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## Examining Approaches for Peacebuilding in Post-conflict, Post-Good Northern Ireland

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EXAMINING APPROACHES FOR PEACEBUILDING IN POST-CONFLICT, POST-GOOD FRIDAY  
NORTHERN IRELAND

by

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A THESIS

Submitted to the graduate faculty of The University of Alabama at Birmingham,  
in partial fulfillment of the requirements for the degree of  
Master of Arts

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2021

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# EXAMINING APPROACHES FOR PEACEBUILDING IN POST-CONFLICT, POST- GOOD FRIDAY NORTHERN IRELAND

EVAN WILEY SMITH

ANTHROPOLOGY OF PEACE AND HUMAN RIGHTS

## ABSTRACT

In this paper, I broadly describe the timeline of the conflict in Northern Ireland, examine negative and positive peace approaches to peacebuilding including political (or consociationalism-based), human rights-based, and reconciliation-based methods, and present my own conclusions based on the literature review I conducted as to the most efficacious strategy for ensuring long-lasting peace in Northern Ireland. To do this, I reviewed numerous articles, papers, and chapters on the conflict in Northern Ireland, approaches in post-conflict reconciliation, and conflict resolution theory. Because the conflict in Northern Ireland ended approximately twenty years ago, much of the research referenced in this paper is from that time period. I offer a current perspective which takes into consideration a more holistic view of negative and positive peace approaches. In addition, my conclusions offer a path forward from the negative peace achieved by the Good Friday Agreement. Further research should be focused on longitudinal studies of reconciliation and positive peacebuilding as more time passes from the end of the conflict, and on updating previous research with contemporary data.

Keywords: reconciliation, peacebuilding, Northern Ireland, conflict theory, post-conflict

## ACKNOWLEDGEMENTS

For John Hume, who died while I was writing this paper, and without whom we would likely not be discussing peace in Northern Ireland in the past tense.

I would like to thank my committee for their counsel and patience as I completed this thesis in the midst of the COVID-19 pandemic. Extraordinary times call for extraordinary grace, and I would not have accomplished this without theirs.

Finally, I am eternally grateful for my wife, Cierra Hopkins Smith, and my parents, Richard and Angela Smith, for their reassurances and presence throughout my graduate education.

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## PRE-TEXT

Throughout this paper, I use terms that remain divisive even in present-day Ireland. I may use loyalist and unionist interchangeably to refer to Northern Irish citizens who wish(ed) to remain under the rule of the British. I may use republican and nationalist interchangeably to refer to Irish people who opposed or are opposed to the British rule of Ireland. Similarly, I may say Ulster or Northern Ireland. The Good Friday Agreement is interchangeable with the Belfast Agreement. I use the politically neutral Derry-Londonderry to reflect the tension while not engaging with the discussion and debate over which is correct. My ultimate goal is to remain as neutral as possible and use historical context in choosing how to relate the story of the extremely complicated conflict in Northern Ireland to the reader. The nature of studying divided societies and conflicts leads us to make difficult decisions about the way facts are relayed. Certainly, in a case study such as Northern Ireland, there were atrocities committed by both sides. It is difficult to not put a higher degree of guilt onto one party or the other. This difficulty leads me to make an explicit statement: it is not my intent to, nor do I believe I have, put myself on one side or the other regarding the conflict in Northern Ireland. I am sympathetic neither to the republican nor the unionist cause, but an objective observer and student of peacebuilding and reconciliation. However, while this paper does not seek to be political, the nature of life in Northern Ireland, as Siobhán Fenton put it, “has a relentless way of politicizing the quotidian quite unlike anywhere else in the world.” Bear this in mind as you read.



## INTRODUCTION

In roughly the last half-century, there have been several supposedly intractable conflicts which have been peacefully ended, though sometimes tentatively. In the wake of these adversarial and often violent situations, there is an increased interest amongst academics and the public in research on post-conflict reconciliation and the divided societies that produced these conflicts in the first place. Violence in these divided societies, articulated along racial, linguistic, ethnic, and sectarian lines, presents threats to international peace and security. Once the conflicts end, however, citizens in divided societies must continue living together in a shared, contested state. Even where countries are broken up, there will inevitably be members of each group on the “wrong side” of the new borders. Thus, whether conflicts end in truces, settlements, or in military victories, the societal divisions that led to or came about during the conflict linger as intractable fault lines in the often volatile post-conflict transition period. Divisive conflict reinforces informal and formal organization in the civil society, such as in political parties separated along sectarian lines. This often leads groups to congregate in specific neighborhoods, for instance, in a literal, physical separation of the groups, and to the development of parallel institutions, which leads members of the individual communities to seek comfort in intra-group bonding, driving the groups even further apart.<sup>1</sup>

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<sup>1</sup> Cox, F. D., Sisk, T. D., Hester, E. (2017). Rethinking Political Violence. *Peacebuilding in Deeply Divided Societies*, pp. 1-12. doi:10.1007/978-3-319-50715-6\_1

The transitional stage between violence and peace immediately following any conflict is an enormous, challenging undertaking. Democratization in pluralistic societies often goes hand-in-hand with rises in nationalistic sentiments, the doctrine which demands self-rule for the nation. In such tense times as transitional post-conflict periods, nationalist groups in multi-ethnic societies often compete over national aspirations.<sup>2</sup> Multi-ethnic societies, it follows, are more likely to revert to authoritarianism than fully homogenous societies would be.<sup>3</sup>

Because it is perhaps one of the most divided societies in a highly developed, democratic country, and the violence was only relatively recently concluded, the conflict in Northern Ireland is particularly interesting. The groups involved have deep roots of cultural animus going back hundreds of years and yet they achieved a practical end to their conflict, making it a valuable case study in post-conflict reconciliation. The recency of the conflict and the on-going nature of its peace process means that we are seeing the results of efforts towards these ends in real time. The Northern Ireland Peace Process has involved elements of various approaches to peacebuilding: political, human-rights based, and reconciliation-based. While different aspects of each of these have been successful, there remains much work to be done in the realms of transitional justice and the implementation of positive peace elements that build on foundations of the negative peace established under the Good Friday Agreement.

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<sup>2</sup> Snyder, J. (2008). Problems of Democratic Transition in Divided Societies. In NARDULLI P. (Ed.), *Domestic Perspectives on Contemporary Democracy* (pp. 11-32). University of Illinois Press. Retrieved August 5, 2020, from [www.jstor.org/stable/10.5406/j.ctt1xck34.5](http://www.jstor.org/stable/10.5406/j.ctt1xck34.5)

<sup>3</sup> Przeworski, A., Alvarez, M., Cheibub, J., Limongi, F. (2000). *Democracy and Development: Political Institutions and Well-Being in the World, 1950–1990*. Cambridge: Cambridge University Press.

It has been just over twenty years since the signing of that Agreement, which put an end to the Troubles, the period of “irregular warfare”<sup>4</sup> that capped off the hundreds of years of disputes between the English and the Irish peoples. In this paper, I describe a broad timeline of events of the conflict in Northern Ireland, critically analyze conflict resolution theories in the framework of positive versus negative peace and offer my own conclusions as to the most efficacious strategy for post-conflict peacebuilding in Northern Ireland. Through this I will offer a path forward by answering the question: which approach for peacebuilding will most effectively move Northern Ireland from negative peace to positive peace?

## BACKGROUND

Despite being culturally similar and separated only by the Celtic Sea, the British and Irish have been adversaries for hundreds of years—certainly before the Cromwellian Conquest of the seventeenth century—but it is here that I will start my account of their relatively modern history. Oliver Cromwell led a particularly brutal incursion onto the island of Ireland motivated, at least in part, by religious bigotry. Cromwell passed draconian Penal Laws against Roman Catholics, confiscated large amounts of their land, and his conquest led to a staggering loss of human life. Some estimates place the loss of life caused by the Cromwellian Conquest, and the ensuing famine and disease on the Irish population, conservatively around fifteen to twenty-five percent, and as high as eighty-

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<sup>4</sup> Schaeffer, Robert (1999). *Severed States: Dilemmas of Democracy in a Divided World*. Rowman & Littlefield. p. 152.

three percent.<sup>5</sup> Not long after, Ireland suffered through the Great Famine, which killed approximately a million people and forced the emigration of around a million more, reducing the Irish population further by between twenty to twenty-five percent.<sup>6</sup> British and Irish scholarship continues its debate over whether this famine was an entirely natural occurrence, or whether it was a calculated maneuver of subjugation carried out by the British, tantamount to a genocide. Oxford historian, Professor Daniel Ritschel, states that,

“Clearly, during the years 1845 to 1850, the British government pursued a policy of mass starvation in Ireland with intent to destroy in substantial part the national, ethnic and racial group commonly known as the Irish People ... Therefore, during the years 1845 to 1850 the British government knowingly pursued a policy of mass starvation in Ireland that constituted acts of genocide against the Irish people within the meaning of Article II (c) of the 1948 [Hague] Genocide Convention.”<sup>7</sup>

As with most things, the truth probably lies somewhere in the middle. James S. Donnelly, Jr., historian at the University of Wisconsin-Madison, has this to say about “the genocide question”:

“I would draw the following broad conclusion: at a fairly early stage of the Great Famine the government's abject failure to stop or even slow down the clearances (evictions) contributed in a major way to enshrining the idea of English state-sponsored genocide in Irish popular mind. Or perhaps one should say in the Irish mind, for this was a notion that appealed to many educated and discriminating men and women, and not only to the revolutionary minority ... And it is also my conten-

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<sup>5</sup> Lenihan, P. (2001). *Confederate Catholics at War*. p. 112. Cork, Ireland. Cork University Press. ISBN:1859182445.; Salaman, R.N. *The History and Social Influence of the Potato*. JG Hawkes (ed). Cambridge University Press. ISBN: 9780521316231; Prendergrast, J.P. (1868) *The Cromwellian settlement of Ireland*. P.M Haverty. Oxford University Press.

<sup>6</sup> Kinealy, C. (1994). *This Great Calamity*. Gill & Macmillan. ISBN 0-7171-1881-9.

<sup>7</sup> Ritschel, D. (2009). *The Irish Famine: Interpretive & Historiographical Issues*. College Park: University of Maryland.

tion that while genocide was not in fact committed, what happened during and as a result of the clearances had the look of genocide to a great many Irish.”<sup>8</sup>

What can be said for certain is that there were extremely bigoted and ethnically discriminatory views regarding the Irish throughout the British government. Along with that, the majority of deaths from the Famine were in poor, Irish speaking parts of the country, which prompted speculation about ethnic motivations on the part of the British.<sup>9</sup> Further, the Great Famine entrenched a deep-seated resentment and anger in the Irish people, leading Irish republicans to rebel again in the spring of 1916, on Easter weekend. The British response was heavy-handed. Fifteen of the rebellion’s leaders were summarily executed, which further turned public opinion against the British. Two years later, Sinn Féin, a separatist party, won a majority of seats in the general election and set up an Irish Parliament in Dublin.

The Government of Ireland Act of 1920 partitioned the island into Southern and Northern Ireland. Immediately following the passage of this Act, there was another Irish War for Independence, which lasted until 1922 and birthed the Irish Free State, consisting of all but six of the Irish counties. The six remaining became Northern Ireland, where British unionists still controlled a majority. Thus, the Parliament of Northern Ireland exercised their right under the Anglo-Irish Treaty, which had ended the Irish War for Independence, to opt out of the Irish Free State and to continue to be ruled by London. After the War for Independence, there was a small civil war which killed around five-hundred people, following the establishment of the Irish Free State. The Irish Republican Army

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<sup>8</sup> Donnelly, J. S. (2005). *The Great Irish Potato Famine*. Sutton Publishing. ISBN 0-7509-2632-5

<sup>9</sup> Kinealy, C. (1994). *This Great Calamity*. Gill & Macmillan. ISBN 0-7171-1881-9.

(“IRA”) was left marginalized and frustrated following the end of this brief conflict. For around forty years, this arrangement held in a tentative, relatively peaceful manner. However, continued Republican hostilities, sentiment, and organization in response to the perception of growing British oppression would lead to an eruption in violence, starting in the late 1960s.

While each side of this conflict contains a multitude of factions each with their own ideological and political positions, a general description of the parties can be given. Unionists refers to those Northern Irish people who wish for Northern Ireland to remain a part of the United Kingdom. They are typically Protestant and descendants of Ulster-Scots settlers who arrived in Northern Ireland as part of the Ulster Plantation in the 17th century. The Democratic Unionist Party is the largest of the unionist parties in Northern Ireland, although there are others such as the Ulster Unionist Party, Traditional Unionist Voice, and the Progressive Unionist Party.

Nationalists, or republicans, are those who wish for the six counties of Northern Ireland to be rejoined with the Republic of Ireland and to be independent from the United Kingdom. They are typically Catholic, though there are exceptions (such as Wolfe Tone, a protestant leader of the 1798 Irish Rebellion), and most descend from indigenous Irish peoples who have inhabited the island for more than twelve-thousand years. They are represented by Sinn Féin, a center-left to left wing political party which functioned as the political arm of the IRA, as well as the Social Democratic and Labour Party, which is moderate-left, and other smaller parties.

## *The Troubles*

The nature of the violence which began in the late 1960s, often called “The Troubles”, is a hotly contested topic. Hostilities in the Troubles have primarily been concentrated in the six Unionist counties of Northern Ireland: Antrim, Armagh, Down, Fermanagh, Derry-Londonderry, and Tyrone with some exceptions, including on the island of Britain. The Troubles are frequently referred to as an “irregular war”<sup>10</sup>, somewhere between occupation and insurgency and more traditional warfare. However, to describe the Troubles in simple terms as a low-level or irregular war would be to downplay the severity of the conflict. Four thousand people were killed in the Troubles, and nearly fifty-thousand were wounded, a large portion of them civilians.<sup>11</sup>

Violence reached its peak during the 1970s. In 1972 alone, nearly five-hundred people, more than half of them civilians, were killed.<sup>12</sup> There were twenty-nine barricades around Derry-Londonderry in 1971, blocking access to Free Derry, the portion of Derry-Londonderry controlled by nationalists. While there are many reasons given for why the violence escalated so dramatically in the 70s, it is likely that it can be attributed to the IRA splintering into the Provisional IRA (“PIRA”) and the Official IRA (“OIRA”). Previous IRA organizations had been more willing to act non-violently, but the PIRA,

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<sup>10</sup> Schaeffer, R. (1999). *Severed States: Dilemmas of Democracy in a Divided World*. Rowman & Littlefield. p. 152.

<sup>11</sup> ["Sutton Index of Deaths: Crosstabulations \(two-way tables\)"](#). *Conflict Archive on the Internet*. Retrieved March 30, 2020.

<sup>12</sup> *Id.*

colloquially known as “provos”, were committed to wage armed conflict against the British in Northern Ireland, despite rising tensions and the almost certain guarantee of collateral damage.<sup>13</sup>

The first attempt at establishing some kind of peace was the deeply flawed Sunningdale Agreement of 1973, which established a cross-border Council of Ireland and a power-sharing Northern Ireland Executive.<sup>14</sup> The agreement was strongly opposed by the unionist population which caused the failure of the agreement after less than a year. The unionists’ primary concern was that any executive function of the Council of Ireland at all was a step towards a united Ireland. Apparently confirming this, the Social Democratic and Labour Party’s (“SDLP”) Hugh Logue publicly called the Council of Ireland “the vehicle that would trundle unionists into a united Ireland” at Trinity College, Dublin.<sup>15</sup>

Another major defect in the Sunningdale Agreement was that paramilitary groups were not included in the discussions at any point, whether in an advisory, consultative, or negotiatory role. Excluding these groups virtually guaranteed an escalation of violence once the Agreement was implemented. Acts of violence on both sides further radicalized the communities against the other and silenced the voices of cooler heads attempting to moderate.<sup>16</sup> By capitulating to the violence and a general strike in opposition to the Agreement, John Hume attested that the British government had essentially told unionists

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<sup>13</sup> Nicholson, D., Toft, M. “From Sunningdale to Good Friday: Power Entrenchment and Paramilitary Inclusion.” ProQuest Dissertations Publishing, 2009. Web.

<sup>14</sup> “1973: Sunningdale Agreement signed”. BBC News. 9 December 1973. Retrieved April 1, 2020.

<sup>15</sup> CAIN: Chronology of the Conflict 1974. cain.ulst.ac.uk. Retrieved April 4, 2020.

<sup>16</sup> Nicholson, D., Toft, M. “From Sunningdale to Good Friday: Power Entrenchment and Paramilitary Inclusion.” ProQuest Dissertations Publishing, 2009. Web.



that they could “resist and jettison any British policy for Northern Ireland which involved conceding power to the minority.”<sup>17</sup> Under Sunningdale, Northern Ireland remained under direct rule, with all security forces, police, and law enforcement powers firmly enforced by the British. The Agreement was unsuccessful without local control over the police as the power-sharing Executive never had any substantive power to confront violence, which continued after the failure of the Sunningdale Agreement for the next twenty-four years.<sup>18</sup>

In the intervening years between the Sunningdale Agreement and the Good Friday Agreement, various bombings and strikes were carried out by both sides of the conflict, killing hundreds. 1974 was another particularly brutal year. In May 1974, the Ulster Workers’ Council (“UWC”) deployed a general strike in response to the Sunningdale Agreement. The UWC and the Ulster Army Council (“UAC”) both shared membership with loyalist paramilitary organizations such as the Ulster Volunteer Force (“UVF”) and Ulster Defence Association (“UDA”), who served as enforcers of the strike, blocking roads and intimidating workers.<sup>19</sup> It was during this strike that Dublin and Monaghan Bombings were carried out by loyalist paramilitaries, killing thirty-three civilians in the Republic of Ireland.<sup>20</sup> Anger on the part of republicans as a result of the bombings, as well as anger on the part of loyalists as a result of the executive role the Republic was set to take due to Sunningdale, brought about the failure of the peace. Not long after the

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<sup>17</sup> Hume, J. (1996). *Personal Views: Politics, Peace and Reconciliation in Ireland*. Dublin, Ireland: Town House. pp. 38-39.

<sup>18</sup> Nicholson, D., Toft, M. “From Sunningdale to Good Friday: Power Entrenchment and Paramilitary Inclusion.” pp. 59. ProQuest Dissertations Publishing, 2009. Web.

<sup>19</sup> Bloomfield, K. (2007). *A tragedy of errors: the government and misgovernment of Northern Ireland*. Liverpool University Press. pp. 46.

<sup>20</sup> *Id.*

strike and bombings of May, the PIRA in June 1974 bombed the Houses of Parliament in London, injuring eleven and causing extensive damage. In November, the deadliest attack to occur in England was committed when bombs exploded at two pubs in Birmingham, England. Twenty-one civilians were killed and six Irishmen, known as the “Birmingham Six”, were sentenced to life imprisonment. Since then, it has been found that police fabricated and suppressed significant evidence, and the Birmingham Six have each been released and paid between eight-hundred thousand and one million two-hundred thousand pounds in restitution.<sup>21</sup>

In 1975, factions on both sides of the conflict engaged in bloody feuds. The most well-known of these feuds were between Official IRA and the Irish National Liberation Army members, which lasted from February to June of 1975, and between UVF and UDA members in March of 1975.<sup>22</sup> The Troubles were marked by significant same-side violence throughout the whole conflict, which distinguishes it from most interstate warfare, and demonstrates the power of seemingly small ideological fractures.

One of the most infamous series of events of the Troubles began in the late 1970s and continued until the early 1980s—the hunger strikes performed by IRA prisoners in British prisons. The most famous hunger striker was Bobby Sands, who died in 1981. However, he was not the first. On the 12th of February, 1976, a member of the IRA, Frank Stagg, died after sixty-one days of hunger strike in Wakefield Prison. He had been protesting the British government’s refusal to transfer him to a Northern Irish prison.

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<sup>21</sup> Sabin, L. *The Independent*. Birmingham Six: 40th anniversary of pub bombings that led to 'one of the worst miscarriages of British justice'. November 21, 2014. <https://www.independent.co.uk/news/uk/home-news/birmingham-six-40th-anniversary-pub-bombings-led-one-worst-miscarriages-british-justice-9874920.html>. Retrieved February 10, 2021.

<sup>22</sup> CAIN: Chronology of the Conflict 1975. [cain.ulst.ac.uk](http://cain.ulst.ac.uk). Retrieved February 10, 2021.

Shortly after this, Merlyn Rees, the British Secretary of State for Northern Ireland declared that those convicted of causing “terrorist” offenses would no longer be granted special category status, or in other words, the status of being considered an enemy combatant. Instead, they would be considered ordinary criminals.<sup>23</sup>

Kieran Nugent was the first to be convicted under these new terms. When he arrived at the H-Blocks of the Maze Prison, he refused to wear prison clothes, instead wrapping himself in a blanket, an act of defiance that others (as many as three-hundred at one point) would follow through the 1981 hunger strikes when ten IRA prisoners died. On the 1st of March, 1981, Bobby Sands began to refuse food, thus beginning the new strike. While interred and in the midst of his hunger strike, Bobby Sands was elected to be a Member of Parliament in the Fermanagh/South Tyrone by-election. In April of 1981, Bobby Sands’ sister, Marcella, made an application to the European Commission on Human Rights, attesting that the British government had broken three articles of the European Convention on Human Rights in their treatment of Republican prisoners. The European Commission on Human Rights announced in May that they had no jurisdiction to proceed with the case. One day later, Bobby Sands died after sixty-six days on hunger strike. News of his death sparked riots across Northern Ireland as well as in the Republic. The death of Sands brought significant international condemnation against the British for how it had handled the strikes.<sup>24</sup> Marcella Sands’ attempts at seeking justice through human rights-based channels, and being denied, is indicative of some of the human rights-

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<sup>23</sup> Melaugh, M. CAIN: Chronology of the Conflict. The Hunger Strike of 1981. [cain.ulst.ac.uk](http://cain.ulst.ac.uk). Retrieved August 4, 2020.

<sup>24</sup> *Id.*

based approach's shortcomings. In particular, the approach often develops gradually and might not be as effective for handling immediate issues.

After the hunger strikes, conflict continued until The Good Friday Agreement, signed in 1998, finally brought about a negative peace conclusion or an end to widespread violence. The Agreement is the greatest success of post-conflict reconciliation in Northern Ireland thus far. The Good Friday Agreement learned many valuable lessons from the Sunningdale Agreement, not least of which was the inclusion of paramilitaries and extremists in the discussion. However, it is not without its problems, and it did not cure the endemic problems that face Northern Ireland. In any event, the Agreement has been widely considered a success in the scope of its practical and relatively tempered goals — it strove to end the violence, decommission the IRA's weapons, and move extremists into the political process. Still, Northern Ireland was left with questions about how to reconcile and how to establish and sustain positive peace post-conflict. Siobhán Fenton describes the scene immediately following the signing of the Agreement:

“Once the world’s media packed up, the cameras stopped rolling and global heads of state flew home, Northern Ireland has ceased to be much discussed or understood. Indeed, one could get the impression that Northern Ireland has been suspended in time since the Good Friday Agreement was signed, the region and its people entirely frozen at the moment the parties put their pens to the document, like an odd fairy tale whereby a nation of one million people slipped into slumber like post-conflict sleeping beauties... [Northern Ireland] is a society still struggling with questions over how or even if it should acknowledge its dark past.”<sup>25</sup>

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<sup>25</sup> Fenton, S. (2018) *The Good Friday Agreement*. Biteback Publishing. pp. 8-9. 178590373X, 9781785903731

## THE GOOD FRIDAY AGREEMENT / THE NORTHERN IRELAND PEACE PROCESS

To begin an analysis of peacebuilding in Northern Ireland, we must first look at the process that got us to where we are now—in a post-Good Friday Agreement era. The term ‘Northern Ireland peace process’ describes the protracted effort by people from both ethnic and sectarian factions to bring peace to Northern Ireland, but the process was not fully realized until the signing of the Good Friday Agreement. The Agreement stands to this day as one of the most important peace and human rights documents of the last quarter-century. It is an extremely complicated document, involving numerous actors with a myriad of deeply conflicting motivations. No sooner was the Agreement put to paper than critics and supporters alike began to offer their outlooks on the future of the settlement. More than twenty years removed from the document’s signing, we have gained important perspective on the successes and failures of both the Multi-Party Agreement and the British-Irish Agreement, the two documents that make up the Good Friday Agreement in whole. The Multi-Party Agreement binds the United Kingdom, Ireland, and belligerent parties such as the IRA and numerous unionists parties and paramilitaries. The British-Irish Agreement, as the name suggests, is a bi-lateral, international agreement binding the United Kingdom and Ireland specifically.

One of the important elements of the Good Friday Agreement that separates it from other peace agreements is the significance it ostensibly places on sociative peace versus direct peace, or simply the direct end of violence. Sociative peace and direct peace are somewhat analogous to positive peace and negative peace, respectively. Dr. Peter

Verbeek operationally defines peace as “behavioral processes and systems through which species, individuals, families, groups, and communities...keep aggression in check or restore tolerance in its aftermath... and engage in reciprocally beneficial and harmonious interactions.”<sup>26</sup> Sociative peace elements are extremely important for the development of positive peace, meaning that the Good Friday Agreement’s inclusion of those elements positions it well to move Ireland in that direction. While the stated goals of the Agreement were much more focused on negative peace, its long-term success does rely, in part, on the positive peace elements it includes, such as the trans-border structures for enduring cooperation.

Additionally, within the strands of the Agreement, “constructive ambiguity” is common—language ensuring acceptance and staving off heated debate over more controversial issues.<sup>27</sup> Further, the language of the Agreement focuses heavily on sovereignty, civil rights, disarmament, demilitarization, justice, and policing—elements of peace that concern both sides of the conflict and bring a majority of people to the table in agreement. Both parties made major commitments to equality and human rights, which are important ideals for long-lasting, positive peace. The Multi-Party agreement, in particular, effectively makes use of affirming language, committing to “the mutual respect, the civil rights and religious liberties of everyone in the community,” as well as, “the importance of respect, understanding, and tolerance in relation to linguistic diversity” between speakers of the Irish language, Ulster Scots, and other ethnic minorities “all of which are part of the cultural wealth of the island of Ireland.” The section of the Agreement *Rights*,

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<sup>26</sup> Verbeek, P. (2018). *Practicing Peace in Peace Ethology: Behavioral Processes and Systems of Peace*. Peter Verbeek and Benjamin A. Peters (eds.). Hoboken (New Jersey): Wiley Blackwell. ISBN: 9781118922514.

<sup>27</sup> Aughey, A. (2005). *The politics of Northern Ireland: beyond the Belfast Agreement*.

*Safeguards, and Equality of Opportunity* includes the right of free political thought, the right to freedom and expression of religion, and the right to pursue democratically national and political aspirations, among other rights.<sup>28</sup>

Contemporary writing at the time of the Good Friday Agreement contended that a large majority of Irish people viewed the Good Friday Agreement as a positive step<sup>29</sup>, noting that over seventy percent of the Northern Irish population voted in its favor. Almost ten years after the Good Friday Agreement, Burgess and colleagues (2007) conducted interviews with ex-combatants that were not always so optimistic, and indeed their own conclusion was that the Good Friday Agreement had not, up to the point of their research, effectively combatted the deeply engrained system of political capital and power that is reliant on the division of communities, wherein the average person is not motivated to get into politics. Burgess and colleagues suggested that everyday life in Northern Ireland is still very much reliant on agreements made between diametrically opposed political parties and politicians that are part of the political élite, a concept known as consociationalism. However, now that we are afforded perspective from over twenty years of peace following the Good Friday Agreement, the outlook, I think, has proven somewhat more positive. Even if the Agreement's main goal was the negative peace objective of ending violence by disarming the IRA and moving them into the political process, the Agreement also offers to Northern Irish people a starting-point for pursuing peaceful ends together, for establishing a common identity in which the two groups might

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<sup>28</sup> Multi-Party Agreement of Belfast (1998). *Rights, Safeguards, and Equality of Opportunity*. Section 1.

<sup>29</sup> Cox, M., Guelke, A., & Stephen, F. (Eds.). (2000). *A Farewell to arms? From "long war" to long peace in Northern Ireland*. Manchester: Manchester University Press.

further interact, and for consolidating sovereignty in a way that reduces threats of violence between the divided societal groups.<sup>30</sup> Further research with the participating ex-combatants would be important to find whether their opinions remain the same, now twenty years past the Agreement. Additionally, the conclusions of Burgess and colleagues that life for the average, non-violent person from Northern Ireland has remained relatively unchanged could possibly be updated to reflect an ever-increasing shared, common identity.

Siobhán Fenton provided a more recent perspective of the Good Friday Agreement, published in 2018. Writing from Stormont Castle, during a breakdown in the devolved, power-sharing government that left the main nationalist and unionist parties no longer able to govern together, Fenton interviewed people in Belfast, inviting them to address issues that still needed addressing after twenty years of Good Friday Agreement power-sharing. Fenton, as a native of Northern Ireland, observed that, while the peacemakers involved in Good Friday made peace for the sake of the coming generations, now that the coming generations have grown, they are faced with a reality in which they still go to Protestant or Catholic schools, live on Protestant or Catholic roads, and suffer from lingering intergenerational trauma from the Troubles era. Thus, Fenton's book serves as a call to arms to continue the efforts of the previous, peacemaking generation, pushing for Northern Ireland to eradicate sectarianism from its society for good. Crucially, Fenton's

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<sup>30</sup> Williams, K. P., & Jesse, N. G. (2001). Resolving nationalist conflicts: Promoting overlapping identities and pooling sovereignty — The 1998 Northern Irish Peace Agreement. *Political Psychology*, 22, 571-599.; Burgess, M., Ferguson, N., Hollywood, I. "Rebels Perspectives of the Legacy of Past Violence and of the Current Peace in Post-Agreement Northern Ireland: An Interpretative Phenomenological Analysis." *Political Psychology* 28, no. 1 (2007): 69–88. <https://doi.org/10.1111/j.1467-9221.2007.00552.x>.



book critically examines the peace that Northern Ireland has, at what cost it was earned, and whether or not the people of Northern Ireland can continue to take it for granted.

What can be gathered from Burgess and colleagues, as well as Fenton, is that political means to build peace and promote reconciliation are not the most effective; even the Good Friday Agreement, while successful in its general goals, failed to effectively and intentionally establish positive peace mechanisms that are beneficial for long-lasting peace. In this paper, I examine human rights-based versus reconciliation-based approaches of post-conflict reconciliation. A third model, one of political structures, is represented by the efforts of Sunningdale and Good Friday. It is apparent to me that this political-based method is not capable on its own of achieving more idealistic post-conflict reconciliation or positive peace. It must be supported by other factors, even if political documents are structural to the change being implemented. In other words, the documents or treaties may be the foundation on which to build peace, but they are not going to accomplish peace in their own right. Indeed, according to Burgess and colleagues, as well as Fenton, they are relatively ineffective at establishing peace. Therefore, focus should continue to be on more effective methods of post-conflict reconciliation, such as the implementation of positive peace structures, and transitional justice.

## POLITICAL OR CONSOCIATIONALISM-BASED APPROACH TO CONFLICT RESOLUTION

### *Consociationalism in the Good Friday Agreement*

Despite the successes of the Good Friday Agreement, there have been criticisms of its almost purely negative peace priorities. Hughes (2015) questioned if reconstruction without reconciliation can be achieved at all. One trait about the Northern Ireland conflict, he contended, that makes it interesting for academics is that it emphasizes process over outcome. Put simply, the efforts to build peace are more important than achieving only an end to violence. Broadly, Hughes was skeptical about the focus on dialogue and the consociational elements of the Good Friday Agreement. Structural features and challenges to reconciliation and reconstruction in the divided society, as well, receive less attention than the features of peacebuilding. However, the major take-away from the Good Friday Agreement, said Hughes, is that even the most vicious conflicts may be ended, no matter how divisive or protracted. Further, the inclusion of the more “extreme” groups, in this case the more militant factions on both republican and unionist sides, was extremely important for building and maintaining peace.

The Good Friday Agreement’s reliance on consociationalism, which reallocates power in such a way that it benefits mostly the élite, created negative peace, yes, but at the cost of simultaneously worsening the divided society and creating obstacles to a true social transformation. While negative peace is the ultimate goal of consociationalism, I think the Agreement’s reliance on the concept committed it too strongly to that relatively

tempered objective. As a result, the Agreement perhaps made more difficult idealistic future goals of working towards positive peace. This aligns neatly with the findings of Burgess and colleagues in that the experience of division by most citizens of Northern Ireland remains relatively unchanged and they do not feel that they can get involved in politics. Rather, it is the political élite that have been most empowered. Critics of consociationalism tend to be frustrated by the ethnification of politics entailed in the Good Friday Agreement's institutional features. Hughes called this a “reification of ethnicity” that perpetuates conflict and leads to a perception of political stasis.<sup>31</sup>

McGarry and O’Leary defended consociationalism, while acknowledging its legitimate shortcomings. They contended that consociationalists are preoccupied with the sovereign state, and do not recognize external parties’ very legitimate role in conflict perpetuation or resolution.<sup>32</sup> However, McGarry and O’Leary considered themselves critical consociationalists, rather than anti-consociationalists. Their assertion was that, while there are flaws in consociationalism, many of the arguments against it in Northern Ireland come from proponents of exclusionary forms of majority rule. The authors characterized this belief as equivalent to the argument that majority groups are entitled to prevail over others simply because they are in the majority.<sup>33</sup> Transitional justice and international law both support notions of collective and individual rights and equal citizenship, and therefore preclude this sort of “ethnic majoritarianism”.

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<sup>31</sup> Hughes, James. (2015). Reconstruction without reconciliation: Is Northern Ireland a “model”? In *After Civil War*, Bill Kissane (ed.), pp. 246. University of Pennsylvania Press, Inc., 2015.

<sup>32</sup> McGarry, J., O’Leary, B. Consociational Theory, Northern Ireland’s Conflict, and its Agreement 2. What Critics of Consociation Can Learn from Northern Ireland. *Government and Opposition*, Vol. 41, No. 2, pp. 249, 2006.

<sup>33</sup> *Id.* at pp. 250.

One of the premises on which McGarry and O'Leary defended the "realism" of consociationalism was the observation that the two parties at odds in Northern Ireland have their own, defined national identities which go beyond simply ethnic heritages. Even the most moderate groups, the authors said, would not tolerate being totally subsumed within each other's states. In this way, the authors compared the situation in Northern Ireland to dynamics seen in other countries: Canada-Quebec, Great Britain-Scots, and Basques/Catalans-Spain.<sup>34</sup> In these situations, however, unlike in Ireland, there is significant cooperation with and integration into autonomy arrangements that respect the parties' dichotomous identities. Rather, in Northern Ireland, the identities in conflict are either in opposition or too weak to overcome the polarized Irish and British identities.<sup>35</sup> Because of this, consociationalism is the most reasonable way around the "identity obstacle". McGarry and O'Leary acknowledged the criticism that this is an overly optimistic ambition. Indeed, they said that in many consociations, leaders of ethnic groups are so divided that they cannot even participate in the consociational institutions. This is especially true when consociations involve so-called grand coalitions which bring extremists to the table alongside moderates. Northern Ireland has, for the most part, avoided this; ethnic leaders *were* able to cooperate to some extent.<sup>36</sup> McGarry and O'Leary's paper argued that Northern Ireland's profound division makes consociationalism not only pragmatic, but necessary. I remain unconvinced. While I obviously understand the primacy of ending the violence, my concern is that the hurdles it sets up for positive peace are problematic over the long-run.

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<sup>34</sup> *Id.* at pp. 256.

<sup>35</sup> *Ibid.*

<sup>36</sup> *Id.* at pp. 276.

In response to criticisms of consociationalism, it seems that consociationalists' best argument is that it treats political realities pragmatically by further entrenching ethnic blocs in power (such as Sinn Féin and the Democratic Unionist Party), empowering "decision makers" and enabling them to get things done. However, in doing so, it limits possibilities in post-conflict reconstruction by constraining the mechanisms by which governments or organizations might work towards positive peace. Consociationalism further creates obstacles for *new* politics and policies that promote structural change in divided societies.<sup>37</sup> As a result of this, Hughes admitted that the identity politics and sectarianism which are so thoroughly embedded in Northern Irish politics will not easily be undone. In any event, I remain skeptical of a concept that rests solely on the fact that it is "good enough". Perhaps I am idealistic.

Hughes shared my perception that interest in the Northern Ireland conflict is driven, at least in part, by the fact that it is a protracted ethnonational and sectarian conflict in an advanced democracy. British observers emphasize the "peace process" and "dialogue", when stating that Northern Ireland is a model for peacemaking. Peter Hain, former secretary of state for Northern Ireland identified in a speech at the Royal Institute of International Affairs four main components of the peace processes' success: the importance of unique personalities participating, the aligning of international influence (particularly from the United States), the political framework, and dialogue. Hain, like Hughes, was not so ready to endorse the actual content of the Good Friday Agreement, with its complex consociational institutions. Rather, Hain said that "detailed structures

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<sup>37</sup> Hughes, James. (2015). Reconstruction without reconciliation: Is Northern Ireland a "model"? After Civil War, Bill Kissane (ed.). pp. 246. University of Pennsylvania Press, Inc., 2015.

are secondary to a basic political will to agree,” and that developing dialogue was “arguably...its ultimate objective.”<sup>38</sup>

*On the inclusion of extremist factions in peace negotiations*

Jonathan Powell, a noted advisor to Tony Blair, has argued that some of the importance of the Agreement comes from its willingness to engage with extremists, or as he puts it “talk with terrorists”—moving violent groups like the Provisional Irish Republican Army and the Ulster Volunteer Force into the democratic process. Thus it is shown that, rather than building from a moderate center ground, peace must come from the extremities if it is to endure. Demonstrating that this approach can be applied in other conflicts, Powell has controversially suggested that this policy should be engaged with al-Qaeda in attempts to make peace in the Middle East, as well.<sup>39</sup>

The inclusion of extremists in peace negotiations is a complicated issue, especially if and when some adherents to extremist positions being brought to the table have committed terrorist acts. Not all extremists are terrorists, but the people who the terms describe sometimes overlap. Reuter discussed this concept with regards to the Good Friday Agreement in 2003. In *Ready for Peace? The Implementation of the Good Friday Agreement in Northern Ireland*, she described terrorism as “the use of violence which ignores conventional distinctions between guilt and innocence and/or between combatants and non-combatants. The ‘target’ is not persons directly assaulted, but the public as a whole,

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<sup>38</sup> *Id.* at pp. 247.

<sup>39</sup> Powell, J. (2008). *Great Hatred, Little Room: Making Peace in Northern Ireland*. London: Bodley Head. See also his interview on BBC’s Hardtalk, 20 March 2008 at <http://news.bbc.co.uk/1/hi/programmes/hardtalk/7306927.stm>. Accessed September 1, 2020.

which creates an asymmetrical structure of the conflict.”<sup>40</sup> Further, Stevenson specifically defined terrorism in Northern Ireland. Terrorism, he said, can be defined as “the use of violence, with or without overt state support or sanction to force a target (directly or indirectly) to comply with a political objective.”<sup>41</sup> Stevenson contended that terrorists may generally be put into two groups: those that have the support of the majority of those they claim to represent, and those who do not. The IRA, Reuter asserted, falls into the second category of terrorists who do not have the mandate of the people they represent. However, in the case of Northern Ireland, some participants in these extreme factions went on to be high-level politicians and statesmen involved in the peace process. This raises the question: at what point did they transition from being fighters, as in the case of deputy First Minister Martin McGuinness, to being statesmen? Could they make that transition at all? President Clinton made clear his belief that former fighters and extremists could be reformed by offering Gerry Adams a visa, as he did with Yasser Arafat of Palestine and Nelson Mandela of South Africa. Reuter notes that in all three cases, the respective regions of those leaders experienced increased political stability in the aftermath of President Clinton’s recognition.<sup>42</sup> In any event, prominent Sinn Féin politicians such as McGuinness and Gerry Adams, who were members of the IRA, went on to negotiate peace on behalf of a people who may not have necessarily agreed with their past extremist tactics. Their presence was important to the peace process, Reuter determined, because

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<sup>40</sup> Reuter, T. K. (2003). Ready for Peace? The Implementation of the Good Friday Agreement in Northern Ireland 1998-2002. *Zürcher Beiträge zur Sicherheitspolitik und Konfliktforschung*. No. 68. pp. 139.

<sup>41</sup> Stevenson, J. “Northern Ireland: Treating Terrorists as Statesmen”. pp. 129-131.

<sup>42</sup> Reuter, T. K. (2003). Ready for Peace? The Implementation of the Good Friday Agreement in Northern Ireland 1998-2002. *Zürcher Beiträge zur Sicherheitspolitik und Konfliktforschung*. No. 68. pp. 140

without the inclusion of Sinn Féin in the Good Friday Agreement, the unionist parties would have easily been able to muster majority support, leading to a one-sided settlement not representative of the full population. This truth relied on the broad support from both communities for the unionist position that decommissioning of IRA weapons was a problem in need of an immediate solution. In the months after the Good Friday Agreement, Sinn Féin did not make good on the deliverance of an IRA promise in May of 2000 to “put the arms beyond use”. Over this issue, the two sides nearly fell apart, with the unionist parties threatening to expel Sinn Féin from the power-sharing Executive. By Reuter’s reckoning, their absence would have resulted perhaps in the failure of the Executive as a whole. Since the 1980s, the moderation of republicanism in Ireland has been tied to Sinn Féin’s position that positive movement forward can be achieved through democratic politics instead of violence, yet many republicans with more extreme viewpoints still view Sinn Féin as representative of their beliefs and interests. So, their removal from the political process would have almost certainly led to Sinn Féin moving further from the mainstream and a regression in terms of radicalization of dissident nationalist groups.

The vacillating willingness of the unionist parties to govern alongside Sinn Féin was identified as an issue in the implementation of the Good Friday Agreement by Reuter. However, negotiations with politicians who had once participated in terrorism and who now represent terrorists remained crucial to achieving an inclusive peace agreement. When considered broadly, the question of “should terrorists be included in peace negotiations” continues to be complicated. The persistent worry is that former terrorists will return to violence if they do not get their way over the course of negotiation.



Though politicians continually praise the Good Friday Agreement for creating dialogue and bringing about peace, Hughes contended that there is a clear separation from that notion and the practical applications on the ground. There, more pragmatic applications of institutional changes, transitional justice, and new policy make more of a difference. In the same way, there is some discord between politicians' focus on dialogue and analysis of the end of the conflict and the Agreement itself. Academic interest in the Good Friday Agreement has sometimes been preoccupied with the framework of institutional and other reforms that it brought about. Later, when I discuss human rights-based versus reconciliation-based approaches to reconstruction, this same problem will present itself: what seems good on paper is not necessarily what works in practice. For instance, Hughes noted that a *de facto* amnesty granted to perpetrators in Northern Ireland under the Good Friday Agreement known as the "accelerated release scheme" was unusual and likely did very little good, if not harm, to reconciliation efforts. Amnesty is extremely controversial at the very least, and antithetical at the very most, to the ideals of transitional justice, which Hughes endorsed throughout his research. The International Center for Transitional Justice argued that "amnesty must not equal impunity", calling it a compromise between justice and peace which should only be used sparingly in the most volatile situations, and only if used alongside other methods of transitional justice like truth and reconciliation commissions.<sup>43</sup>

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<sup>43</sup> International Center for Transitional Justice. (2009). "Amnesty Must not Equal Impunity". [www.ictj.org › default › files › ICTJ-DRC-Amnesty-Facts-2009-English](http://www.ictj.org/default/files/ICTJ-DRC-Amnesty-Facts-2009-English). Retrieved September 2, 2020.

It stands to reason that advocates and critics of the Agreement would be advocates or critics of consociationalism. In this way, their views on the Agreement as a peace-building tool depend on whether they view consociationalism, which is a negative peace approach at best, as an effective pathway to long-lasting peace or not. Critics, typically coming from the political left, are less convinced of the consociational theories which underpin the Good Friday Agreement. Their criticisms typically center around the idea that an approach to governing divided societies which institutionalizes power sharing among the ethnic blocs which constitute the divided society will only serve to institutionalize the conflict and prevent a closing of the divide. This institutionalization of ethno-nationalist features is a normative contravention of liberal individualism which is at the heart of any developed democracy. Further, it prevents a mobilization around social class, which is crucial for critics approaching the argument from the left. By allowing the parties at odds to be further entrenched, and now legitimately as a feature of the Agreement, Hughes contended that the consociational nature of the Agreement serves to reproduce systemic sectarianism rather than to overcome the causes and legacy of the conflict. These features further reinforce these causes, rather than eliminate them. Moreover, critics of the consociationalism of the Agreement are not comfortable with the entrenchment of “extreme” forms of nationalism and unionism into the political process, particularly the dominance of Sinn Féin and the Democratic Unionist Party in Irish politics. Hughes argued that the

perception is that the extremists “won”, and have been rewarded with further, more entrenched power, only this time in political processes rather than violent ones.<sup>44</sup> In his criticism, I think Hughes is asking a lot more of the Good Friday Agreement than it was meant to offer. While it is an idealistic and worthy ambition to hope for societal transformation in Northern Ireland, it will not be the Good Friday Agreement that brings it about—and it never had such lofty goals.

Indeed, the Good Friday Agreement is sometimes presented in such a way as if its signing brought an end not just to the conflict in Northern Ireland, but to the historical ethno-national conflict between the British and Irish, as well, when this is clearly not the case. The content of the Agreement, however, makes it apparent that changing society itself was a nominal goal at best. While the Agreement states in its opening a commitment to “...reconciliation, tolerance, and mutual trust, and to the protection and vindication of the human rights of all”, Hughes wondered what explanation exists for why there is not a stronger commitment to social transformation in the rest of the Agreement.<sup>45</sup> Hughes contended that the Agreement can be interpreted as a two-stage solution which first achieves elite accommodation, with society following. Vandenhoe and Gready (2014),

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<sup>44</sup> Taylor, R. (2001). “Northern Ireland: Consociation or Social Transformation?” In *Northern Ireland and the Divided World: The Northern Ireland Conflict and the Good Friday Agreement in Comparative Perspective*, edited by John McGarry, 36– 52. Oxford: Oxford University Press.; Wilford, R., and Wilson, R. (2006). *The Trouble with Northern Ireland: The Belfast Agreement and Democratic Governance*. Dublin: TASC. <http://cain.ulst.ac.uk/issues/politics/docs/wilfordwilson06.htm>.; Taylor, R. (2009). “The Injustice of a Consociational Solution to the Northern Ireland Problem.” In *Consociational Theory: McGarry and O’Leary and the Northern Ireland Conflict*, edited by Rupert Taylor, 309–29. Abingdon: Routledge.; Wilson, R. (2009). “From Consociationalism to Interculturalism.” In *Consociational Theory: McGarry and O’Leary and the Northern Ireland Conflict*, edited by Rupert Taylor, 221–36. Abingdon: Routledge.

<sup>45</sup> *The Agreement: Agreement Reached in the Multi-Party Negotiations*. 10 April 1998. <http://cain.ulst.ac.uk/events/peace/docs/agreement.htm>. Accessed September 1, 2020.

seemed to support this when they asserted that organizational change must precede social change.<sup>46</sup> This assumes that the segregation and parallel, divided societies will begin to erode, just over a much longer period of time. Now twenty years past the signing of the agreement, it does not appear that this has been the case. In criticizing the Agreement, Hughes noted that while the smallest details of governing institutions, security arrangements, and political relationships between the United Kingdom and Ireland are specified, no such specificity is given to how they might achieve the more ambitious goal of a societal transformation in the future. Hughes' argument was not that Agreement was meant to be transformative, but rather that it perhaps could have been, if only more attention was paid to it. By examining two key pillars of the divided society, housing and education, it is apparent that they are deeply entrenched features of Northern Ireland's divided society. This, too, aligns with the examination of education by Burgess and colleagues. The Harbison report of 2002, four years after the signing of the Agreement, observed that there is "little evidence of significant increases in shared education or housing".<sup>47</sup> As with other studies of the status of the divided society in Northern Ireland, this may be outdated since almost twenty years have passed since Harbison's report. However, it remains clear, upon even a limited observation of Northern Irish daily life, that segregation and parallel communities are still extremely common, if not the norm.

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<sup>46</sup> Vandenhoe, W., Gready, P. (2014) Failures and Successes of Human Rights-Based Approaches to Development: Towards a Change Perspective, *Nordic Journal of Human Rights*, 32:4, 291-311, DOI: 10.1080/18918131.2015.957458

<sup>47</sup> Harbison, J. (2002). *Review of Community Relations Policy: Main Report*. January. Belfast: Community Relations Unit (CRU), OFMDFM.

## HUMANS RIGHTS-BASED APPROACH TO CONFLICT RESOLUTION

### *A false dichotomy?*

In practice and on the ground, there are essentially two effective approaches (as well as some ineffective approaches) to building peace in post-conflict states. Beirne and Knox (2014) explored the two more successful methodologies for peacebuilding interventions in Northern Ireland.<sup>48</sup> One approaches interventions from a human rights-based perspective, and the other promotes community relations and reconciliation. The authors asserted that these approaches have been seen by many practitioners as competing and mutually exclusive methodologies. In general, human rights practitioners are primarily concerned with challenging governments, focusing on accountability, relying on the law and legal frameworks, and mixing soft and hard law.<sup>49</sup> The human rights-based perspective relies heavily on international concepts, while the reconciliation approach ostensibly works from the bottom up, primarily focusing on human elements and building relationships, creating trust as a prerequisite for working together. In this way, they stress the importance of the process over the eventual product, as does the Good Friday Agreement, according to critics of its consociationalism. Proponents of these arguments seem to suggest that the act of working towards a solution, in itself, is practically as valuable as the solution it might achieve.

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<sup>48</sup> Beirne, M., Knox, C. (2014). Reconciliation and Human Rights in Northern Ireland: A False Dichotomy?. *Journal of Human Rights Practice*. 6. 26-50. 10.1093/jhuman/hut032.

<sup>49</sup> *Id.* at pp. 26.

A coinciding, and perhaps clarifying, viewpoint on the human rights-based approach to truth and reconciliation was given by Nekane Lavin. Lavin (2013) addressed the importance of human rights-based approaches by observing how such approaches can complement justice processes and result in improvements in access to justice for victims of human rights violations. Since 2002, the UN Office of the High Commissioner for Human Rights (“OHCHR”) has been involved in truth and reconciliation processes in both active conflicts and post-conflict scenarios. Transitional justice, for them, regards how societies that have experienced conflict address past violations of human rights and/or international human rights law. Lavin contended that transitional justice mechanisms are exceptional measures, which are only justified by the needs of specific transitional situations.<sup>50</sup>

OHCHR approaches human rights-based conflict resolution by focusing on the four pillars of transitional justice: the right to truth, the right to justice, the right to reparations, and the duty of States to prevent the recurrence of violations. Upon these pillars, transitional justice may be built to accomplish the restoration and protection of the dignity of individuals with fundamental human rights and freedoms, as well as help recreate bonds of trust between citizens and States, with respect for the rule of law, which is crucial for the functioning of a rights-respecting society. I see no reason for this approach to be considered mutually exclusive from the reconciliation-based model, as Beirne and

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<sup>50</sup> Lavin, N. (2013). “International Expert Seminar on Access to Justice for Indigenous Peoples, including Truth and Reconciliation Processes”. Institute for Study of Human Rights. Office of the High Commissioner for Human Rights. International Center for Transitional Justice. Columbia University. February 27 - March 1, 2013.

Knox suggested was common amongst practitioners.<sup>51</sup> The ultimate goal of the reconciliation-based model is, after all, to recreate bonds of trust between citizens. The human rights-based approach just focuses more on the relationship of citizens with the state, with regards to the rule of law.

Beirne and Knox discussed how human rights-based approaches often focus on international laws and norms. Lavin confirmed this from her experience as a human rights officer in the OHCHR. Two United Nations documents form the foundation for the OHCHR's work in transitional justice. First, the Set of Principles for the Protection and Promotion of Human Rights through Action to Combat Impunity ("Set of Principles") were endorsed by the UN Commission on Human Rights in 2005.<sup>52</sup> Second, the Basic Principles and Guidelines on the Right to a Remedy and Reparation for Victims of Gross Violations of International Human Rights Law and Serious Violations of International Humanitarian Law ("Basic Principles and Guidelines") were endorsed by the UN General Assembly in 2006.<sup>53</sup> These two documents contain judicial and non-judicial processes, including truth-seeking initiatives, remedies for prosecutions, reparations, institutional reform, and/or a combination of any of these. In 2004, the Secretary General of the UN defined transitional justice as "the full range of processes and mechanisms associated with a

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<sup>51</sup> Beirne, M., Knox, C. (2014). Reconciliation and Human Rights in Northern Ireland: A False Dichotomy?. *Journal of Human Rights Practice*. 6. 26-50. 10.1093/jhuman/hut032.

<sup>52</sup> Commission on Human Rights, Promotion and Protection of Human Rights Impunity: Report of the independent expert to update the set of principles to combat impunity, <sup>st</sup>

Diane Orentlicher Addendum. 71<sup>st</sup> Sess., UN doc. E/ CN.4/2005/102/Add.1. (2005).

<sup>53</sup> General Assembly, Basic Principles and Guidelines on the Right to a Remedy and Reparation for Victims of Gross Violations of International Human Rights Law and Ser-<sup>th</sup>

ious Violations of International Humanitarian Law. GA Res. 60/147, 60<sup>th</sup> Sess., UN doc. A/RES/60/147(2005).

society's attempts to come to terms with a legacy of large-scale past abuses, in order to ensure accountability, serve justice, and achieve reconciliation.”<sup>54</sup> Thus, it can be understood that, for the UN, transitional justice means both judicial and non-judicial methods are valuable, including truth-seeking, prosecutions, reparations, and institutional reform. Indeed, OHCHR concluded in 2006 that the right to truth about human rights violations and violations of international human rights law is an inalienable and autonomous right, linked to the state's duty to protect and guarantee human rights, which also obligates states to effectively investigate and remedy human rights violations through reparations or other initiatives. Further, OHCHR views reconciliation as one of the primary objectives of transitional justice. The stance, then, of the UN is cooperative with those that view human rights and reconciliation models as complementary, not competing. However, Lavin made a point to observe that there is no single model for reconciliation, and human right law does not always cover the specifics of a conflict in a way that a purely reconciliation-focused model may. So, for Lavin as with others, it is a question of priorities, or the order in which specific undertakings should be undertaken. Lavin contended that truth commissions are a part of the process that serves to put perpetrators on trial, respond to victims, and strengthen the rule of law. In this way, her priorities are slightly different than those of a reconciliation-based practitioner, who may be less willing to place guilt solely at the feet of one party or another.

Under the broader current of reconciliation, there are a number of problems which Beirne and Knox identified as remaining intractable. Some within the unionist commu-

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<sup>54</sup> Security Council, The rule of law and transitional justice in conflict and post-conflict societies, Report of the Secretary General, UN doc. S/2004/616 (2004).



nity believe that their values of tolerance and respect are threatened by volatile republicans who feel great animosity towards the British identity.<sup>55</sup> In terms of the risk of human rights violations, they believe that the greatest threat remains paramilitaries, not the state. Unionists remain critical of the quota system which established affirmative action recruitment from minority communities into policing and bodies such as the Parades Commission.<sup>56</sup> On the other hand, nationalists regard the present situation as a failure to deliver their highest political aspirations, primarily a united Ireland, while still ensuring more equity socially and culturally. The human rights-based approach therefore indicates that nationalists are amenable to peacebuilding that involves identification, investigation, and accountability of human rights abuses (perhaps assisted by a truth and reconciliation commission), as well as fundamental reform of state institutions to prevent the reoccurrence of abuses.<sup>57</sup> Nevertheless, the Northern Ireland peace process has been regarded as a success and other countries often look to it for the purposes of comparative learning.<sup>58</sup>

Beirne and Knox asserted several conclusions ascertained by their research and provided primary qualitative data from activists from both methodologies to examine whether the approaches present a false dichotomy which fails to recognize ways in which the two might work in conjunction. One is that the roles of human rights-based approaches and reconciliation-based approaches may vary greatly depending on where the practitioner is working. Interviewees called the rights versus reconciliation debate a false

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<sup>55</sup> Beirne, M., Knox, C. (2014). Reconciliation and Human Rights in Northern Ireland: A False Dichotomy?. *Journal of Human Rights Practice*. 6. pp. 27. 10.1093/jhuman/hut032.

<sup>56</sup> *Ibid.*

<sup>57</sup> Gormally, B. 2012. Human Rights and Reconciliation: An Exploratory Paper. Belfast: Committee on the Administration of Justice (CAJ) (unpublished paper). As cited in Beirne & Knox (2014), pp. 27.

<sup>58</sup> Wilson, R. 2010. *The Northern Ireland Experience of Conflict and Agreement: A Model for Export*. Manchester University Press.

dichotomy in that ‘it does not work that way on the ground’.<sup>59</sup> Others insisted that a combined approach based on both rights-based and reconciliation-based methodologies should be the one pursued. Others still suggested that tension between rights-based and reconciliation-based approaches may be products of different academic disciplines. Human rights practitioners are often lawyers or political scientists, whereas the education and peacebuilding fields are notably populated by psychologists and sociologists who focus on normative standards and methodological robustness, respectively. Ultimately, Beirne and Knox’s questions about how reconciliation and human rights practitioners might make sense of the apparent conflicts between their work on the ground remains unanswered. In my opinion, the two approaches serve independent, but fundamentally cooperative roles which just have not, up to this point, been adequately defined.

#### *Criticisms of the human rights-based approach*

Criticisms of human rights-based approaches come from a variety of angles which still acknowledge the importance of human rights considerations during reconciliation. It is not so much a question of whether or not human rights should be a focus—the question is usually whether the reconciliation process ought to deal with human rights issues while simultaneously seeking to end conflict or wait until reconciliation has occurred before undertaking such goals. This could be more of a question in a society such as Northern Ireland, wherein both sides of the conflict allegedly committed atrocities, and they might be

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<sup>59</sup> Beirne, M., Knox, C. (2014). Reconciliation and Human Rights in Northern Ireland: A False Dichotomy?. *Journal of Human Rights Practice*. 6. pp. 37. 10.1093/jhuman/hut032.

unwilling to uncover human rights violations after the fact. In this way, they would perhaps prefer to just have the conflict ended, and move on with their lives.

While there are some prominent critics of the human rights-based approach to reconciliation, it seems more typical that conflict resolution theorists believe that the human rights- and reconciliation-based approaches are both complementary and contradictory, making no clear distinction between whether one is better than the other.

Babbitt and Hampson (2011) looked at conflict resolution from the perspective of several different disciplines. In doing so, they hoped to address both state-level and group-level motivations behind political violence. From these, they contended that there are basically two distinct thoughts within conflict resolution scholarship: one that deals with “conflict transformation” and one that deals with “conflict settlement”.<sup>60</sup> These are somewhat analogous to structural peace and direct peace, or positive and negative peace, respectively. For my purposes, they align more closely with transitional justice and the reconciliation-based model and the human rights-approach, respectively. Babbitt and Hampson attested that these two strands of conflict resolution theory are complementary, not conflicting, and offer substantive information to policymakers and theorists, alike.

The human rights-based approach that Babbitt and Hampson describe, conflict settlement, is a process of making a deal through international channels for negotiation and diplomacy. The authors identified adjudication, arbitration, and various judicial means as having been frequently used to deal with interstate disputes, as well as disputes across international borders between private actors. However, the heightened importance that states have placed on their sovereignty has meant that judicial settlement has been

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<sup>60</sup> Babbitt, E., Hampson, F. O. (2011). Conflict Resolution as a Field of Inquiry: Practice Informing Theory. *International Studies Review*. Vol. 13, No. 1. pp. 46. Wiley.

limited since the concept was first describe in conflict resolution theory. In Northern Ireland sovereignty has indeed been an issue in both Britain and Ireland's willingness to pursue judicial outlets for conflict settlement. It is fair to say that this unwillingness to participate in conflict settlement, due in some part to state sovereignty, is a weakness of the approach. Recently, conflict resolution scholars have noticed that the majority of conflicts have been ending in negotiated settlements outside of the supranational organization/international judicial realm, usually with the assistance of a third party, and this is, of course, what occurred in the Good Friday Agreement.

Babbitt and Hampson described conflict resolution as a transformation process, on the other hand, focusing on relationships and peacebuilding. This coincides with the reconciliation-based approach that I have elsewhere described in this paper. Notably, this approach does not suffer from the issues of state sovereignty or participation in supranational or international judicial processes. In this way, Babbitt and Hampson endorsed a reconciliation-based approach through their research.<sup>61</sup>

Vandenhoe and Gready (2014) took a different approach and examined the relationship between human rights and development. Human rights-based approaches to development, they contended, are grounded in the assumption that change remains implicit and therefore goes undebated. The main point of their paper is that organizational change is the logical precursor to social change. This could be seen in Northern Ireland, I think, in the trajectory of social change following the organizational change laid out by the Good Friday Agreement. Structures created by the Agreement, such as the cross-border mechanisms for governance, for instance, seem likely to propagate positive social

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<sup>61</sup> Babbitt, E., Hampson, F. O. (2011). Conflict Resolution as a Field of Inquiry: Practice Informing Theory. *International Studies Review*. Vol. 13, No. 1. pp. 46-57. Wiley.

change. By working together towards a common end, the social tension might be reduced. As seen in Beirne and Knox (2014), advocates for the primacy of the process would support this assertion. However, there are some challenges that Vandenhole and Gready identified in human rights-based approaches to development, including the disciplinary backgrounds of practitioners and role definition (confrontation versus collaboration with the state). This is particularly vital in a study of Northern Ireland because often “the state” is made up of people who were very much involved in the conflict and in human rights abuses—and thus need confrontation. The value of human rights-based approaches to development is that they seem to be a more pragmatic, less ambitious conceptualization of human rights in post-conflict areas in that they simply introduce human rights thinking into development practice. With pragmatism, however, perhaps comes ineffectualness. Theorists who support reconciliation-based approaches tend to support the somewhat more radical nature of societal change coming before organizational change.

In any event, human rights-based approaches to development attempt to reinvent development work and its process, putting forward human rights as its fundamental goal or outcome. Vandenhole and Gready pointed out that if this approach is to be undertaken, human rights-based approaches to development's underlying implicit assumptions should, at least, be made explicit. Practitioners cannot just assume that change is occurring and why. The authors argued that the theory is not yet grounded in enough empirical evidence which spells out the change that it is hoping for nor which actors and institutions it deems

instrumental in bringing about change.<sup>62</sup> These shortcomings render the concept relatively toothless when compared to other theories discussed. Wilson, whose critique of TRCs is discussed in the next section, also argued that “human rights methods of investigation, if not accompanied by other more historical methods of documentation and analysis, can be a poor avenue for accessing the experiential dimensions of violence.”<sup>63</sup>

Despite these criticisms, I do not think that any of these theorists would argue that human rights-based approaches are without merit. Rather, the consensus seemed to be that other methods are more effective or should be undertaken first. I agree with this interpretation and think that it is evident in the successes of the Good Friday Agreement. The best features of the Agreement are reconciliatory and organizational in nature, and the idea is that human rights development will follow. The successful deployment of a human rights-based approach relies heavily on the present condition of the community in which it is to be attempted. The condition of the Northern Ireland community has been vastly improved post-Good Friday, making it more conducive to human rights efforts in the present day, compared to before the Agreement. I believe that this shows that communities who have already experienced some form of reconciliation are much more receptive to and experience greater positive effects from human rights-based approaches to peacemaking. So where should divided societies begin their reconciliation?

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<sup>62</sup> Vandenhoe, W., Gready, P. (2014) Failures and Successes of Human Rights-Based Approaches to Development: Towards a Change Perspective, *Nordic Journal of Human Rights*, 32:4, 291-311, DOI: 10.1080/18918131.2015.957458

<sup>63</sup> Wilson, R. (2001). *The Politics of Truth and Reconciliation in South Africa: Legitimizing the Post-Apartheid State*. pp. 33. (Cambridge Studies in Law and Society). Cambridge: Cambridge University Press. doi:10.1017/CBO9780511522291

## RECONCILIATION-BASED APPROACH TO CONFLICT RESOLUTION

### *Truth and Reconciliation Commissions*

Truth and reconciliation commissions (“TRCs”) are perhaps the most important tool for the reconciliation model of post-conflict peacebuilding. TRCs are commissions set up to investigate past human rights violations. They have become one of the primary ways that states have facilitated peace in the wake of conflict. TRCs have become very much the norm and are an essential element of national reconciliation, democratization, and post-conflict development. While their use has become commonplace, there is limited understanding of the long-term effects of TRCs. Ben-Josef Hirsch and colleagues (2012) examined the rise in TRCs and the shortcomings in existing efforts to measure their impacts. The underlying goal of any TRC is that the investigative process will help correct historical narratives and lead to justice and reconciliation.<sup>64</sup> In policy and academia, TRCs are commonly associated with healing, justice, and peacebuilding. TRCs attempt to offer victims, witnesses, and perpetrators a forum to tell their stories, thereby creating a public record of past human rights violations.<sup>65</sup>

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<sup>64</sup> Hayner, P. (2002). *Unspeakable Truths: Confronting State Terror and Atrocity*. Oxford: Routledge.

<sup>65</sup> Von Zyl, P. (2000) Justice without punishment: guaranteeing human rights in transitional societies. In: Villa-Vicencio C and Verwoerd W (eds) *Looking Back, Reaching Forward: Reflections on the Truth and Reconciliation Commission in South Africa*. Cape Town, South Africa: University of Cape Town Press, pp. 42–57.

However, TRCs are not criminal investigations and thus do not abide by rules of criminal evidence collection, which ostensibly incentivizes participants to tell the truth and offers more information on the pattern and causes of violence. Creating a national historical narrative is a crucial step in nation-building.<sup>66</sup> Also, it is believed that public acknowledgement of victims' suffering could have a therapeutic effect, providing closure and healing for society as a whole. The relationship between truth-seeking and peace is not a novel concept, but it reached a new level of importance in the wake of the South African apartheid.<sup>67</sup> As cause and effect emerged in the aftermath of that conflict, it was found that interpersonal reconciliation between individuals and groups creates trust, respect, and fosters cooperation. These traits are important characteristics of a society seeking peace, nation-building, and post-conflict reconstruction.<sup>68</sup>

In recent years, scholarly discussion has continued to debate the positive effects of TRCs and the initiatives that should be undertaken alongside them, it remains challenging to empirically assess the outcomes. David (2017) found that, while research has

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<sup>66</sup> Christie, K. (2000). The South African Truth Commission. London: Macmillan.

<sup>67</sup> Allan, MM. (2000) The South Africa truth and reconciliation commission as a therapeutic tool. *Behavioral Sciences & the Law* 18(4): 459–477.

<sup>68</sup> Bloomfield, D., Barnes, T. and Huyse, L. (eds) (2003) *Reconciliation After Violent Conflict: A Hand- book*. Stockholm: International Institute for Democracy and Electoral Assistance (IDEA).; Borer, T. (2006) Truth telling as a peace-building activity: a theoretical overview. In: Borer T (ed.) *Telling the Truths: Truth Telling and Peace Building in Post-Conflict Societies*. Notre Dame, IN: University of Notre Dame Press, pp. 1–57.; Lambourne, W. (2009) Transitional justice and peacebuilding after mass violence. *The International Journal of Transitional Justice* 3(1): 28–48.



consistently shown that reconciliation efforts like TRCs have positive effects, it is extremely difficult to conduct research in transitional justice due to methodological constraints faced by practitioners.<sup>69</sup>

There is, in fact, very little consensus on the long-term impact of TRCs—in other words, states agree that they serve a good purpose, but they do not know exactly *how*. Ben-Josef and colleagues addressed the existing gap between TRCs and a lack of empirical assessments and consider what mechanisms may exist for measuring the effects of TRCs and how effective they might have been.<sup>70</sup> Ultimately, the long-term effects of TRCs are still unknown, and Ben-Josef and colleagues simply observed ways that we might measure their effects, offering no conclusive suggestions or assertions for what states must look for when undertaking programs such as truth and reconciliation commissions. The answer is contingent upon a number of factors, such as the specific traits of the conflict, the state, and the general context of the commission. Further research may elucidate ways in which TRCs may be more effectively implemented in a broader range of conflicts. Without knowing these things, the reconciliation-based model of post-conflict peacebuilding suffers because one of its greatest tools is still somewhat of an unknown in terms of its effects over time and how they can be measured.

On the other hand, Wilson (2001), using extensive anthropological fieldwork in South Africa, examined the South African TRC which was set up to work through human rights violations during the apartheid era from 1960 to 1994. Wilson contends that the

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<sup>69</sup> David, R. (2017). What we know about transitional justice: Survey and experimental evidence. *Political Psychology*, 38(1), pp. 151-177.

<sup>70</sup> Ben-Josef Hirsch, M., MacKenzie, M., Sesay M. Measuring the impacts of truth and reconciliation commissions: Placing the global ‘success’ of TRCs in local perspective. *Cooperation and Conflict*. 2012. 47(3) pp. 386-403. doi:10.1177/0010836712454273

TRC's approach of restorative justice for peacebuilding did not always best serve communities on the local level. In Wilson's fieldwork, he found that the religious groups in South Africa widely embraced the TRC's function and findings, but also that the TRC had little, if any, effect on wider spread ideas of justice and retribution.

In defending TRCs, Wilson noted that they provide a space for divided societies that did not previously exist, in which narratives of human rights abuses could become part of the official history. I believe that TRCs increase mutual understanding, and prevent any possibility of reasonable deniability about a state or group's crimes. However, I concede that there is significant room for discussion about TRCs. The debate is ongoing, and more research is needed to make a conclusion. In accordance with a number of the theorists we have covered, Wilson agreed that TRCs are a vital tool, but one that can be relied on too heavily, and one that should not be relied upon solely.

Indeed, though a vital tool, there are fundamental issues with the structure and function of TRCs. Through making rights issues into legal issues, Wilson contended that social actors are subordinated to a sort of Weberian "legal domination". In other words, turning rights into technical issues inserts them into the bureaucratic framework and removes them from the realm of reconciliation through other means. Wilson described TRCs as being too legalistic, too insensitive, and thusly too rational, to adequately record and reflect on past atrocities. By pushing this legal domination into more aspects of reconciliation, human rights organizations focused on reconciliation can actually close off areas that might have previously been available to victims and perpetrators. Wilson viewed this phenomenon as restrictive, saying, "We saw how the South Africa TRC restricted both the narrative form and content (especially, excluding revenge) of deponents

in a process of legal colonization of the realms of personal experience.”<sup>71</sup> I think this concept of a “restrictive narrative” is a problem that can be applied to other, even hypothetical, TRCs, especially one in Northern Ireland. In the end, participants in human rights abuses are not likely to be forthright, especially when they are facing human rights courts to decide their fate, so it might be understood that TRCs do more for victims than they do for perpetrators. In Northern Ireland, both sides undeniably participated in human rights abuses. Now, perhaps in part due to the nature of consociationalism, those sides are deeply entrenched political factions with legitimate power and a legitimate interest in not letting victims of both sides be heard. If the ultimate goal is reconciliation and a closing of a divide in society, both victims and perpetrators must be allowed to (or made to, in the case of the perpetrators) speak. It creates a difficult question, and one that Wilson contended is structurally problematic. Nevertheless, he concluded by calling for more realistic expectations about what truth and reconciliation commissions can accomplish in divided societies or democratizing countries, which I think is a very safe, very tempered analysis of truth and reconciliation commissions and their efficacy.

While Wilson presented some problems with truth and reconciliation commissions and asked practitioners to be reasonable with their expectations of them, I find it extremely disappointing that a truth and reconciliation commission has not been seriously attempted in Northern Ireland. As I suggested previously, the reluctance to have a TRC in Northern Ireland could be because both sides of the conflict allegedly committed atrocities, and they do not have much incentive to uncover their own human rights violations

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<sup>71</sup> Wilson, R. (2001). *The Politics of Truth and Reconciliation in South Africa: Legitimizing the Post-Apartheid State*. pp. 225. (Cambridge Studies in Law and Society). Cambridge: Cambridge University Press. doi:10.1017/CBO9780511522291

after the fact. Given the power of reconciliation-based models of peacebuilding, and TRCs being one of the strongest tools in that method, the lack of commitment to attempting one raises questions about the decision-makers' priorities in making peace. Are they perhaps afraid of what might be uncovered? Is there concern that past transgressions by the ruling parties might interfere with the status quo? Transitional justice is a key part of the reconciliation process, and to-date any inquiries into wrong-doings in the Troubles have moved at glacial paces and were undertaken at enormous cost. Hughes (2015) asserted that not only is transitional justice key, but it is essential to a post-conflict stability in divided societies, and the best method for preventing a return to violence. Hughes continued that, of the few major investigations of potential war crimes in Northern Ireland, many have created more problems than solved them. The Bloomfield report made note of the fact that there is, at issue, who even is considered a "victim".<sup>72</sup> This is not a good starting point for reconciliation. Most notably, Hughes pointed to the tentative, even cynical ways in which politicians consider transitional justice issues. The Saville report (2010), which was one of the products of the Bloody Sunday enquiry, received widespread criticism from the British political élite for its £400 million price-tag. Another product of the enquiry was the Widgery Tribunal, also initiated by the British, which found that the soldiers' actions were "bordering on reckless", but accepted their assertions that they had shot at gunmen and bomb-throwers<sup>73</sup>. This decision was widely criticized as

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<sup>72</sup> Bloomfield, Sir K., KCB. (1998). *We Will Remember Them*. Report of the Northern Ireland Victims Commissioner. April. <http://cain.ulst.ac.uk/issues/violence/victims.htm> 21.

<sup>73</sup> "1972: 'Bloody Sunday' report excuses Army". *BBC News*. 19 April 1972. Retrieved April 12, 2020.

a whitewash<sup>74</sup>. The motivations of the British and Northern Irish governments and their enquiries remain clouded. It is my opinion that the response to the Saville report, especially, had less to do with its price-tag and more to do with the fact that it found that the killings on Bloody Sunday in 1972 by British military paratroopers were “unjustifiable” and that the paratroopers repeatedly lied to cover for their war crimes (there was an eventual apology issued by the British prime minister, David Cameron).<sup>75</sup> Though I have ventured throughout this paper to not lay blame at the feet of one side or the other, I think it is a reasonable expectation that a trained, supposedly disciplined standing military of a world power ought to restrain themselves from violence against unarmed marchers at peaceful protests. In this case, that proved to be asking too much. As such, I can see, with clarity, the motivations of the British, and the unionist parties in Northern Ireland, to downplay or outright refuse to cooperate with any truth-seeking venture. Why would they want to know any more of the truth about their military’s malfeasance?

In 1994, the Forum for Peace and Reconciliation was convened as part of the Northern Ireland Peace Process.<sup>76</sup> However, it never really gained any traction and the Forum last met in January of 1996. The group mostly focused on obstacles in the Republic of Ireland, rather than Northern Ireland, to reconciliation, as well as social and economic reconstruction. Victims and perpetrators were not substantively brought together

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<sup>74</sup> Cohen, N. (1 February 2004). "Schooled in scandal". The Guardian. London. Retrieved April 12, 2020.

<sup>75</sup> Cameron, D. (2010). “PM: Statement on the Saville Enquiry Tuesday 15 June 2010: A Statement to the House on the Saville Inquiry by the Prime Minister on 15 June 2010.” <http://www.number10.gov.uk/news/statements-and-articles/2010/06/pm-statement-on-saville-inquiry-51888>.

<sup>76</sup> Gillespie, G. (2009). "Forum for Peace and Reconciliation". The A to Z of the Northern Ireland Conflict. Scarecrow Press. pp. 110–111. ISBN 978-0-8108-6882-3.

or given a chance for dialogue, so it hardly meets the definition of a TRC. In 2005, Mark Durkan of the SDLP called for the Forum to be reconvened.<sup>77</sup> Further, in 2011, Senator Paul Bradford suggested it might be repurposed as a true truth and reconciliation commission.<sup>78</sup>

Another TRC-adjacent organization was the Consultative Group on the Past which was formed to investigate “legacy issues” with regards to the Troubles. It delivered its final report in 2009, making several recommendations including the creation of an independent truth and reconciliation commission with a budget of £100 million. This proposal was virtually ignored because of the Group’s much more controversial recommendation that all those who lost relatives, without exception, should receive £12,000 in reparations.<sup>79</sup> In this way, the Consultative Group on the Past also aligned with the four pillars of transitional justice which were described in the human rights-based approach section of this paper: they sought to offer the truth to the public, they sought to offer justice to victims, they sought reparations for victims, and were part of the State’s attempt at preventing the recurrence of violence.

It is fair to say that the British government, as well as administrations led by both the DUP and Sinn Féin have been hesitant to delve into truth and reconciliation in public

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<sup>77</sup> McGinn, D. (May 11, 2005). "Durkan rejects Fianna Fáil pact". Irish Independent.

<sup>78</sup> Seanad. October 26, 2011. p.4. <https://www.oireachtas.ie/en/debates/debate/seanad/2011-10-26/>. Retrieved September 2, 2020.

<sup>79</sup> Consultative Group on the Past. 2009. Report of the Consultative Group on the Past. (23 January 2009; launched on 28 January 2009). Belfast: CGPNI. <http://cain.ulst.ac.uk/victims/introduction/reading.html>.

debate, despite generally positive reactions in Ireland to the Bloody Sunday/Saville Report.<sup>80</sup> Like Hughes, I believe that the nature of the war in Northern Ireland poses existential risks to the reputations of both parties if any serious investigation into the past took place. This acts as a profound deterrent to truth-seeking and ultimate incentive to let the past be the past, regardless of the unquestionable benefit truth and reconciliation efforts would engender in the populace. In the end, no one can force belligerents to agree on peace, and just as much cannot force former belligerents to collaborate on a truth and reconciliation effort. My observation is that this will be now harder than ever in Northern Ireland, due to the constraints that consociationalism has placed on the two parties at odds. Each side has an enormous amount to lose if they pursue truth and reconciliation. This, as I see it, is one of the major flaws in TRCs and the reconciliation-based method in general. After a conflict, parties may be too motivated to try to move past it. And the further they get past it, the less likely they are to actually confront it in any substantive way.

This conclusion circles back to my criticism of human rights-based approaches; they seem to rely heavily on the participation of the belligerents. Can supranational organizations that are concerned with peace and human rights, like the UN or the EU, incentivize or perhaps even demand member states' participation in truth and reconciliation exercises after conflicts? If so, that would be a major strength of a human rights-based approach. However, Northern Ireland is just one piece of evidence that this is out of the question because it is a conflict in which the UN was a passive entity, bending to the imperialist, colonial proclivities of the British when they rejected the deployment of UN

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<sup>80</sup> Hughes, James. (2015). Reconstruction without reconciliation: Is Northern Ireland a "model"? In Bill Kissane (ed.), pp. 267. University of Pennsylvania Press, Inc., 2015.

peacekeeping troops during the Troubles.<sup>81</sup> If the UN requires permission to act from the states committing the human rights abuses, of what use are they? Similarly, a TRC in Northern Ireland would suffer from this major flaw of being entirely voluntary, while also requiring a show of genuine contrition on the part of the abusers who have thus far shown no interest in doing so. States attempting to reconcile with their pasts ought to engage in a sort of thorough confessional process. But they cannot be forced to do so, and that is a difficult conclusion to reach.

I would posit that, if put to a national referendum, the Northern Irish citizenry would support a truth and reconciliation commission. As recently as 2020, the University of Liverpool conducted a survey, in which 45.7 percent of respondents supported or strongly supported the organization of a truth and reconciliation commission in Northern Ireland. The number rose to 73.6 percent when respondents who were ambivalent were included, indicating that, by and large, the public would endorse a TRC.<sup>82</sup> Because of the negative traits of consociationalism, namely the entrenchment of problematic factions into politically powerful positions, it being the will of the people is likely not a strong enough motivator for the ruling parties to commit. Only time will tell if Northern Ireland will undertake this important work.

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<sup>81</sup> Wilson, J. (April 28, 2003). "Britain Rejected Troops in Ulster". <https://www.theguardian.com/uk/2003/apr/29/northernireland.past>. Retrieved September 21, 2020.

<sup>82</sup> Moriarty, G. "Support for truth commission in North rising, according to survey". <https://www.irishtimes.com/news/ireland/irish-news/support-for-truth-commission-in-north-rising-according-to-survey-1.4194282>. Mar. 6, 2020. Retrieved March 27, 2021.



### *Intergroup contact and points of reconciliation*

If well-defined, structural reconciliation efforts such as truth and reconciliation commissions are not undertaken, divided societies could at least pursue increased intergroup contact. This has proven to be effective at establishing a common identity, which can contribute to greater reconciliation in the wake of devastating ethnic, nationalist, or sectarian conflicts. This is especially true in divided societies, where intergroup contact can be fundamentally avoided, even in official, super-social realms. Hewstone and Hughes (2015) cited extensive survey research which shows that intergroup contact plays a major role in achieving reconciliation in such societies, and was even more effective in situations where there are cross-group friendships. The authors cited evidence supporting the prejudice-reducing effects of face-to-face interaction between opposing groups. Simple, positive contact with members of the opposing community provide means of reducing animosity, overcoming stereotypes, and promoting positive attitudes between outgroups. This has been demonstrated in cross-sectional and longitudinal surveys.<sup>83,84</sup> Hewstone and Hughes conducted a longitudinal study using a large sample of respondents from four areas of Belfast, which showed that those who have more cross-group friendships are more likely to trust out-group members than those with fewer or no such friendships.<sup>85</sup> Paolini and colleagues (2004) found that having cross-group friends contributed

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<sup>83</sup> Paolini, S., Hewstone, M., Cairns, E., *et al* (2004) Effects of direct and indirect cross-group friendships on judgments of Catholics and Protestants in Northern Ireland: the mediating role of an anxiety-reduction mechanism. *Personality and Social Psychology Bulletin*, 30, 770–786.

<sup>84</sup> Tausch, N., Hewstone, M., Kenworthy, J., *et al* (2010) Secondary transfer effects of intergroup contact: alternative accounts and underlying processes. *Journal of Personality and Social Psychology*, 99, 282–302.

<sup>85</sup> Kenworthy, J. B., Voci, A., Al Ramiah, A., *et al* (2015) Building trust in a post-conflict society: an integrative model of intergroup contact and intergroup emotions. *Journal of Conflict Resolution* (in press).

to reduced inter-group anxiety in samples of students and adults from the general population, further supported by Kenworthy and colleagues (2015). The authors' research additionally showed that inter-group contact can be associated with higher levels of forgiveness, even among respondents who had been personally affected by inter-group violence.<sup>86,87</sup> In this regard, Hewstone and Hughes suggested that the respondents in Burgess and colleagues' research could likely change their pessimistic outlook on the state of Northern Ireland's populace, at least to the degree that its citizens are able to forgive each other, with increased intergroup contact.

Because so many people who were affected by the conflict in Northern Ireland are still living, the opportunity for intervention as a result of this research is very high. In other words, now is as good of a time as any to start providing people of all ages with cross-group opportunities for connection, whether they are children who have only lived in a post-Troubles Northern Ireland, or if they are older adults who experienced the worst of the Troubles in the 1970s. One such opportunity is the Shared Education Program, which I describe in this paper, but there are many. Several of these are small organizations or initiatives such as the Ballymacarret-Ballybofey arts project. Since 1999, the Ballymacarret Arts and Cultural Society has put on drama productions with youth members of both communities from both sides of the border. They partnered with the Balor Devel-

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<sup>86</sup> Voci, A., Hewstone, M., Swart, H., *et al.* (2015). Refining the association between intergroup contact, and intergroup forgiveness in Northern Ireland: type of contact, prior conflict experience, and group identification. *Group Processes and Intergroup Relations*, published online before print 26 April, doi: 10.1177/1368430215577001.

<sup>87</sup> Hewstone, M., Hughes, J. (2015). Reconciliation in Northern Ireland: the value of intergroup contact. *BJPsych Int.* 2015;12(3):65-67. Published 2015 Aug 1. doi:10.1192/s2056474000000453

opment Group from Ballybofey in County Donegal to stage plays in the Republic of Ireland that examine protestant culture and values. The Ballymacarret-Ballybofey partnership developed into a “Cultural Pathways Project” with a goal to allow protestants from Belfast and Catholics from Ballybofey an opportunity to interact and work together while exploring their cultural differences. The project contains several modules, such as “Social Interaction”, “Trust and Confidence Building”, “Cultural Understanding”, and “Political Awareness”, to name a few. The groups report that the youths carry back to their communities a greater understanding and less prejudicial view of the other group.<sup>88</sup> Trust and forgiveness are essential parts of post-conflict reconciliation, and the Hewstone and Hughes research indicated that by both metrics, the situation can only improve with more cross-group interaction. While a true societal transformation may be a lofty ambition, even incremental steps towards a more united identity would go a long way towards preventing violence in the future. In order to scaffold the society with peaceful institutions, it is important to make caring for those institutions part of the social fabric. It is not reasonable to expect groups of people to reject their cultural identity, but a desire by both Catholics and protestants to mend their relationship could become a culture of peace that invites all Northern Irish people, regardless of their background.

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<sup>88</sup> Learning to live side by side: cross-cultural cooperation between Ballymacarret (Northern Ireland) and Ballybofey (Ireland). (2004). European Commission. [https://ec.europa.eu/regional\\_policy/pl/projects/ireland/learning-to-live-side-by-side-cross-cultural-cooperation-between-ballymacarret-northern-ireland-and-ballybofey-ireland](https://ec.europa.eu/regional_policy/pl/projects/ireland/learning-to-live-side-by-side-cross-cultural-cooperation-between-ballymacarret-northern-ireland-and-ballybofey-ireland). Retrieved March 26, 2021.

### *Shared Education Program*

An area in which there still exists visible sectarian lines in the community is in education. In Northern Ireland, education is still profoundly segregated. Hewstone and Hughes (2012) estimated that around 94% of primary and post-primary students from Catholic and Protestant communities are educated in schools of their own religion. As of 2015, there were only sixty-two integrated schools in Belfast, accounting for around five percent of schools overall. Research has typically found integrated schools to facilitate better relations between students and communities.<sup>89</sup> The authors conducted a five-year longitudinal study on children attending Catholic, Protestant, and integrated schools and found that children attending integrated schools had more contact and kinder out-group attitudes than children in own-religion schools.<sup>90</sup> This conclusion included that the most important factor in promoting cross-group relations is a mix of the student body, rather than the specific type of school attended.

The Shared Education Program (“SEP”) is one example of a program which provides children with an opportunity to study with peers from the other community.

Founded in 2007, the SEP offers Catholic and Protestant students from different school

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<sup>89</sup> Stringer, M., Irwing, P., Giles, M., *et al* (2009) Intergroup contact, friendship quality and political attitudes in integrated and segregated schools in Northern Ireland. *British Journal of Educational Psychology*, 79, 239–257.

<sup>90</sup> Hughes, J., Campbell, A., Lolliot, S., *et al* (2013) Inter-group contact at school and social attitudes: evidence from Northern Ireland. *Oxford Review of Education*, 39, 761–779.

sectors an opportunity for sustained, curriculum-based contact to facilitate a more cohesive society.<sup>91</sup>

The SEP encourages participating schools to target shared educational priorities, rather than emphasizing reconciliation objectives. The authors found that being in a school participating in SEP promoted positive out-group orientations by increasing out-group friendships and reducing inter-group anxiety. The results remained significant even when controlling for respondents' religious community, age, gender, and whether or not they were involved in other collaborative activities.<sup>92</sup> The authors concluded that segregation in education will sustain division unless interventions such as SEP become widespread. The Northern Ireland Assembly passed a motion in support of prioritizing shared education in 2011. Increased intergroup contact, as well as the SEP, are examples of effective use of the reconciliation model of post-conflict peacebuilding.

## CONCLUSION

After examining methodologies for post-conflict peacebuilding, which model best serves the community? The answer, as the theorists covered have suggested, and I endorse, seems to be the undertaking of a combined approach that considers political realities, then builds structures to maximize peace, which leads to advances on the front of human rights once both parties are willing to participate in a substantive way. Practically, the authors asserted that an approach based on common needs which takes into account elements of all of the methodologies is the best way to affect change socially, politically,

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<sup>91</sup> Hughes, J., Lolliot, S. D., Hewstone, M., *et al* (2012) Sharing classes between separate schools: a mechanism for improving inter-group relations in Northern Ireland? *Policy Futures in Education*, 10, 528–539.

<sup>92</sup> *Id.* at pp. 535.

and economically.<sup>93</sup> Hughes argued that the more beneficial approach is to not disaggregate the institutional peacemaking elements from the structures of the divided society and the challenges that go along with it. However, it is my opinion that without first establishing reconciliation-based structures, a state in or recovering from conflict would struggle to build positive peace scaffolding which includes human rights structures from that approach. The use of international norms, courts, and legal decisions remains ineffectual if the society is still so inherently divided that they refuse to acknowledge the legitimacy of these efforts. This is especially true in Northern Ireland, where the smallest concession can be regarded as a point of no return, a hill on which sectarian zealots are willing to die. In a sense, the thing that remains most intractable about this conflict is that the entrenched political parties, which are still divided on sectarian lines, have no interest in and show little desire to pursue a human rights-based approach to peacebuilding. In a society so divided, how can human rights be the primary motivator of peacebuilding if diametrically opposed groups still view each other as adversaries? The inclusion of extremists in the peace process in Northern Ireland is an important element that may have contributed to a perspective shift in the people. The transition of both republican and unionist fighters into peaceful, political spheres made it possible to view the other community as participants in the peace process, rather than as opposing belligerents in an armed conflict. However, the threat of terrorists returning to violence if negotiations do not go their way is a complicating factor to the broad application of this approach to other conflicts. The leaders of peace negotiations should bear in mind the tremendous leverage that the

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<sup>93</sup> Beirne, M, Knox, C (2014). Reconciliation and Human Rights in Northern Ireland: A False Dichotomy?. *Journal of Human Rights Practice*. 6. 26-50. 10.1093/jhuman/hut032.

threat of violence affords paramilitary organizations. To mitigate this, terrorist organizations should decommission their arms and commit to non-violence as a condition of their inclusion in peace negotiations, as the Good Friday Agreement achieved. They are more likely to do so if the communities in which they operate are addressing their social conflict at the same time through a reconciliation-based approach.

For these reasons, reconciliation-based approaches, which prioritize community relations, opportunities for intergroup contact, shared education programs, and the destigmatizing of out-groups through truth and reconciliation commissions should be the preferred initial method of post-conflict peacebuilding. Only after the seeds of a more shared, common identity are planted will states be able to transition to human-rights based approaches which develop those rights of the oppressed minorities and create a more equitable and stable society. The problems with the political approach of consociationalism have been well-documented. Rather than narrowing a sectarian divide, those efforts likely entrench sectarians further, reducing opportunities for normal citizens to make substantive progress in areas such as forgiveness, trust, and out-group relationships. Further, there is certainly no one-size-fits-all approach to reconciliation. As several of the theorists covered suggested, the terms of post-conflict reconstruction are highly dependent on the particulars of the conflict itself, the individual actors, the context in which the conflict takes place, among many other factors.

Given all of this, I still remain hopeful and optimistic about the state of Northern Ireland in the modern era and moving forward. There are obviously attempts being made at peacebuilding, and as we move further from the conflict, I believe the involved groups will be more amenable to processes like truth and reconciliation commissions that are so

vital to peacebuilding after conflict. Continued effort by practitioners from both the human-rights based approach and the reconciliation-based approach will engender a greater willingness to work towards peace for the two parties. The two approaches are not mutually exclusive or competing, and I think that, through this research, it has been shown that they can truly work hand-in-hand, rather than against each other. The only method which, to me, serves to do more harm than good is the consociationalism contained in the politically-based model. Empowering two groups of the political élite rather than empowering victims and normal people is not conducive to the long-term resolution of conflict. While Sinn Féin and the DUP might be working together now to maintain the peace, they still represent two competing ideologies that adherents ardently subscribe to, further dividing the populace.

The conflict in Northern Ireland is unique, but many defining elements of other conflicts around the world can be identified in its history. Because of this, lessons learned from the conflict and its resolution can be applied in other communities and in other cultures. Issues of nationalism, colonialism, sectarianism, as well as the inclusion of extremists are present in numerous conflict zones globally. Ultimately, I believe that humanity prefers peace to violence, harmony to discord. Seeking to understand the methods through which we may bring an end to violent conflicts, provide equitable settlements of grievances to and between divided communities, and prevent the death and destruction of warfare going forward is one of the most important undertakings for the future of the human race that I can imagine.



## POST-TEXT

Nobel prize-winning poet and literary legend Seamus Heaney believed a politically united Ireland would never happen but served as a culturally uniting figure for protestants and Catholics, alike. After an effort to ban the flying of the Union Jack over Belfast City Hall, Heaney remarked in response to a reporter, months before his death,

“What does it matter? But — it matters utterly to them. And now there’s no way they’re going to go back on it, of course. As someone who knows something of prejudice, from early on... Loyalism, or Unionism, or Protestantism, or whatever you want to call it, in Northern Ireland it operates not as a class system, but a caste system... There’s never going to be a united Ireland, you know.”<sup>94</sup>

Heaney famously objected to being called a British poet in 1982 when he returned an invitation to be the British Poet Laureate with “...my passport’s green/No glass of ours was ever raised/to toast the Queen.” However, he qualified his statement: “I’ve nothing against the Queen personally: I had lunch at the Palace once upon a time.” In any event, his remarks betray the sort of divisiveness that still exists in a very different Ulster than the one in which he was raised. Throughout his life and career, Heaney was also a point of reconciliation through the joint pride both Irishmen and Ulstermen shared in him—he was each side’s poet, through and through.

In 2019, Northern Ireland remembered the centenary of the war which partitioned north and south, as well as fifty years since the beginning of the Troubles. The political

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<sup>94</sup> Irish Central Staff Writers. January 29, 2013. <https://www.irishcentral.com/news/nobel-poet-seamus-heaney-says-there-will-never-be-a-united-ireland-188813881-237758971> Retrieved September 1, 2020.

scene was set for Sinn Féin to seek a referendum on Irish unification, while the Democratic Unionist Party sought to disjoin Northern Ireland from the European Union membership that is guaranteed by the Northern Ireland peace process. In such tense times, it may seem odd that everyone put down their now-proverbial guns to celebrate what would have been Heaney's eightieth birthday. Glenn Patterson, the Northern Irish novelist, noted that Heaney's life "teaches us to not see geography as a barrier." When a center was built in Bellaghy in Heaney's honor in 2016, the leader of the DUP and the leader of Sinn Féin attended, side by side. "My family wouldn't shop in this village on principle," one visitor, a Presbyterian, remarked, "But our church group visits [the center]. Heaney is just as much ours as theirs." A resident of Bellaghy agreed, "everyone can buy into Heaney. It doesn't matter who you are or what you are."<sup>95</sup> This again emphasizes the role Heaney continues to play in bringing the groups together.

Heaney was often criticized for remaining somewhat politically neutral through his writing; he viewed himself as both an Ulsterman and an Irishman, caught somewhere in between identities (he said "it's easier to carry two buckets than one"). However, his poem *The Cure at Troy* has been cited often in the wake of the Good Friday Agreement. Inspired by Nelson Mandela and the South African Apartheid, and used by President Clinton in his remarks in Derry-Londonderry in 1995, as well as by Vice President Joseph Biden at the 2020 Democratic National Convention, Heaney envisioned opportunity for remarkable, life and history-altering change:

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<sup>95</sup> Carroll, R. "Seamus Heaney's words heal wounds reopened on Ireland's border". The Guardian. April 14, 2019. <https://www.theguardian.com/books/2019/apr/14/seamus-heaney-helps-heal-wounds-ireland-border-brexit>. Retrieved September 1, 2020.

*“History says, Don’t hope  
On this side of the grave.  
But then, once in a lifetime  
The longed-for tidal wave  
Of justice can rise up,  
And hope and history rhyme.”*<sup>96</sup>

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<sup>96</sup> Heaney, S. (1990). *The Cure at Troy*. New York: Farrar, Straus and Giroux.

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