in negotiating the terms of a new agreement, involving the DUP, with the Taoiseach and the British prime minister. Further concessions, including the release of the killers of Garda Jerry McCabe, were made during those talks. Yet, simultaneously, the IRA was planning the biggest bank robbery in the history of these islands. The Taoiseach said after the robbery that he had no doubt that the Sinn Féin leadership knew about the plan, and sanctioned it.

What is astonishing is that both governments discounted all the clear and repeated early warning signs which pointed to the IRA’s steady descent into deeper levels of criminality. Instead of dealing with the issue they sought to install the titular leaders of the Provisional republican movement, which is probably biggest criminal organisation in western Europe, into power Northern Ireland.

Back in 2002, the House of Commons produced a detailed report on the financing of terrorism. It found that the Provisional IRA had an annual fund raising capacity of some €11m, financed by a range of criminal activities: armed robbery, cigarette and fuel smuggling and various other forms of racketeering.

In April 2003, when the two governments produced a joint declaration outlining the required acts of completion under the Good Friday Agreement, Article 13, which dealt with paramilitarism, was trumpeted as the bottom line for the two governments. Article 13 stated: “We need to see an immediate, full and permanent cessation of all paramilitary activity, including military attacks, training, targeting, intelligence gathering, acquisition or development of arms or weapons, other preparations for terrorist campaigns, punishment beatings and attacks and involvement in riots”.

What was deliberately excluded from paragraph 13 was anything about stopping the criminal activities that the paramilitaries were actually engaged in: stopping money laundering, tobacco and fuel smuggling, business and social security
fraud. It was a conscious decision by the two governments to leave criminality out of the equation for fear of antagonising the republican leadership. That was the green light for a succession of bank and other major robberies since 2003, all of which the IMC has highlighted in its series of reports, and much of which evidence the two governments chose to ignore.

Another straw in the wind was the conviction last autumn of a leading Sinn Féin activist in Dublin for IRA membership. Others were subsequently charged with similar offences. Yet the political system took little notice of this and the media, particularly the broadcast media, chose to ignore it. Imagine how the media would have responded if a senior Fianna Fáil figure were charged and convicted of being involved in organised crime.

As if the Northern Bank robbery was not bad enough it subsequently emerged that a massive money laundering operation to deal with the proceeds was uncovered in the Republic. To quote the Minister for Justice, Michael McDowell:

The emerging web of money laundering and asset creation by the Provos reveals a frightening threat to our democratic institutions. IRA-Sinn Féin were well on the way to creating a state within a state. They were using well placed sleeper and collaborators, some of them pillars of society, to achieve that end. By violent and criminal means the Army Council of the IRA were preparing to transform their armed wing from a heavily armed private army into a lightly armed enforcement wing for a revolutionary political movement, half in and half out of the democratic process.

Taken in tandem with the admission by the Taoiseach that a blind eye had been turned to IRA activity, Minister McDowell’s statement raises serious questions about what the Irish government thought it was doing for the previous five years.

The first public sign that the government had a bottom line on the issue of IRA activity only came last December after the collapse of the attempt to get a deal between Sinn Féin and the DUP on power sharing. At the time the immediate focus was on the photographs of decommissioning being demanded by the DUP as the main obstacle to a deal to re-establish the power sharing executive. It emerged subsequently that Michael McDowell had been demanding that the Sinn Féin leadership sign up to a formula of words committing republicans to ending criminality. That commitment was not forthcoming. Of course that refusal by the Sinn Féin leaders to make the commitment told its own story.

When the Northern Bank robbery followed the refusal of republicans to commit the IRA to end criminality and that in turn was followed by the brutal murder of Robert McCartney, the Irish government finally got tough. The Minister for Foreign Affairs, Dermot Ahern, and the Minister for Justice, Michael McDowell, laid down the law to the Sinn Féin leadership in January. Adams and McGuinness were told that until there was a clear move by the IRA to end paramilitary activity and criminality there would be no further serious political negotiation.

The transformation of the IRA from a terrorist organisation into a sophisticated and deadly criminal organisation has not gone unnoticed outside Ireland and it has the
capacity to do this country serious economic damage in the longer term. On a recent flight from Chicago to Dublin I was taken aback when a British businessman, a passenger in the adjoining seat, started to ask me in detail about IRA criminal rackets along the border. He told me that he was returning home from an investment conference in Chicago at which the question was raised as to whether Ireland was on the point of becoming the Sicily of Northern Europe. He claimed that there was a serious discussion about the points of comparison, in terms of political and criminal activity, between the Provisional movement in Ireland and that of the Mafia in Sicily. He said that the question was left open at the meeting but that one serious businessman, who was on the point of investing in Ireland, had put his decision on hold, in the light of the discussion.

The story indicates that people outside Ireland are now concerned about what is happening here. If they are worried, Irish democrats should be far more alert to the dangers inherent in the current situation. There is much more at stake than whether or not Sinn Féin and the DUP can cut a deal to suit themselves in the North.

THE FUTURE

Following the Westminster elections speculation about the restoration of the Northern Assembly and executive has started again as if nothing has happened since 8 December and the evidence of IRA criminality was simply a mirage. However, it must be obvious that nothing can happen in the short to medium term unless there is a sea change in attitudes by republicans and the DUP. There are two clear obstacles to implementing the Agreement.

The first is obviously the continued existence of the IRA. How the organisation responds to the Irish government’s demand that it wind up its activities will tell a lot. McDowell has insisted that the organisation will have to be disbanded before republicans can participate in government. The Taoiseach has been noticeably more reticent and the new Northern Secretary, Peter Hain, carefully refrained from calling for IRA disbandment.

Martin McGuinness has stated that there is no question of disbandment but the Provisionals are likely to make some move. The question is will it be enough or will they again fall short of what is required. Republicans have made an art out of doing enough to win themselves enormous and positive media coverage while failing short of doing what is actually required to get the political process back on track. During the election campaign Gerry Adams called on the IRA to commit itself to fully democratic and peaceful activity. The precise nature of the response to that call will tell the real story.

Even in the unlikely event that the IRA does something clear and unequivocal to convince the two governments that it is winding up all its activities, the next question is whether it will be enough for the DUP. The triumphalism of Paisley and his followers after the elections was not very encouraging and it remains to be seen how serious they are about concluding any kind of power sharing deal. It seems
that they have learned a lot from Sinn Féin in terms of presentation and media spin. They dress well and speak in reasonable tones but there is no evidence that the underlying bigotry of the party has been modified at all.

If there is a move by the IRA, the IMC will have an important role to play in verifying whatever takes place, but again there is no guarantee that the DUP will accept such verification. At the very least the two governments will have to pay very serious attention to the IMC in future and not ignore its reports as they did last November.

A deeper question, though, is whether the Irish government should continue to expend so much time and effort to try and get Sinn Féin and the DUP to come to some mutually acceptable carve up of power and influence. Might not the government be better employed in trying to wrest the initiative from the two parties? Maybe it is time to recognise that neither of them is capable of sharing power with the other and framing policy in the light of that assessment.

Instead of trying to promote the entry of Sinn Féin to political power the Irish government might take the lead role in representing Irish nationalism. If the Northern parties cannot, or will not, do what is required to share power, then the Irish and British governments will have to take responsibility themselves for the North-South institutions that were established under the Good Friday Agreement.

A move back to intergovernmental arrangements, along the lines of those developed in the Anglo-Irish Agreement, but on an expanded basis, might represent an alternative way. The development of serious North-South institutions and improved East-West relations would show the Northern parties that they do have a veto over progress.

Eight years after the Good Friday Agreement it is worth recalling that the DUP refused to get involved in the negotiations that led to it, and that at the time Sinn Féin pointedly refused to sign up to its terms, even though the party did take part in the negotiations. Now that the parties who really put their backs into the deal and tried to make it work have been sidelined it may be time to put it into cold storage and look to other ways of making political progress.

It seems that many unionists would prefer direct rule to being ruled by Sinn Féin and many nationalists are equally apprehensive about giving power to Paisley. An initiative from the two governments to take charge of the situation might be the most feasible and even the most acceptable option all round.