New order?

International models of peace and reconciliation

democratic dialogue

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Preface

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Executive summary

The Belfast agreement is a very complex document which many have found difficult to understand. Many more have been unsure which 'side' has 'won'—who has emerged uppermost out of the pit of three violent decades.

The best way to understand the agreement, and to appreciate its political potential, is to place it in its international context. The themes within it—self-determination, territorial claims, human and minority rights, and so on—are the very issues which the international community has had to grapple with across a wider European canvass since the Berlin Wall came down in 1989. And the way these themes are addressed, far from reflecting a partisan approach, chimes with the emergent norms of the new international order.

This report from Democratic Dialogue is based on an unprecedented three-day round-table in Belfast, two weeks before the agreement, drawing together a welter of opinion from non- and inter-governmental organisations across the continent, exploring the architecture required to guarantee security and human rights in the 1990s.

The debate, based on papers addressing five difficult themes, went a very long way to mapping that architecture, as relevant in Belfast as in Belgrade. But many lessons could be, and were, drawn for Northern Ireland, as it moves into the uncharted post-agreement territory.

From that discussion, it can be concluded that:

• The agreement (*pace* Sinn Féin) *is* in line with the principles of self-determination as they affect contested areas, where it is widely accepted that the future of such areas should be decided by a majority in a plebiscite within them—even though, as a procedure, that is not without its problems.

• The *quid pro quo* in such situations is

that the minority forced to inhabit a state not of its choosing should be entitled to a raft of balancing rights. Such rights are not (*pace* Robert McCartney) restricted to the abstract rights of individuals, as represented by the European Convention on Human Rights, but do include the particular rights of members of communities.

• Hence it is legitimate that the agreement promises a specific Northern Ireland bill of rights which will include not only the ECHR but also rights concerning 'parity of esteem'. It is significant in this regard that the UK has just incorporated the Council of Europe framework convention on minority rights and the Irish government is enjoined by the agreement to do likewise. It is also noteworthy that the provisions on the Irish language are legitimated by reference to the council's charter on regional and minority languages.

• It is also the case that in areas inhabited by more than one community which require to co-exist, there have to be arrangements to ensure one community can not dominate the other. The weighted majority/parallel consent provisions are thus in line with, for example, Belgium where 50:50 government operates between Flemings and Walloons rather than majority rule.

• It is further accepted that while secession from existing states (and a consequent decision to join another state) can indeed take place, that can only be where the decision is democratically validated and there is no question of coercion. Territorial claims have in that sense been illegitimate in international law ever since the Helsinki Final Act of 1975. The proposed reform of articles 2 and 3 would definitively remove the republic's claim to the north.

• However, if it is true that the inviolability of borders to forceful change is recognised, it is also recognised that borders are nowadays much 'softer'—more permeable—than before, as developments like European integration have undermined barriers to free movement and exchange. The north-south provisions in the agreement are in line with several similar arrangements between EU regions/states, through which competencies held by regional/national administrations are shared on a basis of mutual accountability to their assemblies/parliaments.

The Europa discussion also provided many pointers to the tasks ahead if Northern Ireland's peace is to become a more profound reconciliation. Notable ideas were:

• Even modest practical collaboration can

have beneficial results in building trust and a sense of commitment to joint goals from which all can benefit. This applies as much to the work of the North-South Ministerial Council—even though its domains will be initially modest—as to the Assembly.

• International human rights conventions provide a standard against which continuing communal arguments can be assessed. The new Human Rights Commission will have an important role in promoting understanding of rights, and concomitant responsibilities, in the wider society.

• Support for cultural creativity is crucial to allow new, overlapping and multiple identities to emerge and be expressed, rendering unthinking communal identification less compelling. With 12 members in the Assembly Executive Committee, a minister of culture should certainly be designated.

• Transcendent symbolism will be needed to ensure that communal symbols do not monopolise the public domain. The power, for example, of a public handshake between political leaders across the divide should not be underestimated.

• Non-governmental organisations committed to reconciliation are an important counterweight to communal polarisation. The agreement recognises the contribution they have made but resources will have to follow if this task is to be sustained—especially after the 'peace package' expires.

• The constructive forces within civil society need an outlet to engage in a positive dialogue with elected policy-makers. The Civic Forum should be a vibrant voice for that society, not muzzled by the politicians. ◾

Introduction

Robin Wilson

As the new millennium approaches, the euphoria across Europe which accompanied the fall of the Wall in 1989 seems a distant memory. While the war in ex-Yugoslavia has thankfully abated, at the time of writing the Kosovo tinderbox threatened to ignite another Balkan conflict. As the proliferation of micro-nationalisms has demonstrated in zones of ethnic and nationalist tension, the message seems mostly to be the same: such peace as exists is largely premised on separate, rather than shared, existence.

This is neither liberal nor democratic, though for the most part it is *manageable*. But must such outcomes—complete with their proliferating borders and walls—represent the summit of civilised aspiration, at the conclusion of the century which eventually saw liberal democracy enshrined as the ideal form of government for all? Must 'progress' now be history?

In Northern Ireland, the two main religious communities live more segregated lives than ever. Yet in the Belfast agreement of April this year,[1] the subscribing Northern Ireland parties and the London and Dublin governments set very high ambitions. For the document boldly envisages undoing 50 years of one-party rule at Stormont, three-quarters of a century of cold war between north and south in Ireland, and an end to the bloc division which has been a defining feature of Irish politics ever since the failure of the United Irishmen 200 years ago.[2]

These are grand ideals. Whether in terms of political power-sharing in the Executive Committee of the Assembly, the economic and social work of the proposed Civic Forum, all-Ireland co-operation in the North-South Ministerial council, or the aspiration for more integrated education and mixed housing, the

agreement can only function if a genuine civil society is constructed in Northern Ireland, situating itself in the wider variable geometry of these islands which the accord sketches out.

It will, self-evidently, need all the help it can get. And, in getting its collective head around these daunting challenges, there are two obvious external sources to draw upon.

The first is the domain of non-governmental organisations (NGOs). Across Europe—indeed they often have a transnational reach—NGOs at best embody values of liberalism and democracy, unsullied by more Machiavallian considerations to which governments are prone, which are indispensable ingredients of a civil society. They also have deep concrete experience to bring to bear of the struggle to maintain such civilities in the face of centrifugal forces of conflict.

The second is the sphere of *inter*-governmental organisations (IGOs): the United Nations, the Organisation for Security and Co-operation in Europe, the North Atlantic Treaty Organisation, the Council of Europe and the European Commission. In the post-cold-war era, the international community has had to cope in general with much more unpredictable threats to security, notably with the rise of nationalist claims which can all too easily erupt into the horrors of 'ethnic cleansing'. In particular, it has had to wrestle with how to enshrine the rights of those minorities trapped by history on the 'wrong' side of borders and neglected by majoritarian—even, in these terms, democratic—régimes.

Moreover, NGOs and IGOs increasingly co-operate one with another in these endeavours.

It was with this rich vein of experience in mind that Democratic Dialogue brought 35 people from 17 countries—from Yerevan to New York—to the Europa Hotel in Belfast for three days of intensive discussion of the shape of a new European order capable of offering

Europe, Europa—many nationalities, many questions

security and human rights to all.[3] A creative chemistry was quickly established between representatives of NGOs and IGOs, and domestic and international experts.[4]

The round-table not only took place in an appropriately named venue but it opened exactly two weeks before the closure of the negotiations on the Northern Ireland agreement: viewed from the conference suite on the top floor of the hotel, Belfast thus provided not just the physical but also the political backdrop to the discussions. At the time, amidst near-daily mood swings, no one knew whether we were facing into a new era or would be condemned once again to live out an old one. But while we now know that a shaft of light has been shone on the future, the task of reconciliation emerges in even starker relief—and the shadows of the past remain behind to haunt us.

All who took part in the round-table spoke glowingly about the insights they had gleaned from it. Fundamentally, these were insights into how to resolve ethno-nationalist conflicts in liberal-democratic ways, which preserve and strengthen civil society—insights which will be highly relevant as we attempt in the coming months and years to build peace in Northern Ireland.

Acting as note-taker throughout the event—kindly and ably chaired by Quintin Oliver throughout—my job was to distil these ideas from the discussions. And many there were, of value both to NGOs and to policy-makers.

In order to ensure that the discussion was focused and practical—with a minimum of airy rhetoric—participation was limited (13 attended from Northern Ireland), the event was structured around five challenging themes, and each theme was discussed as far as possible with a case study in mind. While the themes were cast in general terms, as necessary for an international discussion, each addresses one of the key dilemmas that had hitherto put the Northern Ireland conflict in the 'intractable' category. They were:

1) Conflicts may be about both national identities, on which compromise is required, and inequality/oppression, on which surely compromise is unacceptable. **Can identity politics and equality be reconciled?**

2) Individuals may be at a disadvantage as members of minorities rather than as individuals, yet installing group rights may institutionalise division. **Can individual and collective rights be reconciled?**

3) The 'pull' of conflicting nationalisms (including, in Northern Ireland, unionism) has proved much stronger than other 'isms', yet without a common

domain civilised life becomes impossible. **Can pluralism and common life be reconciled?**

4) 'Thin' transnational connections may be too little for minorities trapped on the wrong side of borders, yet 'thick' territorial claims may be too much for majorities. **Can self-determination and sovereignty be reconciled?**

5) Issues such as these are often discussed with great sophistication amongst NGOs, yet in formal politics much more conservative thinking usually prevails. **Can 'small p' NGOs really shape the 'big p' political agenda?**

Each theme was opened with a paper from an expert in the field, and in each case a representative of one of the IGOs was asked to begin the discussion.[5] In each case, the debate moved towards practical proposals at the end. This publication includes the papers and an account of the suggestions which emerged.

The opening and closing sessions of the event sought to draw the five themes together. The excellent keynote address by the former senior UN official—originally from Northern Ireland—Cedric Thornberry and the overall conclusions from the event thus begin and end this DD report. **DD**

Footnotes

[1] *The Agreement Reached in the Multi-party*

Negotiations, Northern Ireland Office, Belfast, 1998

[2] K Theodore Hoppen, *Ireland Since 1800: Conflict and Conformity*, Longman, Harlow, 1989

[3] The programme is in appendix 1.

[4] The participants are listed in appendix 2.

[5] Cvs for speakers and discussants appear in appendix 3.

Globalism, security and human rights

Cedric Thornberry

Nine years ago, in a dusty little desert town, the United Nations began an independence and peacekeeping process in a huge, beautiful, sand-blown country at the far end of Africa, still at that time mostly called South West Africa but to others known by its modern name, Namibia. For the UN, it was the finale to 50 years of diplomatic dispute with South Africa; for the people of Namibia, the end of a hundred years of vicious, sometimes genocidal, always repressive, colonialism—to which, in later days, had been added the modern obscenity of apartheid. It was the UN's first return to Africa since the operations in the Congo in the early 60s which, however successful, had split the organisation, driven it almost into bankruptcy, and claimed the life of its most luminous secretary-general, Dag Hammarskjold.

We, who had participated in the last arduous decade of negotiations for this independence process, were aware that we were witnessing something momentous, and that the cold war was drifting to its end. But we could scarcely believe the signals saying that we were about to reap the first harvest of a new international environment. Within a week we would be sitting with the old antagonists—the Soviet Union, the US, Cuba, Angola and South Africa—combining to salvage the Namibian process from a sudden heartbreaking emergency that had engulfed us on the first day.

The working relationship became increasingly close as we dismantled the consequences in southern Africa of the cold war's rivalries. Mutual confidence grew, helping South Africa itself to take the dramatic decision to abandon apartheid, accept majority rule and rejoin the world. As Namibia voted, in the November of that *annus mirabilis*, 1989—with vast determination, in resoundingly free

and fair elections—7,000 miles away the people of Berlin tore down their monstrous Wall. Within weeks, Mandela was freed from Robben Island. Simultaneously, eastern Europe began methodically to smash its chains.

Do you remember the exultancy of those days? How humanity itself seemed newly-empowered, with the long-dormant principles of the UN Charter at last about to be vindicated, and human rights enthroned, worldwide? It seemed universally decreed that we were, indeed, members one of another, and that a New World Order would descend upon us like manna in the wilderness.

Optimism was especially rife here, in Europe, and seemed to have solid foundations. Rapid progress was made towards democracy and human rights protection across almost the whole continent, backstopped by the maturing European institutions—especially the Strasbourg-based bodies having at their heart the European Convention on Human Rights—and, strangely, by NATO, which had never been tested. But swords would be beaten into ploughshares—if not immediately, then, for certain, by the end of next week.

What has happened since then? Have there been long strides towards greater international cooperation and security, and more effective systems for the

protection of human rights, both national and international?

As the barriers fell in Europe, historians remained sceptical. Eric Hobsbawm, in his history of the 'short 20th century', *The Age of Extremes*,[1] recalled that history showed that many years of international chaos and instability inevitably followed the crash of great empires such as the former Soviet Union. He contended that we were passing through a confused and structure-less period of modern history, at the end of the most murderous and genocidal century ever recorded—despite having more co-operative institutions than ever before, and despite the progress of human rights. In *Juno and the Paycock*, Sean O'Casey's Joxer Daly had, of course, put it more succinctly, rather earlier: "The whole world's in a powerful state of chassis."

It is a paradox that, at this time of increasing 'globalisation' we should also be seeing pressures towards regionalism. But cerebral malaria and the ebola virus do not confine themselves within the boundaries of Africa; nor does the fallout from the gyrations of the Hong Kong dollar remain in eastern Asia; the hole in the ozone layer will soon be the hole in everybody's ozone layer; intercontinental missiles are, by title and definition, no respecters of regional boundaries. And as our world shrinks in all fields—in

communications, health, the environment, economics, human movement and migration, military strategy and security—we find 'ethnicity' resurgent. It has seemed strongest where it has been longest repressed—whether in former Yugoslavia or elsewhere in the Balkans, or in the republics of the former Soviet Union. Even in Britain, the Scots and Welsh are to have their national parliaments.

But what does 'ethnicity' mean, for these purposes? In some instances it means little more than 'regionalism'—which should, of course, not be confused with parochialism. 'Ethnicity' is, however, often a shorthand for longstanding historical, religious and cultural differences. It would have taken a lot sharper eye than mine to detect—other than by dress—Croats, Moslems and Serbs in Bosnia. And one cannot, with any seriousness, assert that there are frequent ethnic differences between us variegated Celts currently resident at the northern end of this island, after so many millennia of Scots-Irish-Anglo-Saxon-Nordic miscegenation and mass migration.

I say this with confidence, though a British soldier once told me that he could not only tell the difference at sight between a Protestant and a Catholic—he could also distinguish, at two metres, between a Catholic sandwich and a Protestant sandwich.

We in Europe, perplexed by recent outbursts of 'ethnic' savagery in our midst, should remember that the divisiveness of exaggerated ethnic consciousness, and incitement to hatred of one's neighbour who has some marginal ethnic or cultural difference, has been one of the major concerns of many states emerging from colonialism during the past 50 years. The Swedish International Peace Research Institute, which charts conflicts throughout the world, has found that over 90 per cent in the last decade have been within—not between—states, and that virtually all have had an ethnic foundation.

Despite this, it has been and remains one of our civilisation's defining principles that people of different cultures and backgrounds should be able to live secure and fulfilled lives within the boundaries of a single state. My luminous and very distinguished Irish predecessor at the UN, Conor Cruise O'Brien, is one of the analysts who have said that the 'troubles' in Northern Ireland have been based on vast cultural and historical differences, which tend to be unbridgeable, and have created two nations. An analogy would be between the peoples of ex-Yugoslavia.

I wonder about this. Having seen something of the start of the current phase of the 'troubles', have they not, instead, been mainly driven and fuelled by

the claim to equal rights, equal human rights? I merely wonder; I do not contend. (But it would be interesting to see if Dr O'Brien's thesis, that we are two nations, would withstand modern DNA testing ...)

Is one of the reasons for the emphasis now being given to regional co-operation that the global environment, with people and customs so different from our own, is pressing more and more closely upon us? Are we feeling an especially urgent need to stabilise and solidify our own locality? Are we looking not only at Isolationist America, but also Fortress Europe? Regionalism has both virtues and weaknesses, and should usually be seen as a building block. The existing international architecture is both global and regional. As mentioned earlier, there are some signs that the global framework is being weakened at this time, just a few years after such high expectations had been placed in it, and despite the dramatic pace of globalisation. Let us first look at the present condition of the United Nations.

In 1990, hopes were unrealistically high. Many believed that the UN's Security Council, after decades of near-impotence because of confrontation between the superpowers, would at last function as intended by the charter's draftsmen—namely, as the instrument of universal collective security in the world. The success of the UN's Namibia operation, it was thought, had shown the world what international co-operation could achieve when the Permanent Members (the 'P5') stood squarely behind the secretary-general and whatever mandate the council might have given him.

A very successful UN election supervision in Nicaragua followed, confirming a UN-led engagement of the five central American presidents in a peace process ending a generation of misery and conflicts—a peace process that, today, remains successful. Then came Iraq's invasion of Kuwait, which was confronted by a unanimous international community and a Security Council that mandated a coalition of the willing, under US leadership, to eject the aggressors, by force if necessary—leading to the remarkable Desert Storm operation. Desert Storm not only achieved its goals: it marked, in 1991, a unique degree of consensus among states, and probably the high point of UN authority in the post-cold-war era.

While the UN's Cambodia operation in 1992-93—intended to achieve nation-building, democracy and an act of genuine national self-determination—was successful up to a point, it had an over-ambitious mandate, having regard to local conditions and the limited resources

and political support available to it. Other proposed UN operations of the time, such as the still unfulfilled peace plan for western Sahara, began to show a dangerous drift away from reality, induced by the widespread euphoria. For the UN, the years 1992-94 were near-cataclysmic.

In several regions of the world, the ending of superpower rivalry and proxy wars meant the creation of power vacuums, which outsiders were reluctant to fill. Such reluctance stemmed from the conviction that electorates above all wanted the 'peace dividend' brought about by the end of the cold war; while some governments felt that they must now concentrate on creating stable, market-based societies, with an end to foreign adventures. There were others who believed that their peoples wanted them to exercise military strength in various parts of the world, but only if nobody on their side got hurt. Thus, with no one any longer sitting on the lid of Pandora's box to hold it down, conflicts which had seethed for years spilled out and ignited in Afghanistan, Angola, Rwanda, Somalia, Sudan and Yugoslavia.

Governments began coming to the UN with grandiose mandates, while, for the most part, impressively refusing to provide the resources required for their implementation—it was apparently for the

secretary-general to magic them into existence. Nor, one should add, had the UN Secretariat, called upon to direct and service many complex operations, a sufficient managerial capacity. For more than 40 years the secretariat, unable because of the cold war to carry out the often operational tasks foreseen in the charter, had instead become the world's experts at organising and servicing inter-governmental meetings, negotiations and conferences.

During 1992-94, while I was head of civil affairs for the UN in its peacekeeping operations in the Balkans, we had about 50 Security Council resolutions and presidential statements. Many enlarged our mandate, but few provided the resources necessary to carry it out. A number did not even enjoy the agreement of the parties. It was not long before we realised that governments did not know what to do in Yugoslavia; or, if they did know, did not want to face the probable consequences in terms of casualties and loss of domestic political popularity.

The depth of frustration among the leaders of UNPROFOR was profound, and it was little wonder that a Belgian general, in charge of our military operations around Sarajevo—after taking constant shrill criticism from governments and the western press for failing to do what he had neither the mandate nor the

resources to do—said in his resignation statement that he no longer even bothered to read the resolutions of the Security Council: "They don't concern me", he said. Such UN dysfunctionalism amongst the council, the secretariat and the field was also seen in Angola, where the support given to a UN peacekeeping mission with far-reaching and complex tasks in a huge country racked by a 20-year civil war was ludicrously inadequate.

Successive secretaries-general were, of course, familiar with the idea that the only problems that were dumped into the UN's lap were the insoluble ones: if a solution was possible there would be innumerable would-be governmental peacemakers. But in the early years of this decade some governments wanted to use the UN as the scapegoat for their inaction, rather than as a constructive instrument of the international community. Events in Somalia, especially in 1993-95, brought further discredit upon the UN, especially in the US, some of whose troops were killed during an ill-advised American punitive action in Mogadishu which took place under the nominal authority of the UN and brought about massive Somali civilian casualties.

The Canadian general Romeo Dallaire recently gave evidence to the war crimes tribunal, sitting at Arusha in Tanzania, concerning the inadequacy of the UN peacekeeping force in Rwanda at the beginning of the genocide there—despite the warnings that had been sent to the secretary-general and the Security Council. It was not elevating testimony, suggesting, as it did, that the genocide that claimed so many hundreds of thousands of victims could have been prevented had the UN had more presence in the country—and that it did not have more troops there because governments were not willing, until the massacres were shown on their television networks, to make any serious commitment.

Relations between the UN and the US have remained delicate, as we again saw with Kofi Annan's visit, in the teeth of the guns, to Baghdad, and the US has failed to meet its financial obligations to the organisation for several years. In the 80s, its default had been led by the administration; now, it is Congress that declines to pay. Debts to the UN stand at around two billion US dollars—far more than the UN's annual budget—and if the situation is not remedied by the autumn the US, owing a billion, is liable under the charter to be deprived of its vote in the General Assembly. It is a wretched situation and all friends of the US and of the UN must hope and work for its early resolution, because no one gains from it, and it is becoming a chronic disease.

States—and the Americans are only

personnel, used to gather for our weekly Friday meeting with the under-secretary, now the president of Finland, Martti Ahtisaari. The agenda's first item, almost every week, was whether there was any way we could avoid closing the building at the end of the afternoon, sending everybody home and turning out the lights in UN offices and peacekeeping operations throughout the world—as we were technically bankrupt and could not even pay the electricity bills, because governments were failing to meet their assessed contributions. It was only through creative accounting, winked at by the auditors, that the organisation survived the 80s.

For all the fine speeches by princes and presidents and premiers, failure to meet the responsibilities they have themselves voluntarily incurred corrupts the very basis of obligation in international law and makes a mockery of the effectiveness of the international bodies they have created. It is a question of commitment, a matter of whether they are serious.

Thus, the UN's effectiveness is, at present, sadly undermined. It would have the greatest difficulty in mounting any current major action—it is unable even to reimburse troop-contributing nations. Though small missions continue to be created, they usually consist of a few military observers, as in the Abkhazia

the largest, not the only, defaulters—must adjust to the idea that they have to meet their legal obligations in full and on time. No organisation can long survive what the UN has undergone financially in recent years.

In the 80s, the chiefs of administration of the UN—including the current secretary-general, Kofi Annan, then head of

region of Georgia. The then very successful UN operation of reconciliation between two former adversaries, the Croats and Serbs in eastern Slavonia—the UN Transitional Authority—was wound up in January 1998, far too soon in the eyes of most observers; and its work is imperilled by the Croats forcing out the Serbs, now unrestrained by any substantial international presence. If the success the UN attained there in a creative process is destroyed, not only will we see yet another wave of 'ethnic cleansing'—which constitutes a crime against humanity—but hundreds of millions of international dollars will have been dumped into the Danube.

Again, until the recent increase of tension in Kosovo—which seems to be forcing a welcome re-think—another of the UN's most successful operations, that in Macedonia, was to be withdrawn this summer, also because even a force of not much more than a thousand people is apparently too much, now, for the membership to support and fund. The mission is called UNPREDEP—and it's the first preventive deployment fielded by the UN. Again, experts have been unanimous in warning that the mission's withdrawal this summer would carry with it the serious risk of upsetting a still delicate situation in south-eastern Europe which the deployment of the small force of civilians,

police, and Nordic and US soldiers in 1993 stabilised.

The UN has become so emaciated, its capacities so reduced, that it would be impossible for it to mount the kind of operation, today, that brought about the successful transition from liberation war to independence in Namibia nine years ago. It is little wonder that major tensions have arisen at the UN in New York between even its closest friends and the US. Today, the same fear stalks the corridors there as, in its last years, menaced the League of Nations at the Palais des Nations in Geneva—that of the disintegration of the organisation.

But the picture is not entirely gloomy: steps are being taken to advance humanitarian values under UN auspices. The two *ad hoc* war crimes tribunals, that on former Yugoslavia sitting at The Hague, and that on Rwanda at Arusha, are now functioning. The Hague court has already disposed of a number of cases and its prosecutors are working to bring more indictments. This summer, an agreement is likely to be concluded to establish a permanent international criminal court, though there is not yet consensus as to how it will become seized of cases. Its establishment will mark a huge stride forward, providing invaluable support for human rights and

international humanitarian law. How I wish there had been such a jurisdiction while we were in ex-Yugoslavia: I believe it would have had a real deterrent effect on the parties if they had known of the reasonable probability that their conduct, illegal under human rights norms and those of the Geneva Conventions, would bring about their personal criminal responsibility, and lead to their punishment by an independent and objective court.

I remember all too well how various local leaders just sneered when they were reminded—as we often did remind them—that there were international laws protecting civilian populations, forbidding the barbarities that have been termed 'ethnic cleansing'. The Hague court still has a long way to go, and has not yet universally established its reputation for independence and non-discrimination in the prosecution process; there were, in my opinion, errors of judgment in some of its early actions. But it is making progress—the Arusha court, rather more slowly.

The former Irish president Mary Robinson has undertaken extensive responsibilities in her new role as UN high commissioner for human rights. One must acknowledge that the promotion and protection of human rights has been an orphan child in the UN system, lacking financial and political support, and with grossly inadequate human resources attached. Successive secretaries-general of the UN have been a little apprehensive as to the potential explosiveness of human rights issues, and governments have tended to treat the UN's Human Rights Commission as a political tennis-court. Even so, the cause of human rights has made progress in recent years and most of the architecture has been put in place: the treaties are in force, and mechanisms—which hopefully will evolve further as confidence grows —exist and are in most cases functioning. Everyone, of course, is in favour of human rights, as everyone is in favour of motherhood and against sin. There is even talk today of the transcendence of human rights over the sovereignty of states—the French are calling it *le droit d'ingérence* (the right of interference).

This raises big questions. At least, let us categorically assert that there may be no international intervention without a binding resolution of the Security Council. Otherwise, the danger of abuse, of a slide back into international anarchy, of the hegemony of the mighty few over the rest, may engulf the progress made this century—and, *pace* Hobsbawm, that progress has been evident in the spread of the international rule of law. Compare the law of today with that of 1914 and you will see.

Claims of violation of human rights brought by one state against another habitually raise the political and diplomatic temperature—and it is hard to see how, in the near future, this can be avoided at that level. This is one of the reasons why treaties setting human rights standards should, if they are to be effective, enable individuals and organisations to initiate implementation and enforcement processes, as in the case of article 25 of the original European Convention on Human Rights. As I have already mentioned, the Strasbourg machinery has been effective in maintaining the high reputation of human rights in our continent, so that when the Wall came down its standards provided recognised and workable criteria for the new democracies.

It is 20 years since I myself last appeared as counsel in a case in Strasbourg. However often one does it, it is an experience never to be forgotten—to stand before an international court on behalf of, say, some forgotten and beleaguered prisoner who's locked up and the key's been thrown away, and open a case alleging breach of fundamental rights on the part of a sovereign state. In my experience, the importance of the role played by non-governmental organisations in this field cannot be overstated; I should like to return to this theme before I finish.

I am not sure that the work of the UN high commissioner for refugees stands at quite such an auspicious threshold. As you know, UNHCR has, in recent years, found itself with an expanded role. Founded nearly 50 years ago, the first time it worked alongside and in tandem with a peacekeeping operation was in Namibia in 1989, when it was charged, under the settlement agreement, with bringing back the diaspora of Namibian refugees and resettling them in time for the elections. But in ex-Yugoslavia, and since, it has tended to become an all-purpose humanitarian organisation, looking after internally-displaced persons as well as cross-border refugees. In fact, it undertook the task of providing all kinds of humanitarian relief to victims of conflict *sur place*, helping them in their home areas so that they would not be driven to become refugees or displaced persons.

UNHCR, as an organisation, has undergone big changes, as a result of this experience. While governmental support for its work as an all-purpose relief agency has continued, what is politely called 'donor fatigue' has also set in, with consequent funding problems for particular programmes.

UNHCR has found itself having to carry out tasks for which it is not equipped: the problems which befell Goma camp last

year in Zaire/Congo provide a good example. This Rwandan refugee camp was in effect taken over by armed elements who had been responsible for Rwandan massacres and who used its facilities, personnel and relief supplies as a base for attacks into Rwanda. The international community was unwilling to provide the kind of security support that UNHCR needed if it was to carry out its duties and retake control of the camp. In the end, it was attacked and its residents dispersed by Rwandan governmental forces, with many fatalities among the purely civilian residents, driven into the bush.

Meanwhile, the protection functions of the organisation have suffered—including through governmental distaste for UNHCR's mandated stand in favour of refugees as defined by the 1951 Refugees Convention. In one way or another, this has also affected funding—one of the main actors here being Britain, which has been reducing its support to an organisation largely dependent on voluntary contributions, unlike the UN itself. Britain's contribution has fallen by more than two-thirds in the last year.

As European NGOs know, the welcome mat in this continent, even for persons genuinely suffering from persecution, was long ago rolled up and put away. Many ex-Yugoslav refugees are being repatriated from European countries against their will and against the basic principle of refugee law of voluntary repatriation, and without anywhere to go when they are taken back. Other societies, especially in the third world, have been more generous.

Instability around its borders is the rationale that has been advanced for NATO's imminent expansion, to incorporate the Czech republic, Hungary and Poland. And 27 other countries in Europe have decided to participate in its Partnership for Peace programme, actively developed over the last five years—with growing interoperability, unity of doctrine, joint studies and exercises, usually in the context of simulated peacekeeping operations. PfP has been immensely successful, attracting not only the Asian republics of the former Soviet Union and the countries of eastern Europe, but also all Europe's traditional neutrals: Finland, Sweden, Austria, Switzerland—all, that is to say, except the Republic of Ireland.

The Irish army must be eating its heart out, denied the possibility of working with the rest of Europe, exchanging ideas and learning mutual lessons. I have worked with PfP programmes for several years and they have been a great success. Ireland is missed from the company—and

it has a lot to contribute, given its stellar reputation in UN peacekeeping. Perhaps there could be a small—but significant—contribution here to the peace process, a confidence-building measure? Even Switzerland, which regards UN membership as incompatible with its neutrality, had little hesitation about joining.

PfP participation is very different from formal membership of NATO, about whose expansion there is still much controversy, though the ratification process is currently taking place in the US Senate. Strategic experts continue to be divided over the wisdom of enlargement. George Kennan, for instance, the architect in 1947 of the policy for the Soviet Union's containment, contends that it will prove a divisive disaster because it will damage relations with Russia and influence for the worse perceptions there of the west's intentions. This is likely to affect, especially, disarmament talks in the SALT framework. But the enthusiasm in eastern Europe for membership of NATO, and desire for the collective guarantee of article V of the North Atlantic Charter, is irrepressible. NATO's enlargement seems inevitable next year, and Romania, Slovenia and one or more of the Baltic states will surely follow soon after.

Yet this is happening without there having been any serious debate as to what NATO's purpose is to be, eight years

after the cold war ended. You remember the devastating comment of the Soviet general to his NATO counterpart: "We are going to do something terrible to you. We are going to remove your enemy." In Brussels, the US secretary of state, Madeleine Albright, recently offered the prediction that NATO would evolve into "a force for peace from the middle east to central Africa"; but European foreign ministers quickly dissented from the idea of a radical expansion of the alliance's geographical area of responsibility. A new 'strategic concept' for NATO is due to be unveiled next year, during its 50th anniversary celebrations. But it is strange, even in these confused times, to see the cart being placed so firmly, though nonchalantly, in front of the horse.

Some discussion has begun—mostly in the States—as to what an enlarged NATO should be doing, and American commentators, in particular, have described alternatives which, while being less divisive, could provide a similar security guarantee for Europe. Meanwhile, NATO's members are changing the configuration of forces, with the emphasis being placed on more mobile, quick-reacting, joint task forces, geared for peacekeeping duty. And the Western European Union continues as a potential vehicle for European Union foreign and security policy; the WEU might run operations that Europeans

decided to undertake but in which north Americans did not wish directly to participate—thus creating the parameters for a European regional peacekeeping structure.

With the support of numerous PfP countries, and of others from outside the region, NATO has also provided the core of the post-UN forces in Bosnia—IFOR (the Implementation Force) and SFOR (the Security Force)—working to implement the Dayton agreement of 1995 between all the parties. The military tasks have been satisfactorily completed but the problem areas were always going to be those relating to political and civilian affairs, and here progress has been much slower. There have also been particular problems achieving coordination between the military, in a NATO framework, and the civilians, working under a UN umbrella.

The main goals now are to reverse the consequences of ethnic cleansing, by all sides; to permit the refugees to return to their homes; to ensure that the new constitutional arrangements for Bosnia become effective; and to help rebuild the country's infrastructure. There has been a huge investment of political resolve and resources in IFOR and SFOR and it has been clear for some time that only by SFOR remaining in place for an indefinite period can Dayton be implemented.

I doubt that there will be any similar international operation in the foreseeable future. Apart from anything else, it is hideously expensive, and the UN would never be allowed by member governments to lavish such a fortune on a peacekeeping mission. This is an interesting distinction; all UN operations are run on a shoestring, to the extent that frugal support often substantially affects mission performance—fatally, in cases like that of Angola in 1992-94.

Since the highpoint of UN peacekeeping in 1994, when we had more than 70,000 personnel in the field at a cost of about $3.5 billion, the emphasis has shifted from the UN to what chapter VIII of the UN Charter calls 'regional arrangements'. These had been somewhat neglected in the first decades of the UN, but the last few years have seen their resurgence. The concept is worthy enough. Article 52 recognises the existence of "regional arrangements or agencies for dealing with such matters relating to the maintenance of international peace and security as are appropriate for regional action, provided that such arrangements or agencies and their activities are consistent with the Purposes and Principles of the United Nations". It goes on to encourage member states to use such arrangements for peaceful dispute settlement, and commits the Security Council to their use for enforcement action; but

such action can be undertaken only with the authority of the council. Chapter VIII has been invoked several times in recent years—notably in regard to Haiti and Liberia, where regional organisations have provided peacekeeping forces. Some western countries have also been helping to build peacekeeping capacities in Africa, to help with the kinds of problem that have blown up there in recent years.

About the new emphasis on 'regionalism' let me just say a few words. For many years the UN, in composing a peacekeeping force for some new trouble spot, automatically ruled out troops from the following groups of countries: the parties themselves, the parties' neighbouring countries and the five permanent members of the Security Council. Why? Because experience showed that these groups of countries—there might also be others—were apt to have too much at stake to be able to be, or to seem to be, impartial; and impartiality is the very essence of peacekeeping. On the other hand, one must be realistic: often, it is hard to find anyone willing to contribute infantry or logistics for a particular mission, and sometimes only those with much at stake are willing to accept the obligation. However, regionalism cannot be allowed to become a mask behind which the local bully, prevented by international law from subverting the sovereignty of his weaker neighbours, finds legitimacy for frontal attack. Nor is every military action 'peacekeeping' that calls itself so. Peacekeeping is a practical and well-known concept, forged from the experience of more than 40 UN operations in more than 50 years, with clear principles compatible with those of international law, which it serves and helps to support.

However confused the post-cold war situation may be expected to remain for some years, there is progress in the development of an international society, with community values and an increasingly effective system of law. There is not the slightest basis for euphoria but, for example, I believe we saw something very significant, in the *contretemps* over the weapons inspectors in Iraq, leading to Kofi Annan's astute visit to Baghdad. Although we are left with just one superpower, with a huge economy and a worldwide reach and grasp, I think we shall not again see any state or group of states purporting to act on behalf of the international community without the full and explicit endorsement of the Security Council—other, perhaps, than when facing some overwhelming and instantaneous necessity of self-defence. And this is an important realisation, for centralising the use of force is a first step towards

public order—and civilisation. Similarly, as Argentina, Armenia and Iraq have all found in recent years, attempts to seize territory by force are today categorically illegal and will not be recognised.

I have tried to survey some areas of international activity wherein we have been seeing dynamic development, even since the start of this decade—in regard to human rights, including the creation of an international criminal court; the development and legal control of trade; co-operation for international security; and the myriad other transactions, from meteorology to disarmament, accelerating the process of community-building. In my opinion, however, it is urgently necessary to rally around the UN and strengthen it, so as to guard against any recurrence of the activities that have so undermined it in recent years, preventing its healthy development. A reform programme for the secretariat has been instituted, though as a former director of administration and management there, I am the last person to have illusions about the range of early possibilities. But the UN is essential to the world.

The day when the sovereign state was the sole actor on the international stage—apart from a motley crew of pirates, war criminals, blockade-runners and the East India Company—is long gone, and I have argued for many years,

especially in the field of human rights, that NGOs have a vital role to play. Your organisations are varied in size and strength and preoccupations and outlook. Often, you can go where governments cannot; you can focus precisely and engender attention. You can encourage, goad, study, warn, assist, and you will be heard, because access to the means of publicity as well as the levers of power is usually part of your lifeblood.

The success of some recent humanitarian campaigns, such as that against anti-personnel mines, is an object-lesson in working effectively at an international level. In our modern style of representative democracy, the popular will needs to express itself through not just one but various channels. Much of what I have sketched has stemmed from the activities of persistent and resolute NGOs.

I hope that all of the organisations represented here will continue to refuse to take 'no' for an answer.

Discussion

Discussion of Mr Thornberry's address started from the suggestion that there were two ways to view the late 90s: was the glass half-empty (as Eric Hobsbawm appeared to believe) or half-full, as the speaker implied?

The NATO representative, Harald Bungarten, took a sceptical view:

politicians wished soldiers would do more without giving them the mandate to do so, he said. Every decade the number of conflicts increased, despite talk of the 'end of history'. The glass was only 'quarter-full'.

This led to an exploration of why ethnic and nationalist conflicts were an increasingly evident feature of the European and worldwide landscape. It was suggested that globalisation was a process lacking legitimacy because not everyone could participate equally in it; ethnic élites were able to garner support from the excluded. Globalisation also destroyed old certainties; ethnocentrism allowed these to be reinstated in an imaginary way.

The middle-east conflict, it was argued, had been prefigurative of many of today's ethnic tensions—including in the failure of the international community to resolve it. One of the virtues of war crimes tribunals, as that in the Hague on ex-Yugoslavia, was that they provided a vehicle through which *citizens* could make a connection with the international community.

As regards the role of NGOs, Mr Thornberry admitted that governments weren't always as sympathetic to working with them as were intergovernmental organisations. The UN and NGOs tended to have similar roles in mind, such as protection of human rights: "I'm not always sure that that can be said of some governments some of the time." But governments were not monolithic and often contained some who shared the aspirations of NGOs, as against other individuals or departments to which they were opposed. ▪DD

Footnotes

[1] Eric Hobsbawm, *The Age of Extremes: The Short Twentieth Century 1914-1991*, Michael Joseph, London, 1994

Identity politics and equality

Tony Gallagher

One of the most memorable books written on Northern Ireland set the conflict within a wider comparative context. The book was written by Frank Wright, a colleague in the Politics Department in Queen's University who, sadly, died prematurely.[1] A lecture series has been established in his memory and in the first lecture of the series, Adrian Guelke also set the Northern Ireland situation in a comparative context.[2] Adrian's context was provided by the peace processes then under way in South Africa, the middle east and Northern Ireland. In each case, Adrian identified a key turning point when a hitherto stable situation appeared amenable to change.

In South Africa, the turning point came with the 1976 uprising of school students in Soweto and the killing of Hector Peterson by South African security forces. Following these events, many young people fled South Africa to enter the camps of Umkhonto we Sizwe (the military wing of the ANC), while within South Africa a new internal opposition movement started to form.

In the middle east, it was an accident in the Gaza strip when an Israeli truck crashed into a car of Palestinian labourers, killing four and injuring the others. This was to light a spark that led to the *intifada*.

And Adrian pointed also to a key turning point in Northern Ireland. This event occurred in October 1968, when a civil rights march in Derry was banned by the Unionist government and attacked by the police in full view of television cameras. Given the violence Northern Ireland has experienced since, the events then seem extraordinarily restrained in hindsight. But at the time they had an enormous impact on perceptions and perhaps marked the point at which the old way of doing things became unsustainable.

In many respects it was perhaps appropriate that the turning point in Northern Ireland occurred in Derry. The political arrangements in the city were generally cited as the most blatant example of Unionist domination. A system of gerrymandered electoral wards ensured that Unionist politicians held a majority on the council, even though the unionist electorate comprised a minority of the city's population. It is not surprising that, to nationalists, the city was known as the 'capital of discrimination'.

But the city had a key historical significance for unionists also: in 1689 the Protestant inhabitants of the old city held fast against the army of Catholic King James, in support of William of Orange. There is a continuing tradition whereby a Protestant society, the Apprentice Boys, march around the walls of the old city in commemoration of the siege. In 1969 Catholic opposition to the march led to widespread rioting in the city, the virtual collapse of the police force and the introduction of British troops to restore order. Subsequently, the city was to become a strong centre for the IRA and, indeed, parts of it virtually ceded for a time from Northern Ireland.

A visitor to the city would now find a very different picture. Much of the centre has been redeveloped and rebuilt. The city council is now unambiguously under

Tony Gallagher (centre) keeps his notetaker (his left) very busy

the control of nationalist politicians and, indeed, the most significant political contest is between the moderate nationalist party, the SDLP, and the more radical Sinn Féin. The city appears wealthier, more settled and politically less fraught, certainly in comparison with Belfast. Despite its position as a crucible of violence in the early years of the conflict, the city was spared much of the worst of the sectarian violence, as the various paramilitary groups appeared to operate a *modus vivendi* which eschewed random assassinations.

But in some respects an important part of the heart of the city has gone. The River Foyle divides the city in half but its significance has become as much

religious as geographic. There has been a steady and continuing fall in the Protestant population of the western part of the city. Only one small and declining area within the old city walls remains. There are a number of 'Protestant' schools on the western side, but some have become *de facto* Catholic, while others have a questionable future of any kind. In a very real sense, Protestants appear to have given up on that part of the city, feeling that they now count for nothing.

It is as if the carefully crafted domination of the old Unionist régime has been replaced by a casual, almost careless domination by nationalist politicians. The old system was wrong and had to be changed, because it represented the illegitimate domination of a majority by a minority. But in the changing, have we created a situation where a majority now dominates a minority, to the extent that the minority feels driven out? If so, there is still no accommodation, no reconciliation with difference, no celebration of diversity.

Let me examine another example. From the origins of the Northern Ireland state there have been separate school systems for Protestants and Catholics. The state system of schools was officially non-denominational, but in ethos and practice it expressed the interests and values of the Protestant majority in Northern Ireland. The Catholic school system provided the most significant social institution of that community, in a society where systematic discrimination in employment set barriers to the labour-market participation of Catholics. Although some attempt was made to develop a genuinely non-denominational school system in the 1920s—efforts which were opposed by Catholic and Protestant churches alike—it was not until the late 60s that a rapprochement was agreed between the Catholic authorities and the Northern Ireland Ministry of Education.

The funding arrangements for Catholic schools followed practice in England. Thus, Catholic schools received public funds to cover a proportion of their capital costs. The difference represented the cost to the Catholic community of their right to own and operate their own school system. This type of arrangement is common in Europe and the principle was, in fact, confirmed in a case before the European Court of Human Rights. The court ruled that if a particular interest, such as a denominational authority, wanted to run its own schools then it should be entitled to some public funds if it can meet reasonable viability criteria. The court also ruled that it was reasonable to ask that particular interest to contribute towards the cost of the school in

recognition of its ownership and control.

In Northern Ireland two extra elements were added to the equation. First, there was a persistent pattern in which leavers from Catholic schools had, on average, lower qualifications than leavers from Protestant schools. Secondly, there were labour-market differences between Protestants and Catholics, to the disadvantage of Catholics, and the government was committed to the principle of fair employment. While discrimination contributed to the pattern of labour-market difference, an investigation by the Standing Advisory Commission on Human Rights in the 1980s suggested that the differential performance of the two schools systems was also a factor.

I was one of a group of academics asked by SACHR to investigate some of the reasons for this differential in attainment levels. Our study suggested, among other things, that the different funding arrangements for Catholic schools had operated to their disadvantage and had probably contributed to the attainment difference. In an abstract sense it was reasonable to ask the Catholic community to make a financial contribution for their schools. However, in the wider context of government objectives, particularly the priority attached to fair employment, we concluded that Catholic schools

should be funded at the same level as Protestant schools. After some public discussion the government agreed.

On one level, this could be seen as a positive example of a mature pluralism. If we accept the right of minority communities to organise their own school systems—which seems to be consistent with international human rights standards—and to receive public funds for this, the decision to fund Catholic schools in Northern Ireland to the same level as state schools provided a demonstration of the government's commitment to equality.

The decision and the research were criticised on a number of grounds. One of the criticisms was that the decision helped to entrench segregated schools. Some critics suggested that we should have recommended developments in religiously integrated schools. It is a moot point whether a recommendation by SACHR for more integrated schools would have led to any additional increase in these schools. In any case, and as noted above, the standards of the international community recognise and endorse the right of minorities to their own schools and, in so doing, differentiate between separate schools by choice and segregated schools by requirement.

But my main interest here is somewhat different. Now that all schools in

Northern Ireland are funded to a similar level, has this led to an increase in co-operation between the school systems? This co-operation could include attempts to ensure that the separate schools do not unintentionally promote social division. It could include proactive attempts to promote tolerance, reconciliation and fairness through the schools. In addition, the authorities of the school systems could recognise that allowing for separate schools introduces an additional cost to the system as a whole, and agree to collaborative initiatives designed to make the schools system more efficient.

One way in which this might occur is for the transfer of property between the sectors in appropriate circumstances. This practical co-operation would avoid the bizarre situation that sometimes occurs where a school of one type closes as a school of another type is built anew on a nearby site.

There is a degree of co-operation between the school authorities, but arguably the opportunity for creative initiatives has not been seized. And we have seen the situation where zero-sum arguments are used by the authorities of Protestant and Catholic schools against the development of religiously integrated schools. In other words, the school system illustrates some of the possibilities of pluralism. But it also illustrates the limited way in which such opportunities are pursued: in practice, sectional interests are often prioritised.

In both the examples I have outlined we can see a dilemma. In both cases, changes were made in pursuit of the goal of equality. But it could be argued that in neither case did this change lead to greater tolerance and reconciliation. Indeed some might argue that the main result was to reinforce separation.

This dilemma is not unique to Northern Ireland. No one could fail to be moved still by the words of Martin Luther King in 1963 at the Lincoln Memorial: "I have a dream that my four little children will one day live in a nation where they will not be judged by the colour of their skin, but the content of their character."

This evocation was for all citizens of the United States, black and white, to enjoy the rights of citizenship. It represented a claim for the application of liberal principles: treat each person as an individual, not as the exemplar of a type. However, the pursuit of equality in the US moved more and more away from treating people as individuals, and more towards measures which may have had the effect of reinforcing group identities.

Affirmative action, goals and targets, workforce monitoring, availability and utilisation analysis—these all depend on

ethnic counting in order to identify a problem, define a solution and judge an outcome. One does not have to be an advocate of neo-liberal economics to recognise the way affirmative action measures in the US became increasingly prescriptive in terms of outcome, at least until the political balance of the Supreme Court shifted to the right and the condition of 'strict scrutiny' made it harder to apply and easier to avoid any affirmative action measure. Similarly, one does not have to support the conservative critics of multiculturalism in US schools nevertheless to recognise the soft target presented to those critics by some aspects of the Afrocentric movement.

And this dilemma is faced also in Northern Ireland. To work towards fair employment, we need to know how many Protestants and Catholics are in workplaces. With this information we can identify the areas where priority action is needed and monitor progress towards fair participation. But this also means we have to allocate people to mutually exclusive categories. In so doing, we run the risk of reifying those categories and ascribing to them an essentialist character.

The minimalist approach advocated by neo-liberals does not provide a solution. When the state limits its role simply to attempting to remove barriers to participation, without any meaningful diagnosis of the reasons for those barriers, little significant change follows. However, as I have suggested above, the statist approach which advocates active direction of outcomes as part of an equality agenda may serve to reinforce the social divisions that gave rise to inequality in the first place. The context of division may change, but the fact of division may remain stubbornly intact.

Of course there are factors particular to Northern Ireland which contribute to this pessimistic scenario. Despite having the trappings of a democratic state between 1921 and 1972, it never really functioned as a democratic polity. The government always won the elections, because confessional politics made results highly predictable—indeed so predictable that during many elections a high proportion of the seats were uncontested.

Confessional politics is rooted in history in Northern Ireland. Indeed, some might say that politics here is too strongly informed by absurdly long memories and absurdly short imaginations. If politics in Northern Ireland operates as a zero-sum game, then it should be no surprise that political discourse displays the same character. And perhaps it should also not be a surprise if the pursuit of equality takes on this zero-sum character.

But of course Northern Ireland is not

alone in having politicians with absurdly long memories. Benedict Anderson reminded us that the 'imagined community' of the nation rests on history as its foundation. Five years ago an article appeared in the *Observer* newspaper highlighting an example: the article reported how a Greek sculptor had found himself in the eye of a storm over his work.

The hapless artist had been commissioned to produce a statue of Alexander the Great to stand in Florina, a town on the frontier with the former Yugoslav republic of Macedonia. The statue was clearly intended to send a symbolic warning to the 'usurpers' across the border, but the town councillors were outraged with the result. Instead of endowing the 2,000-year-old warrior king with "the muscles he deserved", the statue cast him "looking like a puny pacifist". How, they complained, could the artist of this "obscene modernist work", have "forgotten the great man's weapons and helmet? Or have the gall to show him riding his horse with bare feet?"

Of course the Macedonians find themselves caught in a peculiarly Balkan dilemma. The Serbs accept the existence of a distinct Macedonian ethnic identity, but would prefer there to be no separate state. The Bulgarians are comfortable with a separate state, but believe the Macedonians are really Bulgarians.

While the Greeks seek to deny the existence of both state and identity.

In this century, the continuing legacy of Versailles highlights the endurance of memory. The overt point of the settlement was to bring closer the ethnic and geographic division of Europe. Czechoslovakia made a case to be an exception to this rule, on the grounds that it would become the 'Switzerland of central Europe'. In the event, the fear of giving too much autonomy to the Sudeten Germans constrained the degree of autonomy given to the Slovaks, thus providing the seed-bed for Slovak ethnic politicians 70 years later.

In those parts of the map where ethnicity and statehood did not coincide, the presumed hope was for assimilation and the amelioration of separate identities. In fact, it is in the interstices of the settlement where we can see the enduring potential for ethnic conflict or, as in Northern Ireland, its continuation.

Moving to other examples, Lebanon was to be the 'Switzerland of the middle east'. This produced a settlement so tightly dependent on ethnic headcounts that, once put in place, everyone was afraid to check whether the comparative counts changed over time—though everyone knew they had. In Switzerland itself, the highly decentralised cantonal system is perhaps less a celebration of

diversity than an attempt to sustain a multitude of linguistically, and perhaps religiously, homogeneous subunits—all of this leavened with a less than fully positive approach to a numerically significant population of non-citizen 'guest workers'. In Spain, is regional autonomy a way to achieve the promise of diversity, or is it, more prosaically, an attempt to attenuate separatist pressure and hold the state together? Federalism in Belgium seems to have led to virtual separation.

Anderson's notion of the imagined community highlights the way in which national identity is constructed and legitimated on the basis of historical memory, but is then reinforced by the relationship between the nation and 'its' territory. The nation-state is predicated on the idea that each (homogeneous) nation has the right to its territory, based on the right to self-determination. Even though the discourse of the nation-state implies permanence in the international order, the reality is that territorial arrangements do change, albeit only under extraordinary conditions. In Europe, territorial change occurred only after the two world wars and the cold war. And even in Ireland change came about in order to pursue still further the link between territorial and national specificity.

But, as Anderson also reminds us, the idea of the homogeneous nation and 'its' territory is based on a socially constructed one, albeit an intensely powerful myth. Indeed, it is precisely because it is based on myth that the dilemma for those of us who wish to pursue equality arises. At the heart of the discourse of the nation-state is the idea of a homogeneous community. But the reality is one of heterogeneity in actually-existing societies. And it is because of pluralism in society that we face the problem of some groups being treated less fairly than others. This raises the need for action to promote equality, but this can lead to ethnic counting, potentially reinforcing the claim of essentialist identities. In Northern Ireland this goes further to cast all such measures within the overarching political discourse of territorialism, and may contribute to an ever deepening division in the society.

Is there a way out of the dilemma? One way out may be to learn from the experience of civil society. Particularly among new social movements, the nature of political engagement may be more multidimensional, transient and developmental. If so, this may prefigure a different discourse of politics that avoids immutable positions across an extensive range of issues. The priority attached to the achievement of specific objectives may also contribute towards a discourse

of politics that privileges accommodation in the pursuit of attainable positions.

One of the ironies of Northern Ireland is the coexistence of a vibrant and dynamic civil society alongside a fairly stultified public political domain. Within traditional liberal discourse civil and political society are distinct and separate domains; within traditional Marxist discourse civil society is a sham, an empty vessel for disguising the 'real' basis of political power. But perhaps there are benefits to be gained from recognising their separate existence while strengthening the influence of one on the other?

Another possible way out, perhaps not unconnected, is the development of new Labour's 'third way' between statism and the market. This third way recognises the limits of relying on the 'hidden hand' of the market, while avoiding the 'heavy hand' of state-led direction of outcomes. The approach is one which tries to promote social inclusion by establishing 'enabling processes' which offer people choices over their future, and systems of institutional accountability. However, the approach also asks people to take responsibility for the choices they make.

It is this combination of enabling processes, accountability and responsibility that seems to lie at the heart of many of the new policy directions being charted by the government, and certainly seems to underlie its proposals for equality in Northern Ireland. In the best of all possible worlds this provides a strong basis for promoting equality, while avoiding the essentialist problems arising from the direction of outcomes. But the test is yet to come.

Two of the key elements of this discussion have centred on the claim to social homogeneity as against the experience of social heterogeneity. The dilemma arises from measures designed to cope with the clash of these notions. A synthesis might involve an active attempt to legitimise and value hybridity. In Northern Ireland this implies moving from a situation where our political discourses cast us as either British or Irish, to a new understanding where we see ourselves as both British and Irish simultaneously, and recognise in any case that the idea of being British or Irish not only changes over time, but exists in various forms at any single point in time.

The difficulty, however, is that while the idea of hybridity may be intellectually satisfying, this is little evidence yet of its emotional potency.

Discussion

Jeannie Peterson from the UN opened the discussion by introducing how parallel, concrete challenges had been addressed in ex-Yugoslavia—in particular, in the

contested part of Croatia known as eastern Slavonia for which she had been responsible.

The onset of the war in ex-Yugoslavia had been marked by the departure of Croatia from the federation, she said. This had left the Serbs in Croatia, formerly a majority in ex-Yugoslavia, a minority in the newly independent state. War had followed, later spilling over into Bosnia where most international attention had subsequently focused.

Efforts by the international community to promote dialogue between the Serbs in Croatia and the Croatian authorities had failed. The Serbs had attempted to form a separate administration, rejecting even quite radical plans for autonomy within Croatia. Croatian assaults had led to a Serbian exodus which left only one enclave behind, in eastern Slavonia. As a result of the Dayton agreement on ex-Yugoslavia, the United Nations Transitional Authority for Eastern Slavonia (UNTAES) had been formed, backed by 5,000 troops, to promote reconciliation between Serbs and Croats there.

A range of UNTAES committees had been established to address aspects of harmonisation between the communities, from electricity to education. Employment had been very contentious, in terms of guaranteeing Serbs a fair share of jobs.

To avail themselves of such rights, the Serbs had had to accept *de facto* that they were citizens of Croatia: they had been very reluctant to give up on the idea of a separate state. But in the end most had taken part in elections for county, city and municipal authorities, where the representatives of both communities had had to come to terms with the practical challenges of local government everywhere.

'Technical' issues—such as ensuring a common postal system—had been relatively easy to resolve. Those with a strong 'emotional' dimension—such as education—had proved much more difficult.

The Croats had celebrated when UNTAES left, whereas the Serbs had hoped it would remain for decades. The UN had since been forced publicly to criticise Croatia over its implementation of the agreements. Ms Peterson concluded, however, that while multiculturalism would take years to develop in eastern Slavonia the basis for it had been laid.

Returning to Northern Ireland, Mari Fitzduff said that in the past those concerned with intercommunal equality had tended to scorn those promoting intercommunal contact. Yet interdependence was indispensable, and she welcomed the proposal in the government's white paper on equality[3] that all public bodies should be obliged not only to promote equality of opportunity but also good

relations between groups.

Was national identity really necessary in the modern world? it was asked. Mr Gallagher replied that while it was easy to debunk nationalist accounts of the past these still had tremendous motivating power. In the *post*-modern world both global and local identities were resurgent. "The trick is to persuade people that they are not just one thing: they can be more than one thing at the same time."

Tony Kennedy of Co-operation North connected this to the rights of diverse individuals *within* communities to that diversity: "You're always forced to be in one identity or another." He related the story of a devoted supporter of Co-operation North who tragically died on the annual maracycle; he had combined two loyalties—one to the maracycle, one to the Orange Order.

Joyce McMillan told of how she had been challenged by a supporter of the Scottish National Party at a funeral as to her identity. She had replied that she was Scottish and British, to which he had responded 'You've got a problem'. 'No, *you've* got a problem', she had told him. She suggested that in the cultural sphere hybridity, far from being disdained, was celebrated and could have a compelling power.

Harald Bungarten spoke of how a German could have a hierarchy of three identities: (say) Bavarian, German and Europe. The point was also made that identity is contingent—on holiday, being 'Irish' can be a common and non-threatening ascription, for example. Similarly, 'Czech' and 'Slovak' had not seemed to be so incompatible before partition was set in train. It was important, therefore, to *think through* taken-for-granted identities: as Mr Gallagher put it, the goal was to inject 'niggling doubt'.

It was further suggested that conflicts were easier to resolve if a wider range of interests could be brought to bear, including via NGOs. This might be particularly helpful as such groups might focus on other identities—such as labour or business.

But cultural hybridity was a bridge too far for members of communities who felt themselves to be under threat and so felt the need to assert their sense of difference, as uncomplicatedly as possible, as a weapon in their defence. There was thus a need to be clear as to where the common ground of interdependence lay, so that it was not seen as surreptitious dominance by one group over another.

To put it another way, for those who perceived themselves to be socially excluded, other sources of identity—professional, regional, familial—might fall away, as a single identity offered itself

as the only vehicle for expressing resistance to that exclusion. Hence, for example, the otherwise inexplicable phenomenon of alienated young east Germans now defining themselves as 'belonging' to the ex-DDR.

In resolving conflicts with both the axes of inequality and difference, a fine balance was entailed: interdependence had to offer security to the traditionally dominant group, without ruling out change for the historically subordinate one. Domestic constitutions and international human rights conventions could both be brought to bear to provide clear rules.

If equality was about content, interdependence was about process. Thus while at Queen's University the right decision had been taken on the removal of the British national anthem from the graduation ceremony, given its offensiveness to nationalists, the right process had not accompanied it. An intense debate had taken place, yet almost entirely confined to people talking to people from the same community, disposed to give the same response. Common ground had not emerged.

Symbolism was key and tolerance was thus crucial. Germany, because of its history, could tolerate the flying of various flags internally by the different *Länder*. Other countries, because of their histories, could not.

What was the role of the international community? If cultural homogeneity was being thrown into question, so too had to be problematised the associated idea of monolithic states immune to 'external interference'. Hence the *droit d'ingérence* idea, on behalf of subordinated minorities.

Combining these considerations, Bernard Dréano suggested, if symbols were crucial to multiculturalism—and France of course had had the long experience of the area of Alsace-Lorraine contested with Germany—then 'international symbolic mediation' was required in Northern Ireland, recognising its British, Irish and European dimensions.

But Ms Peterson's testimony—of which perhaps the Northern Ireland 'peace package' partnerships are another example—was also a telling demonstration of the importance of building upon practical efforts on the ground. **DD**

Footnotes

[1] Frank Wright, *Northern Ireland: A Comparative Analysis*, Gill & Macmillan, Dublin, 1987
[2] Adrian Guelke, *Promoting Peace in Deeply Divided Societies*, occasional paper no 6, Queen's University Dept of Politics, Belfast, 1994
[3] *Partnership for Equality*, Cm 3890, 1998

Individual and collective rights

George Schöpflin

We live in a world of multiple identities and we regard the ideal political system as the one that permits them widest expression. Reality

A matter of interpretation

is different, of course. Political systems do indeed allow some identities expression, but others are constrained or repressed.

In understanding the nature of these processes, we have to look at the criteria by which communities sustain themselves and seek to establish the coherence that makes a community a community and not just a group of disparate individuals. Individuals without a community are dispossessed, but the community to which they belong imposes duties and assigns them rights, as well as empowering them with ways of decoding the world.

In this context, it is essential to understand which identities have political weight attached to them and which do not. In broad historical terms, we are living in an era when cultural identities are becoming more important and economic ones less so, at any rate as far as Europe is concerned. Until the collapse

of communism, both the west and the communist world stressed the universalism of economic identities. Marxism-Leninism did so explicitly; western liberalism began from the assumption that individual choice was the mainspring of identity and saw this choice as primarily, though not exclusively, articulated in economics.

The collapse of communism placed a question-mark over this emphasis on economic identities. The contest for influence, authority and power that we call the cold war turned, *inter alia*, on the similarity between eastern and western assumptions about the nature of the deepest interests of the individual and how these economic identities should be fed into politics. Once communism ended, the west's own assumptions were left without an antagonist that thought in the same way. It had to face relatively novel demands for access to power on the basis of cultural identities that were deviant by economic criteria.

All identities function in much the same way. They seek to establish their validity, have them accepted by communities organised around other self-definitions, make their existence as communities unchallenged and unchallengeable and secure themselves in the context of political power. The order that communities establish operates, crudely speaking, at both the institutional and the symbolic level. Power and authority are expressed and sustained by institutions, procedures and other forms of explicit regulation.

At the same time, communities also rely on their symbols, rituals and ceremonies to ensure their survival. Every community does this. Memory and forms of knowledge are vested in the symbolic dimension of politics and create a sense of solidarity, without which it is difficult to sustain consent to be ruled. This is the essence of cultural reproduction. All communities seek to ensure their survival—that is, they engage in cultural reproduction.

It follows that a stable political system will make provision for both the institutional and the symbolic aspects of power. If one is neglected, the other will suffer and that generally produces negative reactions on the part of those affected. For 'negative reactions' read friction, conflict, dissension. All politics involves conflict, but when the contest for power is taking place at the symbolic rather than the institutional level, it is infinitely more difficult to regulate it— above all because symbols appeal to the emotions, to the affective dimension of collective existence.

This helps to explain why institutional provision on its own will not solve

identity-driven conflicts. The finest, most elegant legal system in the world will be useless in such situations and reliance on a legal discourse is a waste of time unless the prior non-legal assent to be ruled is already there.

In most European political systems, provision for symbolic representation exists, but it tends to be unequal for different groups and that is the principal source of much ethnic conflict. The weakness or absence of access to symbolic power leaves identity groups uneasy about their cultural reproduction and they will seek to secure it. This makes the contest for power opaque and unpredictable, and raises fears about communal survival which institutional power is incapable of regulating.

The problem is acute or even hyper-acute in multi-ethnic states because our political traditions privilege institutional regulation over the symbolic. Indeed, we tend to be dismissive of symbolic politics. We tend to dismiss it as primitive, or pre-political or just plain irrational. This is an error. If one's aim is to achieve stability, then adequate provision for symbolic representation is just as vital as the access to institutions which democratic theory stresses so strongly.

It follows from the foregoing that such twofold provision, both institutional and symbolic, is bound to be more difficult in multi-ethnic states than in mono-ethnic ones (under mono-ethnic I include states where one ethnic group makes up over 90 percent of the population). Where two or more ethnic groups coexist, access to institutions and symbols will require complex and continuous negotiation to ensure that no community becomes fearful for its survival and, crucially, that the symbolic demands of one community do not endanger those of another. This last proposition can be argued both on prudential grounds and on the basis of democratic self-limitation.

However, it is important to note that citizenship on its own will not produce the kind of democratic, inter-ethnic stability under discussion. The codes of citizenship establish the framework for the institutional relationship between the individual and the state and the clarity that these codes offer is vital for uninterrupted cultural reproduction. Arbitrary use of power not only makes for bad governance but generates fear.

It should be understood, though, that citizenship and its regulation are invariably coloured by the ethnic assumptions of the group that contributes most to it. It is this colouring that has to be made multi-coloured if all the ethnic groups in the state are to gain the security under discussion here. In this sense, citizenship is a necessary condition of democratic

stability in a multi-ethnic state, but it is not sufficient.

What follows from the discussion so far is that collectivities create sources of power and the members of groups seek recognition for their demands for power. If the political system can absorb this proposition, then the extent of collective political rights can be seen as a matter of negotiation. Legal rights are downstream of that and it is misleading to begin from legal regulation. Legally defined rights will only gain full respect where the collectivities in which people live have a sense of their secure future.

The individual's position, therefore, is more dependent on the collective than we are accustomed to think. Since the Enlightenment, western assumptions have turned on the proposition that the individual is the pivotal, autonomous agent in society. This is persuasive, but that autonomy is not absolute. It is bounded by the implicit and explicit baggage of assumptions that all individuals bring with them and these assumptions are derived, as often as not, from cultural imperatives.

We are all members of communities and communities create their own regulation. Indeed, we are deeply suspicious of individuals who have no community, who are in that respect not 'recognisable'. Hence individual rights are established and exercised in and against the community in which the individual lives.

In certain circumstances, therefore, individual rights can be thoroughly constrained by the demands of the community. This delimiting of the individual takes place when the collectivity feels itself under threat and imposes the severest restrictions on freedom. Here, the field is wide open to manipulation, because when groups perceive their existence as being in danger, they will appeal to the affective dimension and thereby exclude or restrict rational argument.

So much for the theoretical analysis of the relationship between collective and individual rights. Applying these insights to the ruins of former Yugoslavia, we can draw various conclusions.

It is evident that multi-ethnic communist states were inherently weaker than mono-ethnic ones. Hence, communism had little or nothing to offer in advancing the skills needed for multi-ethnic accommodation, because it relied on force and the threat of force to maintain itself. The system was strongly reductionist in its failed attempt to eliminate or marginalise ethnic identities. Nor could it cope readily with the diversity that communist modernisation created, in terms of industrialisation and urbanisation—including massive migration from

rural areas to towns without sufficient provision to learn the skills of urban living.

Communism had no concept of rights at all. It did give people a status—that of 'worker', say—but it established no proper procedures for validating rights and duties. It was arbitrary and unpredictable; hence those ruled by communism learned few of the skills needed to deal with conflict and contest. Thus when the security and coherence provided by the communist state disappeared, the only identity on which they could rely for the construction of a stable order was ethnicity.

The sudden projection of ethnicity into the public sphere took place without adequate understanding of what dealing with other ethnic groups would involve. There were few or no criteria for recognising reasonable or unreasonable demands, no culture of self-limitation or compromise. As a result, insecurity as to one's cultural reproduction was intensified. In these circumstances, individual rights were marginalised and those who controlled the agendas of the collectivity were able to recreate a one-sided distribution of power. In this context, the contrast with mono-ethnic post-communist states is noteworthy. Where the state was already in existence before communism, it was sufficiently well grounded to allow at least some regulated contest for power, though in these states, too, interethnic relations have been a major problem. For new states the problem is magnified, because they have to construct themselves from inadequate raw materials.

The inadequacy of these raw materials has been exacerbated by the war. War generates insecurity and radicalises those involved. Where war has the qualities of an inter-ethnic conflict, anxieties will focus on one's cultural reproduction and all factors, demands, interests not perceived as enhancing cultural reproduction will be delegitimated and suppressed. The radicalisation will be expressed as polarisation and a thoroughgoing narrowing down of the cognitive field, which then becomes fertile ground for conspiracy theories and other forms of ideological thinking in which every event will be assessed through ethnic spectacles and fitted into a coherent pattern of ethnicisation.

The upshot of these propositions is that the Yugoslav successor states, with the exception of Slovenia, are grappling with multi-tiered problems of extraordinary complexity which make the recognition and validation of individual and minority rights all but impossible. The weakness or absence of a culture of citizenship, the shallow roots of the rule of

law, the feebleness of civil society and the corresponding ease with which political leaders can mobilise along ethnic lines make for a situation in which individual rights are understood as deriving solely from ethnic identity. Hence members of other ethnic groups can be validly denied their rights, because they are believed to be determined to destroy one's own. This is precisely the response that was reported from among the Serbs of Kosovo in March to the agreement that Albanians be permitted to study in Albanian, but that is by no means a unique case.

The validation of individual and minority rights needs stable political systems that function predictably and in which the exercise of power is transparent and accountable. Without this, conflict will be potentially open to rapid polarisation from which retreat is very difficult. This implies that external agencies (like the west) have a major role to play in the foreseeable future in stabilising the exercise of power; otherwise ethnicisation will be hard to block.

To bring that stabilisation about, the external agencies have to do more than create institutional structures. They must begin from the underlying proposition that cultural reproduction requires security at the symbolic as well as at the institutional level. This will demand patient and constructive engagement and

sensitivity in understanding inter-ethnicity. Money, investment and economic activity are at best a helpful condition for stabilisation, but monetary incentives will not do much to change the underlying dynamic and it would be foolish to rely on them. Likewise, legal provision will only work if the underlying security has been firmly established. International legal norms, like war crimes, are useful in creating a set of external constraints, but they will not be internalised by those affected while there is a substantial constituency for ethnic perspectives, and that is the accepted attitude of the majority.

At the end of the day, the instability of the post-Yugoslav space is political and only political means will change that instability. In the current circumstances, that signifies a very considerable western presence in Bosnia, adding up to a protectorate, coupled with the need for pressure on all the other successor states to move towards the procedural and substantive recognition of rights that are essential for democracy. Similarly, the west will have to persist with its policy of constraining Serbia from its course in Kosovo, even while it must pay heed to the (legitimate) symbolic goods that the Serbs have in the region. Active engagement in Macedonia implies a framework in which security is offered to both Mac-

edonians and Albanians. And Croatia will have to move towards a system that accepts and gives political expression to the diversity of Croatian society.

The west must be consistent and determined in this strategy and make it very clear that it will behave in this fashion; otherwise, ethnicisers have an incentive to sit it out, to wait until the west tires of its commitment. And the west must recognise that the special conditions of ex-Yugoslavia need special remedies—chief among them the understanding that threats to cultural reproduction and survival as a community create very long-term insecurities that are not easily assuaged. Until they are, the region will remain unstable.

Discussion

Frank Steketee of the Council of Europe responded by describing the evolution of the minority rights régime over which the council presided.

Before 1989 it had been 'a factory of legal norms', especially the European Convention on Human Rights. Promulgated as this had been in the aftermath of World War II, the convention reflected the spirit of the times—like the Universal Declaration of Human Rights—in focusing entirely on the rights of individuals.

But the idea that minorities deserved attention had remained an undercurrent throughout the work of the council, resurfacing in the 60s. In the 80s, the council had begun work on its languages charter,[1] though skirting the issue of minority rights *as such*.

Nineteen-eighty-nine had accelerated the process, boosting membership of the council to 40 with the subsequent accession of central and eastern European countries. Minority concerns were similarly reflected in declarations by the Organisation for Security and Co-operation in Europe and by the UN: in 1992, the same year the Council of Europe published its languages charter, the UN published its declaration on minority rights.[2] It fell to the council to develop a legal instrument.

But even though there remained a commitment that these rights should be defined in individual terms—as attaching to 'persons belonging to' minorities—France (along with others) had baulked at inclusion of the new propositions in the European Convention on Human Rights, given the universalist character of the latter (as well as of France's political culture).

This had resulted in the framework convention of 1994,[3] which though lacking the justiciable status of the ECHR, via the Commission and Court of Human Rights, nevertheless set a legal standard.

The convention had come into effect at the beginning of this year, and states' compliance would be monitored by independent experts working to the Committee of Ministers of the council. The council also advised governments more generally on the compatibility of legislation with instruments to which they had signed up.

Mr Steketee was pressed on the adequacy of the compliance mechanisms under the framework convention and whether there was still not governmental resistance to minority régimes which were perceived as undermining territorial sovereignty. He said that the council would advise governments to consult those whom the reports were meant to be about and such reports would be made public for comment when furnished. Some 200 NGOs enjoyed consultative status with the council.

But he admitted: "The arsenal is not very impressive." The option of expulsion of a recalcitrant state from the council had only been deployed once in its history—in fact, the Greek colonels had left just before they were pushed.

Thus it was suggested that there remained a need for pressure for the framework convention to have full convention status. Nevertheless, in the meantime, it provided a benchmark against which NGOs could demand governmental compliance in their treatment of minorities.

The importance of international pressure in ameliorating intercommunal conflict was clearly recognised. Very little that was positive that any of the key players in ex-Yugoslavia had done, it was pointed out, had been done because they had felt it was right to do it (a factor clearly evident with various players at various times in Northern Ireland).

It was suggested there needed to be better monitoring of states' behaviour—for example, the performance of Croatia—and a more credible military threat so that states would not believe they could get away with acting as 'international delinquents'. The lack of any coherent policy by 'the west' towards ex-Yugoslavia was inevitably highlighted in this regard—including the effect of premature recognition of Croatia and Bosnia-Hercegovina in triggering the war.

In terms of handling division between groups internally, a rider was initially expressed that the multiple components of any society should not be reduced to multi-*ethnicity*. The risk was of an elision from ethnic élites to ethnic groups with, in the process, the exclusion of other senses of group membership. Hence the importance of NGOs in making it possible for societies to be 'self-managing' (rather than, say, being reduced to international protectorates)—for there to be 'civil

democracy' with a proper division of power between politicians and civic groups. This led to a discussion of the need for 'transcendent symbolism' if such a scenario was to be possible.

The German post-war experience in the wider Europe had at least shown negatively how there could be a downplaying of national identity which might otherwise be deemed aggressive. And efforts had been made to find symbols for people living together—witness the visit by the chancellor Willy Brandt to the Warsaw ghetto, which had drawn a line under the past and established a basis for a new commonality.

The difficulty of constructing shared symbols was however recognised—especially in the light of the non-correspondence between state and 'nation' in Northern Ireland. It was also suggested that it was more difficult to handle diversity between religious groups than those that were linguistically divided (as in Belgium, for example).

But the European Union was now perceived as more relevant in Northern Ireland—with its financial assistance—and hence there was perhaps more recognition of the potential of its transcendent symbolism. In Romania, to take another example, there had been some progress towards acceptable symbolic arrangements between the Hungarian minority and other Romanians.

Yet in any such situation groups would only come together on some issues—not all. The state and civil society had therefore particular responsibilities in this regard, as otherwise only ethnic identities would prevail. The problem was not ethnic cleavages, as these would always be with us—the problem was whether we could deal with them. DD

Footnotes

[1] Council of Europe, *European Charter on Regional and Minority Languages*, Strasbourg, 1992

[2] United Nations, *Declaration on the Rights of Persons Belonging to National or Ethnic, Religious and Linguistic Minorities*, New York, 1992

[3] Council of Europe, *Framework Convention for the Protection of National Minorities*, Strasbourg, 1994

Diversity and civil society

John Fitzmaurice

In Belgium, it is taken for granted that however serious the inter-community conflicts that beset the country become, they will be resolved or at least managed by peaceful and democratic means. This was, until Bosnia and perhaps until the 'troubles' in Belfast, never regarded as a significant achievement, though perhaps it should have been. Belgians are now, and perhaps have always been, critical of their political system and their political class. This fails to give credit where credit is due in at the very least one respect—ensuring peaceful conflict management.

It is often lost sight of that the very structures so roundly criticised are precisely those that were necessary to ensure such management. Equally, it is often forgotten that conflict management doesn't happen automatically. Nor is not a one-off, once-for-all quick fix, but a painstaking process that needs constant attention—and investment of ingenuity and resources. Perhaps, part of the Belgian method consists precisely in a rather low-key pragmatism that is neither dramatic nor easy to sell in public-relations terms.

Its system is its lack of system—muddling through and self-deprecation. Perhaps like Molière's Monsieur Jourdan, who spoke in prose without knowing it, Belgian political leaders practise crisis-management without knowing it, or at least without shouting about it. That is without doubt the right approach in the Belgian political culture, and probably any other way would not work at all. But the downside is to make the very real, but unsung, achievements of the system vulnerable to at times ill-considered and demagogic attacks.

Before looking at the way Belgians have managed their inter-community conflicts, let us examine the seriousness

of the conflict that had to be managed. Belgium is not a natural state—*pace* Henri Pirenne, the historian of Belgitude par excellence. It only came into being in 1830, though its contours had emerged as early as 1579. It was then that the Catholic southern provinces of the Spanish Netherlands opted to abandon their revolt and to stay with Spain, whereas the northern, Protestant provinces went on to become the Netherlands and were recognised as such internationally after the Peace of Westphalia in 1648.

After the short and unsuccessful interlude of the United Netherlands—forced on the former Spanish and later Austrian Netherlands for geopolitical reasons between the Congress of Vienna (1815) and the Belgian Revolution (1830)—a new independent and neutral state, guaranteed by all the great powers, emerged. Yet, in truth, this new Belgian state was just as much an artificial creation as the United Netherlands, though for different reasons.

The French-speaking, Catholic and rapidly industrialising Belgians had found themselves marginalised, disadvantaged economically and discriminated against within the United Netherlands. They reacted by creating their new state in their own image and interests. Now, the Flemish population felt excluded.

The only language of public life in the new state was French. It looked to France for its legal system and culture. Its economic and political life was dominated by French-speakers. Most Flemish people could not vote under the limited suffrage that prevailed until the first world war. The élite, even in Flanders, was French-speaking. Justice was dispensed only in French and, notoriously, in the 19th century two Flemish men were tried and condemned to death in French, which they did not understand. Most soldiers were Flemish, but officers were French-speaking and gave their orders in French.

The history of modern Belgium is very much the history of how the Flemish movement emerged to challenge this discriminatory and untenable situation and, in the process, ultimately transformed the old centralised, unitary Belgian state into the new federal structure. This process was long and complex and by no means always positive or effective. Indeed, sometimes it was a two-steps-forward, one-step-back process. It was, though, the dominant issue in Belgian public life, at least from 1900.

Inter-community conflict can be exacerbated and rendered more intractable by other factors that follow the same cleavage lines. Let us look at how such factors apply to the inter-community conflict between Flemish and Walloons in

Belgium:—

• *Racial differences*: Clearly, this factor is absent, as both Flemish and Walloons are northern Europeans.

• *Religion*: It was the religious difference between the Catholic south and the Protestant north which led to the split between north and south that ultimately made the United Netherlands fail, issuing in the two separate states after 1830. But both Walloons and Flemish are Catholics. So, unlike Bosnia or Northern Ireland, religious differences have not been important.

• *Ideology*: In the Baltic states, for example, Russians were communists, whereas the Balts were not merely nationalists but also anti-communist. In Belgium, while it can be argued that Wallonia leans more to the left and Flanders more to the right—which may add to the complexity of the political system and may also add an extra argument in favour of federalism—ideological difference are neither so sharp nor ideological dominance in each community so monolithic as to create a serious difficulty *per se*.

• *Minority enclaves*: A key question is whether different communities are concentrated or spread. In Northern Ireland, there is of course some concentration, but there is also some spread of minority enclaves in the areas of the other community. In Bosnia, this is clearly the key problem, whereas the absence of significant Serb enclaves in Slovenia made it possible for Slovenia to accede to independence without major conflict. In Belgium, there are only some small minority enclaves, or exclaves, in each of the other communities, mostly very close to the language border. The exceptions are the 10-15 per cent Flemish minority within Brussels and the French-speaking minorities and even majorities in Flemish municipalities just outside Brussels, a situation which corresponds to the English-speaking minorities in and around Montréal in Québec.

The strong attachment of both communities to Brussels is important. Population is spread within the city. There are no very strong Flemish areas. It can therefore not be split. Neither community wants to abandon Brussels. It has therefore been the cement that holds the country together. It has been a factor for cohesion, whereas larger enclaves elsewhere, inside the linguistic borders, would have made for conflict.

• *External irredentism*: In Bosnia, Serb and Croat minorities were exclaves bordering on Mother Serbia or Croatia, both states that were stronger than their Serb, Moslem or Croat enemies within Bosnia. The same is true of the Hungarian minority in the Danube valley in Slovakia.

It was true of the Sudeten Germans in Czechoslovakia after Hitler came to power in 1933, but not before. In Belgium, Flanders and Wallonia—and, for that matter, the small German-speaking community—have powerful neighbours with whom they have cultural and historical affinities and who could act as protectors.

However, Walloons do not want to join France and there is no French pressure for them to do so. The so-called *ratachiste* movement is minuscule. Equally, the Netherlands has shown no interests in annexing Flanders and, since 1945, there has been no Greater Netherlands movement in Flanders. Indeed, ironically, the most nationalist Flemish party, the Vlaams Blok, intensely dislikes Dutch liberalism and permissiveness. It is not attracted to the modern Netherlands and here religion could play a role, especially on the Dutch side: if Flanders acceded to the Netherlands, it would upset the religious balance in the new state.

• *Economic divergences*: In the 19th century, Wallonia was the economic heartland of Belgium, as Flanders had been in the middle ages. Indeed, after Britain, industrial Wallonia and especially the Sambre-Meuse coalfield was the cradle of the European industrial revolution—mightily aided after 1830 by the mercantilist policies of the new Belgian state.

Economic power was in the hands of the emerging French-speaking bourgeoisie. Of course, the positions of the Walloon industrial proletariat and the Flemish peasant were equally unenviable. However, the degree of economic and social exclusion was even greater in Flanders, exacerbated by political and linguistic exclusion.

Now there has been a reversal. Flanders is the dynamo of the modern Belgian economy. By any indicators of economic and social wellbeing, Wallonia now fares worse and has been deteriorating for at least two decades. Industrial decline has devastated many areas. Until 1970, unemployment in Wallonia was lower than in Flanders. Per capita gross domestic product was higher in Wallonia until 1966. In 1959, Flanders only produced 47 per cent of Belgium's GDP, in 1965 it produced 49 per cent, but by 1975 it produced 56 per cent and now (1996) 59 per cent. Per capita income is 115 per cent of the EU average in Flanders but only 91 percent in Wallonia.

Wage rates are significantly higher in Flanders. Unemployment is 10.5 per cent in Wallonia but only 6 per cent in Flanders. Long-term unemployment is more serious in Wallonia too: Flanders has created far more jobs and lost far fewer. Health costs, often an indirect indicator of social problems, are higher and rising

faster in Wallonia and Walloon life expectancy is lower. Taken together, there has been a complete reversal. Wallonia has lost its sense of direction and dynamism. Wallonia has an image of being a 'loser', with a self-image of low esteem, paralysis, outmoded and inflexible attitudes and institutions, poor adaptability and dependency on the state and a *particracie* seen as more endemic there than in Flanders.

• *Language and culture*: Clearly, a common language and culture can bridge other cleavages and represent a solid platform, within which different communities can coexist. It may not be enough, but it can help. In former Yugoslavia, where the various languages spoken are very close, language was not in itself a factor of division, but equally it was not an adequate bridge over other cleavages. In the Baltic states, sharp differences of language and culture served to accentuate other divergences. Equally, in Ireland language has not been a divisive factor. On the other hand, in Belgium, divisions between a Latin and a Germanic language have been a, if not the, central issue.

Objectively, it would be difficult to maintain that the differences between Walloon and Flemish culture are such as to be decisive, though such differences exist. It could though well be that such differences will tend to increase over time, as the two regions develop separately and as all minorities within the other major community disappear. Already, it is fair to say that there is hardly any distinct Belgian culture, no single Belgian civil society, press, media or party system.

Former national structures are disaggregating. Even the Catholic Church is adjusting its diocesan system to the new federal structure. There no one single *demos* and no national political debate. Very few politicians seek to operate in more than one community. It should be underlined that this development is neither fortuitous nor accidental. It may not matter, provided that—to use an otherwise notorious formula—the two societies and cultures are indeed 'separate, but equal', and provided conflict management structures continue to function effectively.

It was over a century after Belgian independence before Flemish consciousness and, in reaction, a defensive, countervailing Walloon and Francophone consciousness put the communitarian issue at the top of the political agenda, though it had been moving up for a long time before. With the rise of distinctly communitarian parties and movements on both sides of the linguistic frontier—

the Volksunie and the wider Vlaams Beweging (Flemish Movement) in Flanders, and the Rassemblement Wallon and the increasingly 'federalist' Féderation Général des Travailleurs de Belgique and the Front Démocratique des Francophones in Wallonia and Brussels—the issue reached out and grabbed a reluctant political class by the throat. It could no longer be ignored, as it was creating untenable strains within the as yet still unitary traditional political families, under pressure from radicals within their own communities.

At its highest, in 1971, regionalist parties won 22.3 per cent of the vote and 45 seats in the 212-member Chamber. In 1974, the regionalist share slipped slightly to 21.2 per cent, bur they increased their number of seats to a record 47. Clearly, the regionalist parties were there to stay and had become a force to be reckoned with. This was a clear democratic alarm-bell which politicians could only ignore at their peril. In any case, the old unitary 'Belgique à Papa' was fast becoming ungovernable. Business as usual was not an option. New and creative solutions were called for.

Before looking at the specific remedies introduced stage-by-stage after 1970, which ultimately transformed Belgium into a federal state by 1993, it is important to understand what has aptly been called 'the Belgian method', which has been central to crisis management. Without it, the specifics could not have worked. Let us deconstruct the Belgian method and look at its principal characteristics:—

• *Create a process* ...: The first step was to create a process, through various forms of inter-community dialogue, in which creative ideas could be floated and mature, contained until the time was ripe. Beyond each step or phase, beyond each government, beyond each election there was the transcendent process itself. All issues became negotiable, but only within its cocoon. This was a powerful incentive to enter the process and stay in it. It thus achieved a certain independence from each immediate issue and from the contemporary set of participants. A favourite formula beloved of the prime minister Jean Luc Dehaene sums up this aspect very well: "Tout est dans tout" (everything is interconnected) and "Rien n'est décidé aussi longtemps que tout n'est pas décidé" (nothing is agreed until everything is agreed).

• *Include not exclude*: This applies both to actors and issues. Part of the delicate art is to bring together just the right actors and just the right package of issues for each phase, so that these as it were quasi-automatically coincide. In fact, composing the group of actors to be

brought on board is probably the most important step. Actors tend to bring their baggage of issues. If you bring too many and incompatible issues, there will be no agreement; if too few, there will be no solutions. If this initial choice is well made, the chemistry will begin to work and people will be bound into the process and invest political capital in it.

This last is vital to success. Overload will likely lead to failure. With underload there will be too few issues to package-deal within. There must be enough for everyone here and now—not just jam tomorrow for those required to make immediate and visible concessions—to get the ball rolling. It is a basic rule of thumb that the dynamism of each phase rarely exceeds a year. Promises and concessions beyond that are, in Belgium at any rate, seen as having little credibility. The 1980 and 1988 phases ran out of steam precisely because one partner felt that he was getting nothing he really wanted out of the process.

• *Flexibility*: Belgian negotiators are less interested than others in models and structures with an inner logic or intellectual tidiness than with what works. When, early in the process, no one wanted to admit that they were actually creating a federal state, they just did it and claimed the opposite. There has indeed been only one attempt at a global,

John Fitzmaurice (left) makes a point to George Schöpflin
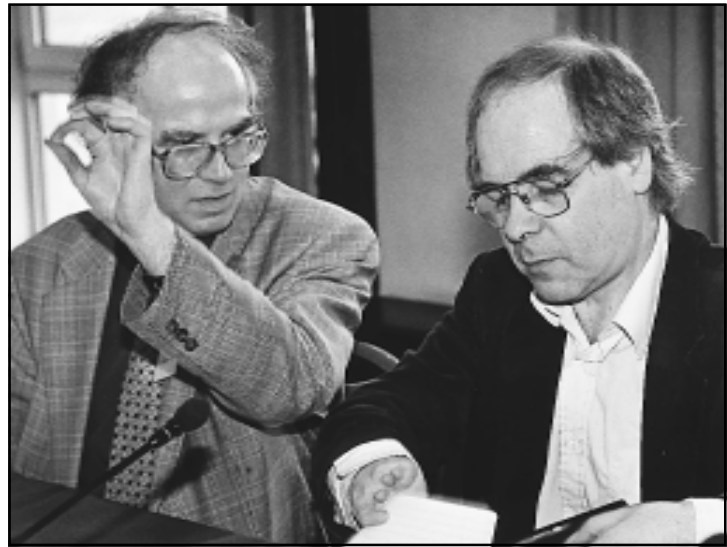
coherent settlement—the Egmont Pact of 1977, intended to be implemented over two legislatures. Significantly it failed, but many bits and pieces were recuperated, bent into new shapes and reused, often many years later. It had been too coherent, too explicit. It showed too clearly the final destination, which had to be revealed only gradually.

Complex, contradictory, inelegant, pragmatic, asymmetrical temporary permanent arrangements, creating a dense institutional thicket, work better. We owe the asymmetrical arrangements between Flanders and Wallonia and Brussels, and elements of non-geographical federalism,

to this creative, lateral thinking. This approach mixes affirmation of principles with practical solutions which deviate from or even contradict them.

• *Institutional solutions*: A key part of the Belgian method is its preference for institutional solutions. An institutional labyrinth creates shock-absorbers and buys time. Problems can be smothered, lost, 'dialogued to death'. Those demanding radical reform are obliged to define an institutional solution, which then becomes the outer limit of the debate. This approach worked well in relation to Brussels. A balanced institutional approach, consisting of guarantees for the Flemish minority in Brussels going well beyond what their numerical strength would justify, compensated the Flemish concession of 50/50 representation in the federal government and various minority-activated mechanisms in the federal parliament.

• *Leadership style*: The process may at times be complex and diffuse—part of its strength—but it always has leadership built into it. It may be a different leadership at different phases: the prime minister, party presidents, special co-chairs (Flemish/Francophone), experts ... Leadership must be directive, but discrete. It must set agendas, ask the right questions, force players out of the bushes by requiring them to respond to options. It must manage time and deadlines intelligently. There must be neither too much nor too little leadership.

• *Civil society*: It is often argued in relation to the transitions in central Europe that one of the most serious dysfunctions in the systems that have evolved since 1989 is that formal political institutions have been created without the support of a functioning civil society, acting as a vital, two-way transmission belt between the institutions and the atomised citizenry. Clearly, Belgium does not lack a dense and active civil society—on the contrary. Like all 'pillarised' consociational democracies, there is in Belgium a very well developed pillarised civil-society network, which has been a key underpinning of the Belgian method. The pillarised structure enables the élite leadership of each to deliver 'its' pillar in negotiations.

When Belgium was a unitary, centralised state, civil-society networks were essentially national, with at most dependent regional 'wings'. The logic of the Belgian approach, based on an institutional decentralisation, was a parallel regional decentralisation of civil society. Indeed, many of the issues addressed by the most active civil-society networks have been regionalised or commun-itarised completely under the reform measures—health care, culture, use of languages, education, training,

environmental protection, planning and building regulations, housing, public transport and micro-economic intervention, just to name but the most important policy areas. Regional and community civil-society networks have emerged to 'shadow' and influence the new regional and community authorities.

A national civic society exists less and less. Though some may regret it and there are limits and a downside to this approach, the rapid decentralisation of civil society, in parallel with institutional devolution, has been a positive development.

It would take too long to give a detailed account of the meanders which over almost a quarter of a century have led from a unitary to a federal state. But the main characteristics of the Belgian federal model can be summarised in ten points:

1) The basic ground rules are laid down in federal legislation, only amendable by the federal institutions, though the regions and communities do enjoy some limited, but psychologically important, constitutional autonomy, allowing them some independence and flexibility in their own organisation and some additional asymmetry.

2) The basic texts (the Constitution and Special Laws) provide for some asymmetry, unusual in classic federal systems. Brussels has a special status and special institutions: it is both more and less than simply a region like the other two. The Flemish Region and Community have been fused, whereas the Walloon Region and the French-speaking Community have not, but the French-speaking Region may delegate some functions to the Brussels Region.

3) There is a complex, limited but significant, financial solidarity between the regions and communities, within but also across linguistic boundaries.

4) Procedural stabilisers have been built in to prevent political instability—for example, the regional parliaments can not be dissolved. The right of dissolution of the Federal Chamber is now very restricted. In principle, all governments are supposed to serve the full four-year term. At the federal, regional and community levels, a no-confidence motion must be a so-called constructive censure motion—on the German model—proposing a new premier at the same time as removing the old one.

5) Wide ranging socio-economic powers, as well as cultural and personalised services, have been devolved. Residual powers lie with the sub-regional authorities. This again is relatively unusual.

6) Some elements of non-geographical federalism are included, through bodies

responsible for providing personal services to people in Brussels on the basis of their membership of a given language community, rather than on a geographical basis.

7) Significant rights to conduct international relations and conclude treaties have been devolved to the regions and communities, without requiring the approval or intervention of the federal government, in those areas where the regions or communities enjoy devolved domestic competence.

8) There is an Arbitration Court—in all but name a constitutional court—which arbitrates in legal disputes between the various levels of government, and an extensive network of contact committees to prevent and resolve disputes by consultation, co-operation and co-ordination. This is an example of affirming a principle—devolution of power—whilst establishing practical measures to resolve problems of overlap and the need for practical co-ordination.

9) The system is based on representative democracy only. Direct democracy would threaten many of the delicate checks and balances built into the system and would possibly cause open conflict between communities, if the result of a referendum was different in each—as indeed happened in the only national referendum ever held, on the future of Leopold III

after the second world war.

10) The system is underpinned by complex reciprocal minority guarantees at every level, based on community membership. The federal government must be made up 50/50. The same applies to the cabinet of the Brussels Region. Certain types of bill require a special majority for their adoption—that is, a majority of the members of each linguistic group in the relevant parliamentary body. People living near the language border or near Brussels are accorded some limited facilities for the use of their own languages, in their relations with the authorities, and in some cases they may vote across the language border. Otherwise strict principles of territoriality and unilingualism apply, except in bilingual Brussels.

What factors will tend to hold the system in a stable balance and what factors will tend to undermine the system and perhaps push it towards separatism? First, stabilising factors:—

• *Political investment*: The political parties have invested considerable political capital in the process for a long time. They will not wish to forfeit that lightly. With the exception of the far right, all parties have at least some investment in the process, whether or not they are in

government. Indeed the Green parties have never been in government, but they supported the St Michael's Day Agreement of 1993 which was the latest stone in the edifice.

• *Flemish self-confidence*: Increasing Flemish self-confidence can lead to longer-term stabilisation, as it could mean that the Flemish numerical majority would lose its dangerous psychological sense of minority status: in Belgium you have a majority with a minority complex and a minority with a majority complex. Were that to become established over time, an accommodation between the communities—based on some concessions to the Walloons going beyond their numerical rights—might become possible, creating a climate of greater mutual confidence.

• *Regionalisation*: This will permit asymmetrical coalitions and greater flexibility in policies to take account of regional differences, reducing tensions within the system—as each community can go its own way—and potentially simplifying coalition-building.

• *Brussels*: Both communities are attached to Brussels—an 80 per cent French-speaking enclave in Flemish territory, though a Flemish city until the 19th century when it became a government city. It can not be geographically divided like Berlin or Beirut, as there is no distinct Flemish part. In the event of separation, it would be an almost insoluble problem to decide what should happen to Brussels. Hence, it has become a separate bilingual region, with strong guarantees for the Flemish minority. The problem of Brussels requires, as it were, the parents to stay together for the child. Otherwise a 'velvet divorce' would be quite likely.

The paradoxical effort of the rightist Flemish nationalist party, the Vlaams Blok, to extend its appeal to French-speaking people in Brussels illustrates the fact that, for many, Brussels is the last nail holding the country together. The Vlaams Blok is trying to win support in Brussels on the basis that on many key issues—such as security, immigration, education and health—Brussels people would be better off as part of an independent Flanders. To make them welcome, the VB would even permanently guarantee the existing bilingual régime in Brussels.

There are, however, also destabilising factors:—

• *External factors*: Before the end of the cold war, the structure of European states seemed set in stone. It seemed unlikely any new European states would be created. Membership of the EU was also an important argument against secessionist pressures within Belgium and

elsewhere. Since 1989, numerous new states have been created in central and eastern Europe. The velvet divorce in Czechoslovakia saw both successor states easily assume the membership of international organisations that had been held by Czechoslovakia, including association with the EU. There is now no longer any international taboo on splitting states, provided it happens—as it would in Belgium—in a peaceful, democratic and consensual manner. The international dimension is no longer a significant stabilising pressure, and indeed the example of Czechoslovakia could offer a model.

• *Lack of national political parties*: Traditionally, there were only three significant parties in Belgium, representing the three traditional 'political families': Christian Democrat, Socialist and Liberal. These unitary, national political parties were an important cement, holding the country together. By the mid-70s all three had split into pairs of Flemish- and French-speaking parties, making six in all. There were of course also the community parties and, later, the Greens and the far-right Vlaams Blok. The pairs drifted wider apart and tended to be more concerned about forming alliances or 'fronts' within their own communities, rather than ideological alliances across the community divide. Each pair of 'sister' parties first diverged on community issues, but then increasingly on other issues too.

Increasingly, there are not only no national parties, but no political families either. There are also increasingly not one, but two—or, with Brussels, three—separate political systems, with different centres of gravity. Wallonia is dominated by the Parti Socialiste (PS) and, accordingly, leans to the left. Flanders is dominated by the Christelijke Volkspartij (CVP) and leans more to the right. In Brussels, the Liberals, with their FDF allies, dominate. The growing distance between the respective members of the three political families, with additionally parties operating in one community only (the VB), will make for distinct coalitions at regional level and eventually for asymmetrical coalitions at federal level. These structural developments are reinforced and in part caused by the absence of national media.

• *Lack of a national civil society*: In the reform phase, the disaggregation and decentralisation of the then national civil-society networks was necessary and desirable. It was then supportive of the reform process. In a consociational tradition, such networks naturally gravitate towards the most relevant and effective power centres, in terms of their areas of concern, as well as adopting an

instinctive subsidiarity or proximity approach. As power centres devolved, they devolved. Now, this process may have gone too far. It contributes to the growing separation of the two polities. Like political parties, civil-society networks and NGOs could be part of a residual national cement, counter-balancing centrifugal tendencies, if they were able and willing to do so.

• *Finance issues*: There have always been implicit inter-regional transfers, as within any state. These have become more visible, and therefore the target of criticism, as federalisation has proceeded. They have seemed to be a one-way street, with Flanders as the net contributor to Wallonia. This has become particularly clear in relation to the most important remaining and increasingly expensive mechanism of financial solidarity, the social security system. Federalisation of social security, and with it financial responsibility, has become a key demand of the most radical Flemish nationalists. For Wallonia, this is regarded as non-negotiable. Failure to reach an acceptable compromise on this issue would be regarded by some in Flanders as a signal that no more could be achieved through inter-community dialogue. At that point some would seek to put separatism on the agenda.

• *Political alienation*: Increasingly, these political structures, mentalities, processes and arrangements, put in place between 1970 and 1993, have come under critical attack—as undemocratic, élite-driven, closed, inflexible, outmoded and unresponsive to new challenges. In the past, public support and indeed trust was perhaps more passive than active, but it was available, provided the political system delivered. Now, the system is subject to two different, though related, criticisms: one is essentially substantive while the second is more a matter of style and approach. Worse, the extreme concentration of political energy in one direction has blunted political antennae to new issues, whose emergence has been ignored—with the result that they have been addressed far too late, if at all. This has only served to increase alienation, with a sense that the traditional structures are out of date, out of touch and irrelevant.

The complex institutional structures, specifically designed to address the issue of inter-community conflict, are not equally appropriate or effective in dealing with the quite different political issues rising to the top of the agenda. These 'new' issues—such as deregulation and labour-market flexibility and downsizing; the environment and urban decay; financing of social and cultural policy; immigration and insecurity; education,

family breakdown and drugs; and, above all, reform of the legal and judicial system—cut across community boundaries. They threaten the vested interests that dominate the 'pillars', and the parties that underpin the political system, and are far less amenable to massaging by institutional means. The structures that have been developed will not adapt easily to these new and quite different challenges—and the more unpredictable, more emotional, atomised, single-issue, supermarket, mediatised approach to political issues favoured by a more volatile public.

This situation is made worse by the second, closely related, leg of the critique. Here, the whole style of politics and compromise—the heart of the Belgian method—is rejected. People are demanding a radically different kind of politics. They reject structures and organisations. They distrust traditional politics and politicians, whose motives are routinely questioned. In short, Belgium is in the grip of severe alienation, or what Germans call *Politikverdrossenheit*. Hence, the search for a 'new political culture'— numerous reform projects and initiatives to deconstruct the party-political landscape.

However, with a certain courage and unapologetic candour, Mr Dehaene has asserted, correctly, that this would also require new and different politicians. No one knows where such can be found. Certainly, they could not at the same time preside over a political renewal, in line with populist aspirations, and maintain the painstakingly erected conflict-management mechanism which is the best legacy of the 'old politics'. Something would have to give and, to coin a phrase, hard choices would have to be made.

At the risk of political incorrectness— because it has become a new conventional wisdom to consider these trends as unreservedly positive—I should like to enter a caveat. These trends can be positive and provide a much-needed stimulus for new thinking and change. We may, though, be in danger of political schizophrenia. Public opinion may want contradictory things. We may be entering a number of very vicious circles. There are dangers in instant, media-driven, populist decision-making, which may turn out to be far from liberating or democratic.

Wanting more public services, but refusing to pay more tax; demanding more democratic decision-making, but refusing to take even the smallest part in public life, to join a party or attend a meeting; criticising politicians for short-termism whilst refusing to listen to all but the very shortest sound-bite; demanding ever more debate, whilst criticising the political system for its incapacity to take rapid

decisions ... The result is a fatal loss of confidence in all senses. Politicians are paralysed and afraid to act, while the people refuse to give them the necessary confidence to do so.

Certainly, these trends are by no means unique to Belgium. They have emerged all across the democratic developed world, sooner or later and to a greater or lesser extent. They have been more or less effectively managed. Like a late arriving unknown strain of 'flu they have come late to an unprepared Belgian body politic busy fighting a different virus—inter-community conflict. It was quite unprepared for these new demands and new issues. To stay in the metaphor, without effective antibodies the impact was all the more devastating. The Dutroux case, of course a personal tragedy for his victims and their immediate families, could only achieve the impact it did because it was a symbol, a detonator, canalising people's anger.

Can the Belgian method prove sufficiently adaptable and robust to absorb this new challenge, or will all the carefully constructed institutional responses built up over the past 25 years be swept away by the dammed-up floodwater of public opinion? Can a constructive dialogue and indeed dialectic be established between these new trends, which will not go way, and old structures and methods? That is the key question for the future of the Belgian model.

Some would seek to divorce the debate about the search for a new political culture from the communitarian debate. This is dangerous and short-sighted. Should the heavy electric charge now coursing around blow the fuses so carefully built into the system, and short-circuit it, separatist tendencies might become uncontrollable and with them inter-community conflict. Optimists (and those for whom the issues of the new political culture are paramount) would respond, perhaps complacently, that violence, or even severe conflict, is unlikely. So they said about Yugoslavia.

They may, hopefully, be right, but only if the structures of federal Belgium are nurtured and allowed to do their work for some time. It is far too soon to conclude that they have done that work and need no longer be maintained. It would be dangerous to blow the Belgian method out of the water yet. The structures are still needed. Time will tell whether they can adapt to a new and undoubtedly more difficult political environment.

Discussion

Richard Lewis of the European Commission (and so, like the speaker, a Brussels inhabitant) responded by saying how

Belgium shared the experience of Bosnia or Northern Ireland in being dominated by its history. Thus solutions had only been found when politicians looked forward rather than back.

The Flemish movement had originally been quite moderate, but as the Walloons had built the state in their own image it had become more extreme. An opportunity had been missed to become a bilingual state in the 30s, as the Walloons refused to speak Dutch even though the Flemings were mostly prepared to speak French. Nowadays, however one could be forced to use Dutch in official dealings in Flemish communes—a requirement arguably in contravention of EU law on the free movement of people. A key factor in Belgium, however, preventing violent conflict, had been the absence of intervention by the 'kin' states of the Netherlands and France.

The problem of the 'Belgian model' was its 'over-politicisation' of everything. Thus the series of scandals surrounding the case of the alleged child murderer Marc Dutroux reflected the lack of independence of the policing and justice systems.

Moreover, the fact that the Belgian government was based on communal arrangements—as in Bosnia and Northern Ireland—rather than the rights of citizens within a state meant there was a danger of a 'slippery slope' towards separation, especially as the Flemish-Walloon fiscal transfers weakened intercommunal solidarity. A 'divorce' remained, however, unlikely—and even in that event would certainly be 'velvet', rather than violent.

Where did the European Union fit in? Current EU trends towards integration were unlikely to turn Brussels into a 'Washington DC of Europe'. Conversely, the growth of 'Euro-regionalism' had been pursued by Flanders in making contacts with other regions—as evidenced at the round-table by the Flemish participant representing the Assembly of European Regions, Hans de Belder.

Mr de Belder recalled earlier discussion of how identity was contextualised. It was therefore possible, he said, to have a primary identity as Flemish/Walloon and a subsidiary Belgian identity, as well as a European one. In that sense 'divorce' was not an issue.

He stressed that the protections for the two communities built into the Belgian model fostered better cross-communal relations, and it was similarly suggested that the language barrier was a source of security rather than insecurity. But this view was contradicted by the opposite claim that relationships in civil society between Flemings and Walloons were experienced as being very uncivil. There was a trend towards

'situational indifference' between Flemings and Walloons, as evidenced by how young Flemings these days learned English or German rather than French. And where did other groups—migrants, for example—fit in?

Discussion inevitably turned as to why the Belgian case (for all its problems) 'worked', whereas separation between Czechs and Slovaks had proved irreversible. In Czechoslovakia, the right parties had not been brought together with the right issues. Issues had not been addressed professionally but, as elsewhere in post-communist countries, in an emotional and unclear way. Democracy was hard work, whereas nationalists and populists had simple messages, such as in Slovakia that 'we (excluding Hungarians, of course) are the masters now'—even though it was the Czechs who were the principal beneficiaries of the partition, as they sloughed off their poorer partners.

But it was also argued that, in Belgium, the demand for 'good governance' in the wake of the Dutroux affair reflected a profound political crisis. As Lebanon had indicated—when its elaborate power-sharing system collapsed under the pressure of the Palestinian question and demographic changes in the 1970s—even good working models could collapse in a changed context because of their rigidity.

What was clear was that the intercommunal conflict would never be 'resolved' in Belgium. There would always be 'two communities' whose relationships would have to be managed.

It was also clear, however, that here the analogy with Northern Ireland ended. The option of separation in Belgium, as indicated, did depend on the absence of significant enclaves within each community. With its sectarian dispersal, Northern Ireland simply did not have that luxury, it was pointed out. The partition of 1922 had thus been a *violent* divorce and could not be repeated. For better or worse, unless converted into a joint-authority or international protectorate, Northern Ireland only had one option—coexistence. **DD**

Self-determination and sovereignty

Adrian Guelke

The concepts of self-determination and popular sovereignty share a common problem. How does one determine who the 'self' entitled to self-determination should be? Similarly, popular sovereignty—the idea that the people shall govern—begs the question 'who are the people?' or, if you like, 'who has the right to say who the people are?'

Both ideas came out of the democratic transformation of the late 18th century, associated with the French revolution and American independence. In practice, how these issues were addressed owed a great deal to the framework provided by the Treaty of Westphalia of 1648.

Westphalia established a number of important principles:
• sovereignty—the idea that only sovereign states could negotiate treaties;
• territoriality—the idea that territory was the basis of statehood; and
• impermeability—the idea that external actors should not be able to dictate to groups within some other state.

Westphalia provided the basis for the rise of the modern state, the growth of bureaucracy and the frequency of wars in the 17th century, consolidating the growth of what became known as the nation-state.

Once the idea had taken root that the people, as citizens, were entitled to determine how they were ruled, the question quite naturally arose as to whether they wished to be part of a particular state, even if the latter idea had potentially massively disruptive implications.

An example of the acceptance, nevertheless, of that idea at an early date was the holding of a plebiscite in Savoy in 1792, on whether it should form part of France. But the principle of self-determination really came into its own much later—during the course of the first world war.

Thus, an Austrian note of January 1917 sourly recorded: "if the adversaries demand above all the restoration of invaded rights and liberties, the recognition of the principles of nationalities and of the free existence of small states, it will suffice to call to mind the tragic fate of the Irish and Finnish peoples, the obliteration of the freedom and independence of the Boer Republics, the subjection of North Africa by Great Britain, France and Italy, etc."

The person most closely associated with the principle of national self-determination, as it was then formulated, was the president of the United States, Woodrow Wilson. Wilson made implementation of the principle of national self-determination a fundamental part of the allies' war aims in his 14 points and four principles of January 1918.

The use of the term 'national' defined the people entitled to self-determination as the members of a nation. That, of course, begged the further question of what constituted a 'nation'. The tendency was to apply cultural and, particularly, linguistic criteria.

In practice, this proved lethal to the multi-national empires of eastern Europe: the Tsarist empire, the Austro-Hungarian empire of the Hapsburgs, the already sick Ottoman empire and, to a degree, the German empire. Given the complex ethnic mosaic in eastern Europe, the potential for sub-division was considerable. In practice, old-fashioned power considerations and strategic interests placed a brake on how far the process of disintegration went.

So the logic of cultural/linguistic criteria was not followed blindly in the forging of new states. Thus in the case of the German-speaking South Tyrol, Italian interest in control of the Brenner pass overrode other considerations and the area was included in Italy. Instead of two states, the Czechs and Slovaks forged one state—recognition of security interests and considerations of economic viability played a part in this.

Fear of Italy was a factor in the creation of the Kingdom of the Serbs, Croats and Slovenes, which became Yugoslavia. The language of Serbo-Croat was created to bind the country together—just as it has been deliberately disavowed to underline the divorce between Serbs and Croats today.

Inconveniently, however the cultural linguistic criteria were bent, people did not live in neat homogeneous territories. The question of minorities within states—leading, in a few cases, to the redrawing of boundaries after plebiscites, to provide the best 'fit' with people's wishes—became a preoccupation of the League of Nations.

But the principal way the issue of minorities was dealt with at the time of the peace treaties was the insertion in the treaties of clauses on minority rights, so that, to quote Alfred Cobban, "in one way or another, every one of the lesser states of Central and Eastern Europe compulsorily or voluntarily undertook to guarantee certain rights to its minorities"—which, I should add, did not include any right of self-determination.

However, the imposition remained bitterly resented and even its limited commitments were poorly honoured. Weak states saw minorities as a security threat.

Kemalist Turkey, emerging out of the disintegration of the Ottoman empire, took hostility towards minorities towards its logical conclusion, with the genocide of Armenians, the non-recognition of Kurds (by labelling them simply mountain Turks) and—following a disastrous war with Greece—the transfer of population. I suppose it might be said in favour of the policy of transfer that it was a two-way process. What tends to stick out today is what the transfer left out because it was under British rule—namely, the island of Cyprus.

The implication of the principle of national self-determination—that members of a common cultural/linguistic grouping belonged in one polity—proved a potent weapon in Hitler's hands. There were German minorities scattered across eastern Europe, into the depths of the Soviet Union, for Hitler to champion.

The case that stands out is that of the Sudeten Germans in western Czechoslovakia. Poor democratic Czechoslovakia, constructed on the principle of national self-determination—on the eminently contestable basis that Czechs and Slovaks could be counted as one people—included within its boundaries substantial others making up more than a third of its population. Hitler was able to use the lever of the existing interpretation of the norm of national self-determination to destroy the country.

After the second world war, there was a determination that no great power should be allowed to use minority rights as an instrument for its own ambitions. The result was a de-emphasis on minority or group rights of any kind. Instead, the UN stressed individual human rights. The term minority does not appear in the UN Charter.

At the same time, the term 'national' in front of 'self-determination' was dropped and reference simply made to the principle of self-determination. A new answer was provided to the question as to who was the 'self' entitled to self-determination, and that was 'the people'.

And who were 'the people'? They were the inhabitants of a particular territory: the criterion was no longer an ethnic, cultural or linguistic one, but territorial.

It was an appropriate criterion for the process of decolonisation, though the terms of the new norm were not universally accepted as that process evolved. The colonial powers weren't reconciled to giving up all their colonies, especially in cases where they had special interests of a strategic nature or where there were settlers.

So there was a contest for legitimacy between the colonial powers and the anti-colonial movement in a number of cases. The colonial powers invariably lost, eventually, but to prove their legitimacy anti-colonial movements had to demonstrate their capacity for mass mobilisation. Since colonial powers wishing to hang on to territory did not allow a free vote, rural guerrilla warfare was an attractive option for nationalist movements intent on establishing mass support.

More or less at the end of the process of decolonisation, the international community, through the UN General Assembly, set down the new interpretation of the principle of self-determination, in the 1970 Declaration of Principles of International Law Concerning Friendly Relations and Co-operation among States in Accordance with the Charter of the United Nations.

Let me emphasise. This was no ordinary resolution of the General Assembly. It was the outcome of prolonged negotiations and passed by the General Assembly, without a vote, under a special consensus procedure indicating unanimity or near-unanimity among the members. It is worth quoting from the section on self-determination at some length:

> The establishment of a sovereign and independent State, the free association or integration with an independent State or the emergence into any other political status freely determined by a people constitute modes of implementing the right of self-determination by that people.
>
> Every State has the duty to refrain from any forcible action which deprives peoples referred to above in the elaboration of the present principle of their right to self-determination and freedom and independence. In their actions against, and resistance to, such forcible action in pursuit of the exercise of their right to self-determination, such people are entitled to seek and to receive support in accordance with the purposes and principles of the Charter.
>
> The territory of a colony or other Non-Self-Governing Territory has, under the Charter, a status separate and distinct from the territory of the State administering it; and such separate and distinct status under the Charter shall exist until

the people of the colony or Non-Self-Governing Territory have exercised their right of self-determination in accordance with the Charter, and particularly its purposes and principles.

Nothing in the foregoing paragraphs shall be construed as authorising or encouraging any action which would dismember or impair, totally or in part, the territorial integrity or political unity of sovereign and independent States conducting themselves in compliance with the principle of equal rights and self-determination and thus possessed of a government representing the whole people belonging to the territory without distinctions as to race, creed, or colour.

Every State shall refrain from any action aimed at the partial or total disruption of the national unity and territorial integrity of any other State or country.

Three aspects of this declaration may be taken to provide the definitive interpretation of the principles of self-determination for the post-colonial world. These are:
• the anathema against secession,
• the kind of world the norm implied, and
• the link between the norm and political violence.

There were two important tests of the international community's hostility towards secession during the 60s: the cases of Katanga in the Congo and Biafra in Nigeria.

The Belgian Congo became the independent state of the Congo at the end of June 1960. Eleven days later, the country's south-eastern province of Katanga proclaimed its independence, a secession that was to last 31 months (until January 1963). Secession was supported by a multi-ethnic alliance that included white settlers drawn to the region by the copper belt, which made Katanga by far the richest province of the country.

A mutiny in the Congolese army immediately after independence threatened to plunge the country into chaos, prompting Belgian military intervention and creating the opportunity for Katanga's secession. The UN responded to the breakdown of law and order in the Congo by embarking on its most ambitious exercise in peace-keeping, ONUC (Organisation des Nations Unies au Congo).

The question of what ONUC was entitled to do under its mandate became a source of major controversy. A leading figure in the UN operation who took a very extensive view of ONUC's mandate, including upholding the Congo's territorial integrity, was Conor Cruise O'Brien. He wrote a book about his experiences, *To Katanga and Back*.

O'Brien's role in using UN troops to end Katangese secession made him into a figure of hate among right-wing whites in southern Africa, who supported the cause

of Katanga as helpful to their own. The Katangan leader, Moise Tshombe, tried to mobilise international support for Katanga on the basis of its anti-communism and as a model for relations between whites and blacks. However, to much of the world, Katangese secession looked like an attempt to walk off with the country's riches.

Nigeria became an independent state shortly after the Congo in October 1960; it was a federal system. Its democratic institutions survived until January 1966, when there was a military coup. The coup leaders were associated with the eastern region, the homeland of the Ibos. When they made an attempt to impose a unitary system on the country, there was a second military coup, in July 1966, this time led by northern officers.

A number of Ibo officers were murdered during the coup. It was followed by more widespread mob violence against Ibos in the northern region. These circumstances understandably stimulated support for secession from Nigeria among Ibos in the eastern region; another factor was the eastern region's oil wealth.

Biafra declared its secession in May 1967; civil war followed. It ended with Biafra's capitulation in January 1970. Biafra was led by a charismatic figure, Col Ojukwu. It won most international sympathy during 1969, as starvation became an issue and NGOs presented the situation in the eastern region as a humanitarian emergency. An interesting aspect of the Nigerian conflict, however, was the support given to the federal authorities across the normal cold-war divide, with Britain and the Soviet Union supporting the federal government.

These two cases rammed home the international community's rejection of secession.

Yet, ironically, shortly after the world endorsed the 1970 declaration, an issue arose which undercut the anathema against secession. Elections in Pakistan that December represented a massive victory for the Awami League, which called for Pakistan to become a loose confederation.

The Awami League had overwhelming support in the east wing of the country and, in the face of this demand, the West Pakistan political élite decided to use the army to suppress it. At this point (April 1971), the league opted for secession. West Pakistan's resistance lasted until December, when it surrendered after Indian intervention in support of the creation of Bangladesh.

Three factors rationalised Bangladesh's secession as a special case:
• Pakistan was the product of partition itself,
• its east and west wings were separated

by hundreds of miles, and

• the people in the east wing actually comprised a majority.

Let me briefly deal with the two other aspects of the post-colonial norm mentioned earlier. First, the kind of world it implied—a world comprised entirely of sovereign, independent states with permanent boundaries.

The emphasis on sovereignty was similar to Westphalia, but what was different was that states were not required to demonstrate their control of territory to secure recognition. The new norm provided international underpinning and legitimacy for weak states.

Moreover, those fighting for self-determination (not secession) were entitled to use violence and to get international support for their actions. In the context of 1970, this implied support for guerrilla movements in Angola, Mozambique, Rhodesia (now Zimbabwe), South West Africa (now Namibia) and, ultimately, South Africa itself.

Outside of Africa, the international community was reluctant to acknowledge 'unfinished business' from the colonial era. But movements all round the world latched on to the legitimacy of using violence in pursuit of self-determination by defining their aims in terms of 'national liberation'. Indeed, many movements included the term in their names.

Most of the small groups engaging in covert violence which appeared on the world stage in the late 60s represented their actions as part of the struggle against imperialism. Their labelling as 'terrorists' was a way of denying them any legitimacy. The absolutism of the condemnation reflected the threat they were seen to pose to the new world order. It was a way of emphatically drawing the line and saying that there was a limit to decolonisation.

The post-colonial interpretation of self-determination survived the challenge of the Bangladesh exception. But it did not survive the much greater challenge of the demise of communism in eastern Europe and the collapse of the Soviet Union.

The latter might conceivably have been treated as a special case itself—as the delayed deconstruction of the Tsarist empire. And the international community had a pre-existing commitment to recognise the independence of the Baltic states (Latvia, Lithuania and Lithuania) as they had been members of the League of Nations—in their case it was a matter of the restoration of their rightful independence.

But what of the rest of the USSR? An attempt was made to treat the remaining republics under the umbrella of the Commonwealth of Independent States—

indeed, Georgia got short shrift from the west for trying to stay out. However, in the end, the framework of the CIS failed to be credible and what emerged were independent states.

A curious aspect of this transformation was that, before the break up of the Soviet Union, Byelorussia and Ukraine were already members of the UN General Assembly, thanks to the bargaining process at the end of the second world war. Stalin had wanted each of the union republics to have a vote to balance western numbers.

On top of the break-up of the USSR, which might somehow have been rationalised, two of the successor states from the first world war also disintegrated: Yugoslavia and Czechoslovakia. It could be said that the break-up of Czechoslovakia was by mutual agreement, and that there was precedent for that in Singapore's divorce from Malaysia. But Yugoslavia could not be presented as other than a shattering of the anathema against secession.

Yet if the post-colonial interpretation lies in ruins, it is far from clear what has taken its place. Certainly, there has been no declaration charting the change, which has to be inferred. But we can just about discern the principles of a new norm through the mists.

Its key elements can be described as follows:

1) The anathema against secession has gone, but secession is to be limited to the pre-existing units of states. Secessionist movements are not free to redraw the internal boundaries on which they rely. This, at any rate, is what the international community is attempting to uphold in Bosnia.

2) The rights of minorities have made a comeback. The old emphasis on majority rule has weakened, as has the norm of non-intervention (as seen in the case of the Iraqi Kurds).

3) The inadmissibility of the changing of borders by force is being given wider application as a restraint upon ethno-nationalist ambitions, such as the 'greater Serbia' ambition in the former Yugoslavia.

Elections are definitely the preferred route for legitimate secessionism. The problem remains: what if the government does not allow elections to be held? We can look at Kashmir in this context.

Even this tentative account raises more questions that it answers about the approach of the international community. The truth is the latter has yet to resolve these issues on other than an *ad hoc* basis.

In conclusion, let me emphasise one aspect of the new situation. The

weakening of the international community's anathema against secession has had important implications for minorities within entities created by secession. They can often feel disadvantaged by secession, especially as the emphasis given to ethnic mobilisation in the seceding entity tends to underscore that they are not members of the new national majority.

Examples of such problems or potential problems are:
• the place of Shetland Islanders within an independent Scotland,
• the place of 'first' (native) peoples in an independent Quebec, and
• the position of the Hungarian minority in Slovakia.

Of course, while being sensitive to the grievances and fears of such minorities, it is also obviously the case that it suits the proponents of threatened unions to raise the issue of such minorities as a brake on secession. It is notable how in Canada there has been a 180-degree turn in the attitudes of English and French Canadians towards the rights of first peoples, on the basis of calculations of how recognition of such rights might affect the two settler communities.

That raises a further, final, question. How can the rights of minorities be protected in new entities, without the question of their rights becoming a gambit in the power politics of other states?

Discussion

Finn Chemnitz of the Organisation for Security and Co-operation in Europe began his reply by saying that territorial integrity was "almost a holy principle" for his organisation, given its 'security' focus. But he also stressed the other 'baskets' of OSCE work: economic co-operation and the 'human dimension'.

The latter entailed support for democratic institutions and the rule of law. In support of this, the OSCE had 17 missions around ex-Yugoslavia and the border regions of the former USSR. The focus was largely on preventive diplomacy—political rather than legal.

Its work was determined by its 55 member ambassadors meeting regularly in Vienna as a permanent council. But the OSCE high commissioner on national minorities could himself decide, as an early-warning mechanism, to send a commission to investigate a particular situation before it became violent.

Having been the only European security organisation, the OSCE was now just one part of the evolving security architecture and was uncertain of its role, even its survival. And in particular it had not found an answer to Prof Guelke's final question, of how to address the manipulation of minorities by big states.

The wider discussion explored the

emergent norms Mr Guelke had identified. It was suggested that while the anathema against secession had gone, the *presumption* against it had not—witness the international community's favouring of autonomy, but no more, for Kosovo.

There was, after all, no 'right' to secession since this would be a collective right and there were no collective rights as such. States were guarantors of rights and to be legitimate had to grant those individual, if particular, rights—such as to education in the mother tongue, for example—attaching to members of minorities. 'Homeland' states for such minorities could and should legitimately press for such rights. Developing an intergovernmental régime was thus an avenue to explore.

A negative example in this regard was the situation of Hungarians in Slovakia. The minority there felt unwelcome in Slovakia yet also did not identify with the Hungarian state. The latter had taken an irredentist position in the early 90s, under the leadership of József Antall—who suggested that all Hungarians outside the borders of the state came under its purview—but that period was now over. The upshot of all this was that the Slovak Hungarians felt abandoned.

With respect to territorial integrity, it was pointed out that in ex-Yugoslavia the Badinter Commission of 1991 had in a way resolved the dilemma by saying that former Yugoslavia had ceased to exist and therefore territorial integrity no longer applied. This had legitimised the referendum in Bosnia-Hercegovina, but that in turn had led to the Serbian boycott and the Bosnian war. A difficulty of moving to rely on the integrity of internal borders was also that it offered a disincentive for centralised states to assuage minorities' concerns, before these became critical, through granting internal autonomy.

It was suggested that western Europe provided more encouraging examples of how sovereignty and self-determination had been reconciled. Signatories to the Scottish *Claim of Right*—an affirmation of self-determination—were after all now representing British sovereignty in the new Labour government. Similarly, Basque and Catalan rights had been reconciled with Spanish sovereignty. So these concepts were organic and evolving.

The unalterable fact remained, however, that two *conflicting* claims for self-determination could not be simultaneously recognised. In such situations—including Northern Ireland—what was required was institutional mechanisms to give space to different national identities. This would be assisted by a rethink-

ing of identity—of what, in this context, 'Irishness' and 'Britishness' were—in less conflictual ways. Thus, for example, unionists could accept being *culturally* 'Irish' as long as that was not perceived to be a 'political cudgel'.

What was needed in such situations was a practical process. Both groups had to agree to seek accommodation. Civil society and the political class needed to have the collective capacity and courage to achieve it. And an absence of violence was necessary to reduce communal fears.

Both communities needed to be able to 'feel' their national identity, rather than a sense of abandonment, and the process had to ensure paranoid versions of what was entailed were undermined. The goal was for the two groups to share the same territory on a basis of mutual respect, with a sense of moving forward together.

More generally, a way forward was signalled by an attenuation of the idea of self-determination on the one hand, offset by a weakening of the impermeability of borders on the other. There had been an implicit redefinition of self-determination as about autonomy or cultural rights, rather than secession. But there had equally been an undermining of boundary impermeability through European integration, German unification and erosion of the concept of 'non-interference'.

This created the possibility that the slipperiness of the notion of self-determination could be turned to positive advantage. Internal arrangements for autonomy or cultural rights, if allied to transfrontier relations with a perceived 'national home', could substitute for the classic sovereigntist—and separatist—concept of what self-determination entailed. Of course, states which were determined to play power games with scant regard to international law, exploiting minorities in the process, could still make mischief. Hence the need for a new *civility* of international relations—of law and institutions—which would militate against such rogue behaviour. **DD**

NGOS and governments

Mari Fitzduff

We are living during a transition period in which the old world is in terminal decline but the contours of the new one are not clearly discernible.[1]

On March 14th 1993, the people of Andorra—numbering all of 7,000—overwhelmingly passed a referendum granting themselves sovereignty over the principality, hitherto shared between France and Spain. They acquired the right to have their own currency, stamps and a seat at the United Nations, becoming the 184th member of that august body. And they exemplified the seismic changes that are happening in our world.

When the UN was formed in 1945 there were 51 constituents; by 1960 there were 100. Today there are 189, at the last count, and it has even been suggested that the number of states could increase to 2,000 by the year 2050—a not impossible scenario if we look, for example, at the current break-up of the United Kingdom.

At the same time, the emergence of a global economy is deconstructing currency and customs boundaries and negating the control by nation-states over their own wealth. Financial markets are now both transnational and mobile. Labour is being transnationalised too, it has been suggested, with large migrations across established boundaries. A worldwide system of communications is diminishing cultural borders.

International lobby groups are the fastest growing power in politics. Meanwhile, fewer citizens are voting in national elections—less than half the citizens of Japan and the US—and fewer are bothering to join political parties. The formation of issue-based alliances is assisting the destruction of national politics.

These twin trends of fragmentation

and globalisation are creating a new domain of 'sub-politics',[2] dominated by economics, experts and the private sphere—and, of course, non-governmental organisations: "In the old world you had to choose between left and right. In the new world you choose between global and tribal ..."[3]

Over 40 million people have been killed in wars since the second world war, most of them in intra-state conflicts. Since 1990, there have been some 150 wars, in which at least 5 million have died. At the moment, there are about 30 taking place, almost all ethnic, political or religious—not international.

But fragmentation *per se* should not

Rapid response—the man from NATO (Harald Bungarten, left) prepares his reaction

be perceived as a problem. There is a lot to be said for devolution, as those in Scotland who have argued for more local power, control and responsibility—for which they are willing to pay increased taxes—have articulated quite clearly. The same sentiments are echoed in many large companies, who for several years have sought to decentralise, with resultant gains in effectiveness and loyalty.

Nor, in itself, is globalisation. Although based on the edge of a tiny island at the edge of Europe, every day I have at least half-a-dozen trans-world conversations—at little expense because of the wonders of e-mail. I am part of a variety of new communities and alliances, which would have been utterly impossible even five years ago.

Worries about a new axis of inequality between those who have modern technology with which to communicate, and those who do not, are understandable. Yet developing countries are likely to benefit most, and with little cost, from such technology.

At a global level, we have been destructively limited by our conservative perspectives on how territories should be governed. Northern Ireland has also suffered from the either/or perspective of existing states. It is now fairly clear that no such either/or solution is going to be successful in addressing the needs of a

territory almost equally split in political and cultural aspirations.

The British and Irish governments have desperately tried to address this need through a variety of constitutional alternatives, some unique in their willingness to consider extra-state possibilities for those who feel the need for them. We need much more such creativity, not just in Northern Ireland but in the rest of the world. Such creativity might have helped avert the utterly destructive way in which former Yugoslavia fell apart.

> When the soul of a man is born in this country, there are nets flung at it to hold it back from flight. You talk to me of nationality, language, religion. I shall try to fly by those nets.[4]

Of course, Joyce did escape, flying to Paris and Zurich—anywhere to get away from the webs of belonging which he felt so restrictive but about which he wrote so vividly. Most feel at times an equivalent ambivalence about where and how we belong. The win/lose approach to issues of territory and resources has been disastrous, leading all too often to the awfulness of ethnic essentialism and the associated 'ethnic cleansing'.

Dreams of a place for 'our' people—with our army, our language and our economy—are no longer viable. Only about a tenth of the countries of the world are ethnically homogeneous. And such desires are based on a psychological fallacy: "The problem with nationalism is not the desire for self-determination itself, but the particular epistemological illusion that you can be at home, you can be understood, only among people like yourself."[5]

Such dreams, however, persist—especially when we come face-to-face with a crisis of identity or inequity. New forms of co-operation are needed, emphasising the civic—as opposed to the ethnic—locality.

Thus, for example, the break-up of the USSR beached dozens of 'ethnic' groups (still an unclear term), ranging from hundreds to millions of people, which Stalinist mobilisation had deposited in mixed territories—in the northern Caucasus there appear to be at least 17 groups seeking new forms of being in the world. A Northern Caucasus Economic Council, which could address economic needs without a concomitant dilution of political identity, was mooted some years ago. Similarly, a Council of the Isles has been suggested as a possible strand to co-operative alternatives to the Northern Ireland conflict. Although untested, it is at least useful in assisting a new paradigm to emerge [and is now included as a British-Irish Council in the Belfast

agreement—*ed*].

Increasingly important forms of international co-operation will, of course, be the Internet and e-mail. A few months ago, the centre which I head, INCORE, did some work on conflict-management theories and practice with a group of diplomats and senior executives from 20 embassies. A listserv was set up to sustain e-mail contact within the group. When our South African participant received news that he was to be posted to Moscow, immediately lists of contacts and hints flowed through the listserv, easing his way into his new world—and increasing the strength of those networks so vital at times in the work of conflict prevention. Considering that the group included people from Israel and Palestine, Pakistan and India, and Nigeria and South Africa—so generating unusual and powerful contacts between often colliding worlds—the potential of sustained list services to provide alternative networks to those based on traditional loyalties becomes readily apparent.

Through our ever-ready lap-tops, day and night, we bypass institutional boundaries, governments, censorship systems and borders—as seminal documents, minutes of meetings and contact numbers become increasingly available. Hierarchies and formalities are diminishing—a peculiar consequence of e-mail—

and transparency growing. These possibilities are particularly important in a world where we often need to bypass repressive régimes.

Am I my brother's keeper? The recent upsurge in human-rights organisations, many functioning at a global level, is testimony to a new sense of international responsibility perhaps unique to our times. The capacity to ignore the wrongs of another's régime has been reduced in the last few decades, partly through the globalising media. Such knowledge, such concern, has eroded many principles which have informed the foreign policy of governments—in particular, the concept of 'non-interference' in the affairs of another country.

It is easy to forget that this idea was almost sacrosanct until the last decade. Many will remember the wrath within sections of the British government at the idea that the Republic of Ireland and, latterly, the US could contribute to a resolution of the Northern Ireland conflict. It took many years of argument to ensure such co-operation and, indeed, for it not to be deemed officially *as* interference. Most can recall similar arguments over so-called interference in Yugoslavia—particularly where there were no apparent economic interests to be

protected—and one still hears them, from Algeria to Kosovo.

The number of indigenous NGOs involved in human rights has also increased over the last decade, particularly in places like Sri Lanka. Partly this is in response to the concerns of aid donors' domestic constituents about recipient governments' utilisation of foreign funds, for good or ill. More generally, it has been noted that the new emphasis on the nongovernmental sector reflects the intellectual framework of wider changes in macroeconomic policy, privatisation, and the reduced role of states in all aspects of the economy and service provision. NGOs are seen as a dynamic alternative to bloated state bureaucracies.

This change has been revolutionary and, by and large, positive. I am glad that the EU is bargaining with Turkey over its human-rights record, in response to its membership application. I was glad when western aid donors forced the Sri Lankan government to allow international human-rights groups to visit the island to check out allegations of governmental violence. As a yardstick for funding by the World Bank, the concept of 'good governance' is also helpful—even if there are still questions about how to interpret it. It was right that the issue of the rights of women was at least raised, if not won, in regard to NGO and other

humanitarian involvement in Afghanistan after the Taliban takeover. And the question of whether UN aid should be linked to human-rights development will be one of our most productive debates of the next decade. Such challenges to internal sovereignty, including international war tribunals and international monitoring of elections—even if these are often badly resourced—reflect a growing sense in the world that what affects citizens elsewhere is indeed of my concern.

Much ambiguity remains. The recent British defence review talks about use of the army as a 'force for good'—but the precise nature of that goodness is not yet agreed. Western defence forces generally are suffering a crisis of identity, as the former defence-of-the-realm role becomes ever less clear. Explaining body bags coming home from Bosnia is an increasingly uphill task, particularly in the US. This ambiguity among many military personnel—and politicians—about why they should risk the lives of their mainly young men in far-away, war-torn lands, where there is no obvious security or economic gain, could prove a significant weakness in securing their commitment to future peace-keeping operations.

This new agenda can be summarised as creative approaches to developments on the emerging global-local axis—particularly approaches which can provide

alternatives to violence. What, then, is the role of NGOs in furthering this agenda? One of increasing importance, if they wish it to be so. But they will only be successful, if they are prepared and most are not.

In the past, there has been little questioning of the positive role of the NGO. Most have been established to perform worthwhile tasks they think are not being addressed—or not properly addressed—by governments or intergovernmental organisations like the UN. Increasingly, many are functioning at an international level, as an adjunct, or even alternative, to official aid—particularly those working according to one or other of the following four mandates:

• providing humanitarian aid in emergencies,

• promoting social and economic development,

• promoting and monitoring human rights, and

• undertaking peace-building through conflict prevention, management and long-term reconciliation.

Increasingly too, such NGOs are recognising the interaction between these objectives and developing new skills to address their additional mandates—for example, there is a fashion for many aid agencies to undertake training in mediation and negotiation skills. This has led

to some confusion, and difficulties for funders and audit officers. Is Oxfam involved in charity or politics? For the moment, it seem to have settled for what is called capacity-building, deemed by some—somewhat naïvely—as relatively neutral.

Without doubt, many lives have been saved through the intervention of NGOs with these new mandates in areas of disaster and conflict. By casting a spotlight on human-rights abuses, they have led many governments to be increasingly mindful of scrutiny—with a concomitant curtailing of some of the worst abuses. NGOs are also to be congratulated for their encouragement in many areas of grassroots participation in economic and social programmes.

Because of their degree of independence and their tendency to be task-driven—as opposed to bureaucracy-led—they are often able to be innovative and creative in how they approach their tasks. And many have a capacity to cross international boundaries in a way that is often impossible for governments to emulate.

With the growth—including budgetary—of many NGOs and their increasing visibility, there is however in many quarters a feeling that the honeymoon is coming to an end—that the apparent goodwill and harmlessness of such organisations

may no longer go unquestioned. Increasingly, NGOs—quite rightly—are coming under scrutiny themselves.

Thus Stubbs[6] has argued that many of the actions of NGOs in ex-Yugoslavia have eroded the middle classes and suspended civil-society activities. Eagen[7] has suggested that in Mozambique NGOs have caused the underdevelopment of local government. In other places, they have been accused of succumbing to government agendas—for example, in Sri Lanka by becoming involved long-term in areas held by government, but not those controlled by the Tamil Tigers. They have also been accused in some countries of selectivity in their advocacy of human rights—a charge, indeed, which used to be levelled against Amnesty International over its condemnation of state violence in Northern Ireland, before it changed its policy to allow parallel condemnation of the violence of the paramilitaries.

The criticism of many NGOs by the various UN peace-keeping forces is legendary: charges of naïveté, meddling and introducing their own—often competing—agendas abound. The forces in turn are often resented by many NGOs, who see the former as arrogant, hierarchical, sometimes trigger-happy and often far too susceptible to political forces back home.

Recent stories of competitiveness among NGOs themselves—fuelled often by their need for recognition on the world stage, and from actual and potential funders—have also damaged their reputation. And, in some cases, they have been accused of dehumanisation in using horror pictures of wartime atrocities as aids for fundraising.

> As the nature of war is changing, the task of the NGOs intervening in conflict settings has become both more complex and more promising.[8]

These criticisms, arising amidst—and possibly stemming from—the increasing power of NGOs, provide, however, an occasion for the latter to reassess their focus and their future in the new world of politics, globalisation and peace-making.

Acting with integrity in any conflict is never easy: we know that to our cost in Northern Ireland. Many local and international NGOs have had great difficulty acting effectively together in the region. At least three factors have rendered their contribution to peace-building problematic: the ambivalence felt by many about their relationship with the state, the limits to the power they have traditionally wielded, and the lack of any agreement—as, indeed, within many other sectors—about the nature of the

conflict or approaches to it.

There have been honourable groups who have attempted—often under conditions of great danger—to ensure co-operation and dialogue between the different factions. But this ambivalence, and these differences, have meant that by and large NGOs have been unable, indeed unwilling, even to discuss what constructive approaches to peace-building might be—let alone agree to implement them.

This is not surprising: far from having kept themselves 'pure' from the discriminatory and exclusive practices of other sectors, many NGOs in Northern Ireland—particularly some of the most respected and long established—are almost as burdened with exclusivity, exemplified through imbalances in staff and clientele, as many commercial concerns. This is apparent in symbols used, holiday customs, and choice of venues or patrons, all of which serve to sustain exclusion.

Many of these difficulties came to a head in the approach of the voluntary sector to the EU Special Support Programme for Peace and Reconciliation, introduced in 1995, whose moneys were supposed to be directly related to peace-building on the ground. Discussions around how best to use the funds showed that very few NGOs were agreed on how to build peace—indeed very few people were willing to give a lead in ensuring that communities openly talked through the issue. It is only now, three years later, with the EU's insistence that peace-building be integral to expenditure of the second tranche of the 'peace package', that some groups are finally—in many cases, very reluctantly—beginning specifically to address the problem.

External, including international, NGOs have also not been without their difficulties. Some—I would commend the Quakers and the Mennonites—have achieved significant credibility. Similarly, some funders—notably the Rowntree trusts, again Quaker-based—have taken a very wise and sophisticated approach to hastening an end to the conflict. But others have had major problems achieving cross-community credibility and, despite the visits of hundreds of international academic and conflict-related delegations, only a handful will be remembered as having contributed significantly to that goal—indeed, some external interventions have been nothing short of disastrous.

Our knowledge of the processes of conflict remains limited: the dubious excitements of war-making continue to capture more research and other resources than the long-term challenges of conflict prevention and resolution. But critical work is increasingly being undertaken: that of

	Direct Intervention	Capacity building	Advocacy
Fuelling Conflict	aid used to purchase arms	providing support to political fronts	advocacy for warring party
Holding Operation	'smart' relief, ie does not increase tension	support local development organisations	protection of civilian rights
Peace-building	ethnic groups brought together to develop co-operative programmes	support for civic peace groups	advocacy for peace, justice, reconciliation

Goodhand and Hulme at Manchester University offers a very useful starting point for NGOs in conflict situations.[9] The matrix above is a variation on their classification of NGO strategies and impact.

The last of these categories—peace-building—is probably the most interesting. It is here—in the lulls between the fighting or after the fighting has eased—that the work of NGOs will meet in some significant way the new demands of the world for a rewriting of global and local civic processes, for a reinvention of politics and power. If power is indeed moving both towards the global (in some cases via the regional) and the local, then the competencies and roles of government are themselves in transition. This offers major opportunities for willing NGOs, with expertise and strategic skills, to inform and influence governmental policies.

For example, many British NGOs—particularly those active in development—have been working closely with the Labour party for some time to help shape its policies. It is a salutary experience now to observe Foreign and Commonwealth Office and Department for International Development personnel collaborating with such organisations as Saferworld and Oxfam—a sight that would have been most unusual five years ago.

So who is learning from whom—government or NGOs? Obviously, it would be politic to suggest both—and equally. But, culturally, the world is moving towards the less hierarchically inclined processes of the NGOs. Their capacity for networking and breaking through international, and indeed ethnic, boundaries is increasingly being appreciated by those involved in more formal, closed, often secretive organisations. The emerging science of peace-making (as opposed to war-making) has developed primarily amongst

NGOS and intellectuals, but its theory and skills are increasingly being taken up—with some avidity—by military men and diplomats alike. In Northern Ireland, models for dialogue and mediation, or for institutional audit, developed within the voluntary sector, are being increasingly adopted in the domains of business and security.

It has been fascinating how, in the prior absence of regional democratic administration in Northern Ireland, many of the barriers between government and civil society have been broken down, with each side gradually learning that perhaps it could come to trust the other, even when dealing with some of the most conflictual issues. Such trust is also echoed in some of the partnership arrangements for delivery of government and EU programmes—particularly at district council level, where consortia encompassing politicians, trade unions, businesses and the voluntary sector are sitting on local decision-making committees in a way that, again, would have been impossible a few years ago.

Interesting in this context was the recent suggestion by the Women's Coalition that any new political assembly for Northern Ireland should be supplemented by a second-tier body, in which the business, academic, trade union and voluntary sectors could provide constructive and formal input into the democratic process. Although there were many politicians who looked upon this idea with suspicion [and it was eventually translated into an advisory forum—*ed*], such new forms of power reflect national and international trends in which issue-based groups are becoming increasingly important in shaping local and global agendas.

The story is very far from universally positive, of course, and the way ahead for NGOS is far from clear. While they may influence the thinking of an increasing number of governments and international security bodies, such positive alliances will only be possible in certain circumstances. In others, governments will continue to try to seduce and use NGOS for their own ends, or to impose political constraints on their idealism.

But the millennium will see a gradual coming of age for many NGOS. The time is now extraordinarily opportune to develop positive agendas, to refine and refocus them, to move with increasing confidence and capacity into a world increasingly of their making. As Ignatieff puts it, "The army of aid workers and activists who mediate between the zones of our world continues to grow in strength and influence. They remain our moral alibi, but they are also the means through which deeper and more permanent commitments can be made in the future."[10]

Discussion

Harald Bungarten of NATO opened the discussion by recalling how as one of the ''68 generation' he had taken part in demonstrations against things his parents had stood for. Now he found himself having to *respond* to a demonstration in Brussels demanding intervention in Kosovo. And far from this being a demonstration *against* something, the demonstrators had chanted 'Long live NATO!'

He said how the mid-conference bus tour for participants around Belfast had sent shivers down his back, the 'peace lines' reminding him of Berlin. The Wall's demise there had changed the atmosphere dramatically in NATO headquarters. Nowadays the only uniforms in Brussels tended to be worn by eastern European visitors; for the rest, civilian clothing reflected the increasingly civil-political role NATO was playing.

Partnership for Peace had been very important for NATO but the organisation still needed to redefine its 'strategic concept' as to what threats now had to be faced. The new role was to provide security in the broadest sense, to establish an environment in which others—whether they be the UN or domestic NGOs—could do their work: "If the bridges are mined or destroyed, you can't bring people together."

As to the role of NGOs, he stressed that intergovernmental organisations like his own could be even more remote than governments. But, as he saw it, "co-ordinated co-operation with policy-makers" was the way ahead.

As discussion broadened, it was pointed out that NGOs did not in a simple sense 'represent' the entire grassroots population. Indeed it was much easier for governments, or IGOs, to bring small groups together via NGOs than to reach the majority of the people (a difficulty often highlighted by politicians keen to dismiss NGOs as 'unrepresentative').

Problems could also arise if NGOs were much more developed in one community than another. Nor did they necessarily agree—sometimes the role of politicians was precisely to balance the different views they heard represented to them.

NGOs also needed to liaise better between themselves. They often got in each other's way and did not achieve the 'synergistic effects' they could through co-operation.

One way forward was a charter for NGOs in conflict situations. Thus, everyone knew what to expect of the Red Cross, but other organisations did not always know what NGOs saw themselves as doing.

A particular problem had arisen in Northern Ireland with NGO beneficiaries

of the EU Special Support Programme. Evaluation of the programme had revealed that many groups had not built any serious commitment to reconciliation into the work that had been supported. Hence the European Commission had stipulated that eligibility for the second tranche of the 'peace package' would require reconciliation to be foregrounded.

The more general lesson was that NGOs were required to work to a clear mission with a defined *modus operandi*, to think strategically and to improve their co-ordination. DD

Footnotes

[1] Eric Hobsbawm, *Age of Extremes: The Short Twentieth Century*, Michael Joseph, London, 1994

[2] Ulrich Beck, *The Reinvention of Politics*, Polity Press, Cambridge, 1997

[3] John Naisbett, *Global Paradox*, Allen & Unwin, London, 1996

[4] James Joyce, *A Portrait of the Artist as a Young Man*, 1916

[5] Michael Ignatieff, *Warrior's Honour: Ethnic War and the Modern Consciousness*, Chatto, London, 1998

[6] P Stubbs, 'The role of NGOs in social reconstruction in post-Yugoslav countries', *Relief and Rehabilitation Network*, May 1997

[7] E Eagen, 'Relief and rehabilitation work in Mozambique', *Development in Practice*, no 3, 1991

[8] Mary Anderson, *Do No Harm: Supporting Local Capacities for Peace through Aid*, Collaboration for Development Action, 1996

[9] J Goodhand and D Hulme, *NGOs and Complex Emergencies*, University of Manchester/INTRAC working paper no 1

[10] Ignatieff, op cit

Framing the architecture

Robin Wilson

The words 'peace and reconciliation' have often been bracketed together rather glibly in Northern Ireland. Yet this publication began by pointing to the 1990s reality across Europe that peace has often been premised on ethnic separation, rather than on the construction of new relationships of comity between individuals and groups.

This point was forcefully underscored in discussion at the Europa of the Belgian intercommunal relationship—how it operated on the assumption that 'good fences make good neighbours'. Reconciliation, by contrast, implies that those who have formerly lived apart in relationships of mutual suspicion will henceforth share in constructing, and then inhabiting, a common home—building trust along the way.

It is thankfully becoming safe once more to use the word 'ethical' in politics without being sniggered at, and clearly the moral choice is in favour of the second approach. A genuinely *civil* society requires no less. In any event, as indicated earlier, in Northern Ireland at least there is no alternative.

But it is a tremendous challenge. Contrast the entirely non-violent and mutually supported unification of Germany in the aftermath of the fall of the Wall. Even there, divisions between *Ossis* and *Wessis* remained, and remain, deep long after. Five years on, one (western) journalist likened it to "sharing a bathroom with a stranger".[1]

In constructing a new international order, therefore, which can realise this ambition, what is needed is:
(a) a consensus that this is indeed the direction in which the international order can and should go;
(b) a clear vision, which can be shared across the international community, of what this entails in terms of new norms;

and

(c) the development, plan by plan, and then brick by brick, of the architecture to guarantee security and human rights, an architecture which makes co-existence possible.

Some of the pieces of the architecture have already been put in place in this decade—the Council of Europe framework convention being an obvious one. The three-day Europa discussion concluded by putting more flesh on these skeletal bones.

One issue was a need for greater clarity about the role of NGOs, some kind of codification. A charter was thus felt to be a good idea. There could be more standard-setting, discouraging the temptation of all new NGOs to start from scratch. And it was suggested that NGOs could enjoy a recognised status—a kind of 'press card'—in conflict zones.

While the professionalisation of NGOs was generally to be welcomed, the perceived downside was a loss of the original connection to a voluntary, subscriber base. That could leave out the ordinary citizen and engender a loss of independence *vis-à-vis* government funders. Clear values and principles were thus required.

NGOs were inherently diverse, of course, and this needed to be recognised by intergovernmental organisations. By the same token, however, NGOs had to recognise their interdependence. International NGOs could play a leavening role in weakening the particularism and sectarianism sometimes characteristic of local social movements. Put another way, they could provide a language of tolerance in support of NGOs facing intolerance at home. The fact remained, of course, that some domestic NGOs played a partisan, rather than a peaceful, role.

But if it was necessary to recognise the diversity of NGOs, it was also important to recognise that conflicts underwent different phases—in which NGOs had a greater or lesser role to play. In the 'total' phase, it was a matter solely of peacekeeping by regional or international forces; as violence diminished, both NGOs and IGOs could assist with emergency aid and assistance; it was after ceasefires, when the task was increasingly reconciliation and reconstruction, that NGOs could come into their own, providing what was described as an "underpinning for democratic control".

But this was equally true before conflicts developed—or, hopefully, didn't. In particular, NGOs could do three things:
• provide early warning of conflicts, whereas states and IGOs tended to react only when matters were already too serious;
• engage in preventative measures, the

menu of options available when a particular situation was deteriorating; and
• work proactively, at all times, promoting the positive side of a global community which ethnic protagonists presented as a threat.

In that sense, NGOs did not so much need to develop as such as to develop their interrelationships. They were the basis of a social fabric, an international civil society appropriate to a complex world.

Sub-state structures could also play a role in this emergent order. The Assembly of European Regions, for example, had been instrumental in establishing the Committee of the Regions of the EU and the Congress of Local and Regional Authorities. But there was now some fatigue within the organisation, which had a pan-European reach. Perhaps it could find a new role in assisting this architectural work.

As for IGOs, it was recognised that they tended to jump from crisis to crisis, often intervening too late—Kosovo providing a contemporary example where everyone was waiting for something to happen. They should avail themselves more effectively of the sensitivity of NGOs to emergent conflicts through opening up their recruitment and promotion to NGO personnel.

But short-termism was a larger problem. For a small organisation like the Council of Europe, there was an obvious tendency to launch into conflict situations to make its presence felt. Even though it was clearly better to spend $10,000 to forestall a conflict than be forced to spend $10 million two years down the line to pick up the pieces, funders—and IGOs—tended to focus on the 'sexy' issue of the day.

The problem was compounded by deep uncertainty about future roles in a climate where many old landmarks had gone. As the OSCE representative put it, "We have not yet found a new way of doing things." The representative of the Council of Europe reported that a 'committee of wise persons' was reflecting on that organisation's future.

But some elements of the IGO architecture were clear. Thus, for example, there was an understanding between the Council of Europe and the OSCE on conflicts involving minorities. The former was in effect the 'department of safe housing', ensuring safeguards existed to prevent conflicts; the latter was the 'fire brigade', with the high commissioner on national minorities stepping in as a crisis-intervention mechanism to douse them. This underscored the need for the council to take a longer view.

Clearly, the council's 'niche' was human rights. Indeed, it was suggested the

council had been key in placing human rights "at the centre of the European ethos". It had a mechanism for implementing existing standards (the Strasbourg commission and court) and a role in developing new concepts of rights.

It could explore further, it was suggested, the potential for sending special rapporteurs to investigate situations where there were warning signs of conflict—a breach in conventional notions of sovereignty which only in Europe might be deemed acceptable. The Finnish idea of a high commissioner for human rights was already under consideration, though some council members would prefer a 'low commissioner'—it would have to be a properly resourced office to be effective.

A key issue in the evolving IGO architecture was NATO, whose representative was keen to stress that it cost its member citizens less than the cost of a packet of cigarettes a year. He claimed its enlargement was demand-led, rather than expansionist—indeed there was something of a 'golf-club' attitude amongst some members: why do we need new ones?

As to NATO's role, what was previously 'clear' was now 'blurred', since—this sardonically—"the glorious days of the cold war unfortunately are over". As it expanded, it could not become another OSCE, but nor could it become the 'global police force' the US seemed to want. Yet, equally, any idea of a UN army had to be ruled out, as this would be like the old French Foreign Legion writ large.

There was also a need to avoid creating new boundaries in Europe, and the hope was that through Partnership for Peace there could be closer relations with Russia and the Ukraine. In other words, 'security' would have to come to mean not strength and secrecy, but co-operation and transparency. NATO's role could also enlarge in a different sense—into new areas of work. Thus, for example, problems of terrorism were unlikely to go away.

By contrast, the UN was in effect having to narrow its peace-keeping interests, given member states' reluctance to enter into new commitments. But documents like *Agenda for Development* and *Agenda for Peace* had identified the intellectual continuum from peace-keeping (keeping the sides apart) through peace-making (facilitating political deals) to peace-building (developing civil society). And there had been substantial practical advances in dealing with this continuum in terms of different phases of conflicts.

The UN also had considerable experience from elsewhere in terms of developing networks and coalitions with and among NGOs and relationships with governments: the World Conference on

Women in Beijing had been a prime example. This methodology could be transferred to conflict situations, at a regional or international level depending on the particular conflict.

For two centuries, the enlightenment held out the hope of a universal civilisation—whether encapsulated in the Rights of Man or the Dictatorship of the Proletariat.

Nineteen eighty-nine encapsulated the collapse of that enlightenment project. But underlying that collapse was a paradoxically global trend towards new particularisms, increasingly clashing with each other in a less deferential world. Hence the growth of ethnic and national conflicts.

We now all inhabit, therefore, a less secure order in which fear is a spur to conflict itself—fear of oppression, fear of abandonment, fear of loss of identity, fear even of massive communal loss of life.

Hence the focus of the Europa round-table on what potential there was for a new order to emerge, in Europe at least, which could guarantee security and human rights—in Kosovo, Cyprus, Northern Ireland or wherever.

The round-table did not set down detailed blueprints, but it painted an impressionist picture of this emergent order and clarified, to change the metaphor, at least some of its building-blocks. With the crisis of traditional ideologies, these are the great human questions of our time. **DD**

Footnotes

[1] 'The eagle's embrace', *Economist*, September 30th 1995

Placing Northern Ireland

Robin Wilson

There is a well-known drinks advertisement, set in a bar during a quiz, which says: 'That night there were more questions than answers.' And plenty of questions for Northern Ireland arise from the Europa discussion.

What lessons can it learn from the international experience of all those—in NGOs, IGOs or governments—who have sought to swim against the tide of ethnic division in the 1990s? Where does Northern Ireland fit into the evolving architecture of security and human rights which the round-table charted? How does the subsequent Belfast agreement match up to international norms? And what tasks now follow it, in building reconciliation as well as peace?

But many answers also emerged from the round-table, which can assist the efforts of the region's peace-builders—and those outside who continue to show good-will towards it—in the months and years ahead. Yet first let us ask what relevance central and eastern European experiences may have for Northern Ireland? And here Rogers Brubaker has provided a fascinating validation of what are intuitively attractive comparisons.

Brubaker has developed an original analysis of nationality conflicts in the new Europe, which sets them in the context of a 'triadic configuration'.[1] He establishes through investigation of numerous cases how what is at the heart of the most intractable problems is a 'relational field' with three components—each themselves a field of diverse elements. These fields were to mark the then new states issuing from the collapse of the Austro-Hungarian and Tsarist empires in the wake of the first world war—at the same time as the war of independence in Ireland led to the new quasi-state of Northern Ireland.

These three components are a 'nation-

alising state' which a new ruling majority tries to craft in its own image, a 'national minority' which in reaction seeks equal recognition, and the 'homeland nationalism' of a neighbouring state which supports the national minority. The potency of this is negatively evidenced in western Europe by the Belgian case, where the first two elements have historically been central: the Walloon-dominated 'nationalising state' facing an increasingly militant Flemish 'national minority'. As the Europa discussion identified, it has been the absence of only the last component, in terms of the attitudes of France and the Netherlands, which has ensured the intercommunal conflict never became violent.

Translated to Northern Ireland, the 'nationalising state' becomes Northern Ireland under Unionist rule, the 'national minority' the consequently disaffected northern Catholics and the 'homeland nationalism' the republic's (for the most part ineffectual) efforts to end partition. Why the Northern Ireland conflict always reverts to the 1920-22 settlement is perhaps thus more readily apparent.

As is why it has proved so fiendishly difficult hitherto, even though the substantive grievances are (say, by South African standards) relatively modest. For it has been compounded by the fact that, from another angle, the Free State was

a 'nationalising' one, northern Protestants the 'national minority' and Great Britain a decidedly reluctant 'homeland' desirous principally of minimising involvement.

Having established the validity of discussing Northern Ireland in this broader context, let us revisit the five themes of the Europa discussion, with the concrete implications for Northern Ireland solely in mind.

The tension between **equality** and **identity** has been at the heart of the Northern Ireland conflict; hitherto progress towards equality, going back to Catholic emancipation in 1829, has been marked by sustained, even exacerbated, division along the faultlines of communal identity. An obvious example has been the virtual disappearance during the 'troubles' of the Protestant minority (around one in five according to 60s polling evidence) defining itself as 'Irish'.

Indeed, some on both sides have seen this as an unfortunate but inevitable by-product of the 'republican struggle'—even if it contradicts the latter's desideratum, in this bicentennial year, of 'the unity of Catholic, Protestant and Dissenter'. Demands to end the 'unionist veto' have in effect been a counsel of despair that any significant section of the Protestant community can depart from what is held to

be a reactionary defence of privilege, however marginal. Such pessimistic assumptions have only been encouraged and reinforced by a unionist tendency to see in all demands for equality since the civil rights movement a larger plot to overthrow the state.

Ways out of this conundrum emerged, however, from the round-table. The first was mundane, but none the less important. The experience of UNTAES in eastern Slavonia, which had sought to achieve fair treatment for the Serbian minority in the area, had demonstrated how practical co-operation on projects of larger public interest—as basic in that case as a common postal system—could help undermine intercommunal mistrust.

Of course, the hope has to be that collaboration in the new Assembly established by the agreement will have that effect when the broader public can see tangible win-win benefits emerging for all. These are small steps, but potentially cumulative and irreversible. This could be encapsulated in a wider concept of interdependence, which it was argued provided a countervailing dynamic to polarisation. The North-South Ministerial Council foreshadowed in the agreement, with its implementation bodies—however modest—in specific areas, has the potential to translate this on to an all-Ireland stage.[2]

The eastern Slavonia experience showed how it was much harder to achieve co-operation in the cultural domain—education, for example—but here it was suggested that promotion of freedom of *individual* identity choice was important as an alternative to sectarian communal mobilisations. Recognising, however, the compelling appeal of nationalist identifications, it was suggested that creative cultural activity had a crucial role to play here, playing as this did with the possibilities of cultural 'hybridity'. What, after all, is so compellingly 'funny' (and so apparently non-threatening) about the anti-sectarian humour of the Hole in the Wall Gang or Patrick Kielty?

International conventions could also be brought to bear here: the Council of Europe's framework convention, for example, ratified by the UK[3] and—as a result of the agreement—shortly by the republic[4] makes explicit the right of individuals to choose *not* to be defined by an assumed communal affiliation.

Taking these two points together, it is worth remarking that the recently relaunched Community Relations Council contains in its new logo the triple slogan equity-diversity-interdependence. That slogan neatly encapsulates the nature of the challenge. A minister for culture should surely be designated in the Assembly Executive Committee, given

the luxury of having 12 seats to allocate.

Further avenues for progress were identified in the international domain. Firstly, codification in conventions of rights attaching to members of minorities provide an international norm (if not yet an international court) which can be called in aid. Thus, for example, the provisions in the Council of Europe Charter for Regional or Minority Languages are used to back the provisions in the agreement on the Irish language.[5]

But not only can such norms be drawn upon: they can be presented as an objective international standard—rather than rights being set only in the context of a win-lose Northern Ireland argument—and so can potentially defuse otherwise highly charged issues. Here, the Human Rights Commission envisaged in the agreement will have an important public educational role to play.

A striking feature of the framework convention, for example, is how, by favouring agreements between states about minorities it undermines the idea of exclusive state sovereignty and opens the door to a *droit d'ingérence* on the part of states concerned about 'their' minorities across their borders. Nevertheless, it equally does not support territorial claims by 'homeland nationalist' states, a factor undermining the legitimacy of the Anglo-Irish Agreement of 1985.

The new British-Irish Intergovernmental Conference envisaged in the Belfast agreement, while it will provide a continuing forum for intercession by the republic's government with Britain over Northern Ireland concerns outside the competence of the Assembly—particularly as these bear down on the Catholic community—will thus be more legitimately based than hitherto, given the associated amendment of articles 2 and 3 of the republic's constitution.[6]

The Anglo-Irish Agreement also failed to recognise any tension between **individual** and **collective** rights, the latter in fact being assumed to dominate in its presentation of identities in entirely communal terms.[7] Yet the unionist assumption, best embodied by Robert McCartney, that only rights attaching *abstractly* to individuals—such as those in the European Convention of Human Rights—are permissible is equally problematic.[8]

The problem with this latter view is that it fails to recognise that identity attaches itself to symbols with affective power. So even institutional involvement of minority groups—'power-sharing'—is not enough. There must also be a symbolic recognition of those *particular* identities in which individuals freely choose to invest—'parity of esteem'. Key is to

vening decades.

So how can the interrelationships between communities be so managed as to ensure *mutual* security? The descent of Yugoslavia into war clearly shows how it should not be done, and, closer to home, the uphill battle which has faced the Parades Commission provides another negative example. For the evident danger of symbolic recognition (as against a 'neutral' state) is not only the exclusion of other group definitions than those around the communal divide but also the threat that the space for symbolic expression will be filled in an aggressive way which encourages essentialist and adversarial self-perceptions.

An important idea which emerged in discussion was the need for 'transcendent symbolism', so that counterposed communal symbols did not monopolise the public domain. An obvious example in Northern Ireland would be a Stormont equivalent of the handshake on the White House lawn between Yasser Arafat and Yitzhak Rabin, in front of the world's media, in the wake of the Oslo accords on the middle east. Notable after the Good Friday agreement was finally delivered was how all the parties separately emerged to give their 'spin' to the press and TV—a separation which was sustained into the referendum campaign and which contrasted sharply with the cross-

ensure that members of particular communities do not experience a sense of having been, or of being, inserted into a relationship of subordination to others.

It is not so much, therefore that there are such things as collective rights (there are not, in the sense of *communal* rights, in international conventions). It is that individuals feel not only they should enjoy rights but also that a community to which they feel affiliated should enjoy *security*. The shorthand for the Catholic experience of Northern Ireland since partition—the 'nationalist nightmare'—encapsulates this sense of *in*security which has bound individual Catholics together in communal solidarity during the inter-

party unity of the 'No' camp.

When the Assembly is elected, and the first minister and deputy first minister signalled in the agreement in turn appointed, there will once more be photo-opportunities for such public handshakes at Stormont to signal a new partnership cementing the communities together. The cathartic potential of such small events should not be underestimated.

There was a realistic recognition, however, at the Europa that there would be a continuing need for external intervention, given continuing internal divisions, even in a peaceful climate. Such interventions need to be handled carefully in Northern Ireland, so as not to convey either a hidden joint authority or a patronising paternalism. And the Belfast agreement is an inherently democratic agreement, which locates sovereignty very much with the people of Northern Ireland—as subsidiarity demands.

But there are major problems ahead, at the time of writing, such as the continuing impasse over decommissioning of paramilitary weapons. This is set to come to a head when the executive committee anticipated in the agreement is to be established,[9] inevitably including Sinn Féin members yet with the IRA having set its face against compliance with the decommissioning section of the deal.[10] On the other hand, the commission on policing, with its international element, is a recognition that external input will be needed to arrive at policing arrangements which can command cross-communal support.[11]

In these areas, it is in practice highly likely that the British-Irish Intergovernmental Conference will indeed be required, as the agreement signals, to have 'regular and frequent' meetings about issues such as these not devolved to the Assembly.[12]

Related questions arise in reconciling **pluralism** and **common life**. Belgium has 'succeeded' in achieving this through a system amounting to never-ending negotiation between representatives of its 'two communities', to which both sides are committed; institutional arrangements, such as 50-50 power-sharing irrespective of the precise communal balance; and acceptance of the 'pillarisation' of not only politics but also civil society.

The positive implications of this for Northern Ireland are evident enough. Northern Ireland's conflict will never be 'over', even when its violent expression is, and intercommunal (re)negotiation will thus remain an ever-present requirement. The Belfast agreement provides for a review four years on by the parties and governments.[13] Also implied is a recog-

nition that democratic arrangements need not imply 'majority rule', since both communities need to buy into any initiatives. Again, here the agreement provides for core or controversial decisions to be taken by 'parallel consent' of representatives of a majority of each community or by weighted majority overall.[14]

But that uncertainty as to which is the better safeguard reflects the real downside of the Belgian approach, given its rigidity, its inability to deal with 'new' issues and the associated segregation within civil society. The weighted-majority idea reflects a sense of the risks associated with 'parallel consent', of institutionalising sectarian division and marginalising non- or anti-sectarian groups in the Assembly.

It is also striking that these latter groups succeeded in inserting into the agreement encouragement of integrated education and mixed housing. This commitment to a genuine civil society, rather than pillarisation, is clearly a long-term effort, and for the first time the agreement gives official recognition to the efforts of many NGOs working in the arena of reconciliation for decades. It is important this work receives the resources it deserves, including after the EU Special Support Programme has expired.[15]

But political leadership will also be at a premium, as the further counter-example of Czechoslovakia demonstrates. There, *despite* a civil society largely favouring Czech-Slovak co-existence, political leaders with much more adversarial agendas were able to win out and force the 'velvet divorce'.

A further concern about following the Belgian approach is the way the latter marginalises groups outside the 'two communities'. This would be unconscionable for Northern Ireland in the light of the progress in recent years towards recognising that its multi-ethnic rainbow has more colours than orange and green. The introduction of the Race Relations Order and the associated establishment of the Commission for Racial Equality— following the increasing assertiveness of ethnic minorities through NGOs like the Northern Ireland Council for Ethnic Minorities—are testament to that.

Underlying the intercommunal division in Northern Ireland has, of course, been the clash between (British) **sovereignty** and (Irish) **self-determination**. The survey of the evolution of the concept of self-determination by Adrian Guelke in this volume shows that the former 'anathema against secession' has gone but the changing of borders *by force* remains anathema. Thus a decision by a majority within Northern Ireland in favour of secession (and integration with

the republic) would be legitimate within international law, whereas the IRA campaign to force such an outcome was not.

The agreement reflects this approach in as much as it reaffirms that Northern Ireland is in effect a state-within-a-state, in which a majority can peacefully decide to secede or not to do so. This provision is underscored by reform of articles 2 and 3—the claim these contained, in any event, had no international legal standing[16]—to bring them into line with the Northern Ireland Constitution Act of 1973, in which the majority-consent principle was first espoused. Thus in a sense the ending of the anathema against secession as such but retention of the anathema against secession by any other than electoral means legitimates *both* constitutional nationalist and unionist positions.

And whereas the evolving self-determination norm has nothing to say on the issue thereby raised of minorities within states, the agreement both establishes a raft of rights protections in Northern Ireland and the harmonising proposals it contains *vis-à-vis* the republic imply the notion that the rights of the Protestant minority in a united Ireland would be similarly protected.[17]

The clear difficulty with this, of course, is evident once the mechanism involved is considered. The agreement specifies that the Northern Ireland secretary will hold a border plebiscite if he or she anticipates a likely majority in favour of a united Ireland. But the run-up to such an eventuality is likely to be associated with high and escalating tension and communal polarisation, with centre voters not only lacking a constitutional option but coming under intense pressure to support 'their' side in the face of mobilisation by the 'other'. Outbreaks of violence at interfaces, possibly with serious paramilitary manifestations and further forced population movements, would be probable. Amongst Protestants in particular, communal insecurity would be profound.

This is of course the worst possible basis for a benign transition to a united Ireland, which would lack legitimacy within the Protestant community because it had been carried by a Catholic-dominated majority, just as the *status quo* has always lacked legitimacy amongst Catholics because partition represented the ultimate gerrymander. And just, therefore, as it has widely been seen as crucial that the referendum on the agreement should be passed by a massive majority, 50 per cent plus one seems a shaky basis for an even greater constitutional transformation.

In fact, contrary to IRA briefings about a united Ireland in '10 to 15 years' conse-

quent upon an agreement,[18] an apparent slowing in demographic trends in favour of the Catholic community and the continued existence of a substantial body of non-nationalist Catholic opinion mean any such eventuality is a long way off. Asked in a post-agreement poll how they would vote in a referendum on the constitutional status of Northern Ireland, 60 per cent favoured the union, 27 per cent backed a united Ireland and 13 per cent did not know or gave no opinion.[19] The comment by the prime minister, Tony Blair, in his speech in Belfast shortly after his election that even the youngest person in the room would not see a united Ireland is likely to be nearer the mark.

But if borders clearly cannot be changed by coercion, more positive pointers for Northern Ireland come from the erosion of the idea that they are *impermeable*. While European integration will not 'solve' the Northern Ireland problem, it does legitimise the transfrontier arrangements in the agreement, which follow a Council of Ministers model. But, in the first instance at least, it also directs these towards pragmatic and practical, coal-and-steel areas. It is difficult to represent co-operation in tackling animal health or social security fraud as the sinister construction of an all-Ireland 'super-state', particularly given the collapse of utopian federalism at a European level.

Yet at the same time such permeability makes it possible for 'national minorities' like the Catholic community in Northern Ireland to feel much more part of the 'homeland' than would otherwise be possible—and certainly not to feel trapped in a 'nationalising state'. Hence the overwhelmingly positive Catholic reaction to the agreement, as against the uneasiness among many Protestants at the erosion of old certitudes.

Reconciling **small 'p'** and **big 'p'** political agendas comprised the last, but by no means the least, of the five Europa themes. And perhaps one place to start is modesty. It has after all been NGOs—the 'loyal orders' and the 'residents' groups' who have prosecuted the parades controversy in Northern Ireland. So this is not a case of NGOs good, politicians bad.

At the same time, politicians who define politics as a monopoly of those with an electoral mandate have only seen threats in the growing NGO influence with government and IGOs in Northern Ireland in recent years—as evidenced by the tensions over the EU 'peace package'. And there has been a legitimate fear within sections of civil society that NGOs would be carved out of any new arrangements.

On both sides, arguments which ought to be about inherent tendencies become reduced to personalities. Sustained con-

flict along a single political axis has two enervating effects on the political class: it narrows their field of vision and it narrows their repertoire of policy responses. It also tends to lock them into adversarial ways of behaving. Civil society will of its diverse nature contain a much broader spectrum of concerns (including many unsavoury ones) and throw up more creative talents (as well as many destructive elements). The gap between the two leads to the alienation evident in Belgium but also apparent in Northern Ireland.

The positive way to address this gap is for the constructive forces within civil society to ensure 'new' issues with which politicians are inexperienced—in Northern Ireland, social exclusion, for example—are placed firmly on the political agenda. The goal is 'co-ordinated co-operation with policy-makers', which in the context of the agreement will of course now include elected representatives for the first time in a quarter-century.

Northern Ireland's 'democratic deficit' can only adequately be filled if its 'policy deficit'[20] is simultaneously addressed: otherwise, it is highly likely that business-as-usual will pertain and the democratic opportunity for policy innovation squandered. It is here that NGOs have a particular input to make.

It is clear, however, that NGOs do have to think more strategically and to co-op-erate better: again, they are by no means immune to the *trust* deficit by which all such conflict situations are characterised at the political level.

Here, the Civic Forum proposed in the agreement has considerable innovative potential, bringing together as it will business, the trade unions and the voluntary sector (and, presumably, the farmers). These represent the most constructive, and informed, civil-society voices, with considerable experience of informal 'social partnership' already. The forum is to advise the Assembly and if it is to have any significant impact will have to deliver united 'opinions' to the latter, in the manner of consultative EU bodies. It will also need a right of initiative—so that it doesn't have to wait for its opinion to be asked. And it will need to have the resources to do its job properly.

The relevant clause in the agreement betrays a compromise between the desire for such input—the original proposal, from the Women's Coalition, was for a fully fledged second chamber—and the politicians' desire for control. Thus administrative support and selection criteria are to be in the hands of the first minister and deputy first minister.[21] It will be important that the latter resist the inclination to ensure the forum is a compliant poodle.

Where politicians do have a key role,

however, is in balancing the still inevitably conflicting demands on government from a range of diverse NGOs. The parades controversy, including the establishment of the Parades Commission, has in a sense reflected a failure of politics in this regard, so often perceived as a microcosm for the Northern Ireland conflict as a whole. Via the new Assembly, the task of elected representatives will be to meet that challenge—and to demonstrate that politics in Northern Ireland can succeed.

In Northern Ireland, the very phrases 'security' and 'human rights' have themselves been unhelpfully counterposed, as respectively 'unionist' and 'nationalist' concerns. What the Europa discussion highlighted is that they are in fact two sides of the same coin—that, for example, the claim of human rights for *either* 'side' in the conflict is often a claim for communal security.

The hope attached to the Belfast agreement is that it achieves just this objective, of offering security and human rights to all, in a manner consistent with international norms. As this concluding section has demonstrated, the agreement stands up well against such objective norms, which bodes well for its stability. It chimes with the emergent international order and has the capacity, at long last, to allow Northern Ireland to hold its collective head high as it heads for the new millennium. DD

Footnotes

[1] Rogers Brubaker, *Nationalism Reframed: Nationhood and the National Question in the New Europe*, Cambridge University Press, 1996, pp 55-76

[2] *The Agreement Reached in the Multi-party Negotiations*, Northern Ireland Office, Belfast, 1998, pp 11-13

[3] as recommended in Tom Hennessey and Robin Wilson eds, *With All Due Respect: Pluralism and Parity of Esteem*, DD report 7, 1997

[4] *The Agreement...*, p18

[5] ibid, pp 19-20

[6] ibid, p2

[7] See the preamble to the Anglo-Irish Agreement, in Tom Hadden and Kevin Boyle, *The Anglo-Irish Agreement: Commentary, Text and Official Review*, Sweet and Maxwell, London, 1989, pp 15-16

[8] See interview with Mr McCartney in Hennessey and Wilson, op cit, p50

[9] *The Agreement ...*, p7

[10] ibid, p20; *An Phoblacht*, April 30th 1998

[11] *The Agreement ...*, pp 22-24

[12] ibid, p15

[13] ibid, p26

[14] ibid, p5

[15] ibid, p18

[16] unpublished research by Austen Morgan kindly furnished by the author

[17] ibid, pp 16-18

[18] 'Support for deal is growing among IRA rank and file', *Irish Times*, April 25th 1998

[19] 'Four-to-one in North to vote for Agreement', *Sunday Independent*, April 19th 1998

[20] Andy Pollak ed, *A Citizens' Inquiry: The Opsahl Report on Northern Ireland*, Lilliput, Dublin, 1993, p319

[21] *The Agreement ...*, p9

Appendix 1: programme

An architecture for security and human rights in Europe

March 27
Opening address: Cedric Thornberry

March 28
Theme: *Reconciling identity politics with the demands of equality*
              Case: Northern Ireland
              Speaker: Tony Gallagher
              Discussant: UN representative
Theme: *Reconciling sovereignty and self-determination*
              Case: Hungarians in Slovakia
              Speaker: Adrian Guelke
              Discussant: OSCE representative

March 29
Theme: *Reconciling diversity and a civil society*
              Case: Belgium
              Speaker: John Fitzmaurice
              Discussant: EU representative
Theme: *Reconciling individual and minority rights*
              Case: Ex-Yugoslavia
              Speaker: George Schopflin
              Discussant: Council of Europe representative

March 30
Theme: *Reconciling NGO and governmental agendas*
              Case: Northern Ireland
              Speaker: Mari Fitzduff
              Discussant: NATO representative
Conclusion: *An architecture for human rights and security in Europe*

Appendix 2: participants

Taciser Belge	Helskinki Citizens' Assembly	Istanbul, Turkey
Aleksandra Brankovic	Council for Human Rights, Center for Antiwar Action	Belgrade, Yugoslavia
Harald Bungarten	North Atlantic Treaty Organisation	Brussels, Belgium
Jorg Calliess	Evangelische Akademie Loccum	Loccum, Germany
Finn Chemnitz	Organisation for Security and Cooperation in Europe	Vienna, Austria
Hasmik Choutilyan	Armenian Committee, Heskinki Citizens' Assembly	Yerevan, Armenia
Feargal Cochrane	Centre for Study of Conflict, University of Ulster	Derry, Northern Ireland
Farimah Daftary	European Centre for Minority Issues	Flensburg, Germany
Hans De Belder	The Assembly of European Regions	Belgium, Brussels
Bernard Dreano	Helsinki Citizens' Assembly	Paris, France
Mari Fitzduff	Initiative on Conflict Resoloution and Ethnicity	Derry, Northern Ireland
Niall Fitzduff	Rural Community Network	Cookstown, Northern Ireland
John Fitzmaurice	Secretariat General of the Commission	Brussels, Belgium
Tony Gallagher	Queen's University Belfast	Belfast, Northern Ireland
Adrian Guelke	Queen's University Belfast	Belfast, Northern Ireland
Ulf Hanson	University of Ulster, Magee College	Derry, Northern Ireland
Mujo Haskovic	Human Rights Centre	Sarajevo, Bosnia
Avril Heffernan	Democratic Dialogue	Belfast, Northern Ireland
Jacqui Irwin	Northern Ireland Council for Voluntary Action	Belfast, Northern Ireland
Tony Kennedy	Cooperation North	Belfast, Northern Ireland
Petar Ladjavic	Serbian Democratic Forum	Zagreb, Croatia
Richard Lewis	European Commission	Brussels, Belgium
Joyce McMillan	Social and Political Commentary	Edinburgh, Scotland
Denise Magill	Standing Advisory Commission on Human Rights	Belfast, Northern Ireland
Bernhard Moltman	Peace Research Institute, Frankfurt	Frankfurt, Germany
Anna Nogova	Helsinki Citizens' Assembly	Bratislava, Slovakia
Quintin Oliver	Northern Ireland Council for Voluntary Action	Belfast, Northern Ireland
Jeannie Peterson	United Nations	New York, United States
Alexander Russetski	Helsinki Citzens' Assembly	Tbilisi, Georgia
George Schöpflin	Slavonic/East European Studies, London University	London, England
Eva Sobotkova	Helsinki Citizens' Assembly, Romani Section	Czech Republic
Frank Stekettee	Council of Europe	Strasbourg, France
Cedric Thornberry	(formerly) United Nations	Geneva, Switzerland
Robin Wilson	Democratic Dialogue	Belfast, Northern Ireland
John Woods	New Agenda	Belfast, Northern Ireland

Appendix 3: speakers and discussants

Harald Bungarten is head of the press and media service and deputy spokesperson for NATO in Brussels, where he has worked for the last nine years. He has written over 30 publications on national and international aspects of environmental policy, energy policy, world monetary affairs, infrastructural and regional planning and international economic and security questions.

Finn Chemnitz has since 1995 been diplomatic officer at the Conflict Prevention Centre of the Organisation for Security and Co-operation in Europe in Vienna. Previously, he was deputy head of the OSCE mission to Latvia. From 1981 to 1993 he was an officer in the Royal Danish Air Force, becoming an assistant professor of strategy and political science at the Royal Danish Defence Academy.

Mari Fitzduff is a professor of conflict studies and director of INCORE (Initiative on Conflict Resolution and Ethnicity), a joint project of the University of Ulster and the UN University. From 1990 to 1997, she was director of the Northern Ireland Community Relations Council. She has worked as a programme consultant on projects addressing conflicts in the middle east, Sri Lanka and the successor states of the OSCE and is a board member of many national and international institutions in conflict management.

John Fitzmaurice has worked since 1973 in the General Secretariat of the European Commission, dealing with relations with the European Parliament. He also teaches at the Université Libre de Bruxelles. He has written extensively on the European Parliament and European integration, two books and numerous articles on Belgian politics as well as on central Europe and the Baltic Region.

Tony Gallagher is a Reader in the Graduate School of Education, Queen's University Belfast. His research interests include education systems in ethnically divided societies and equity policy in education and employment. In recent years he has carried out research on labour-market patterns, policy towards separate religious schools and underachievement, and government initiatives on 'equality-proofing' in Northern Ireland. He is completing a book on education policy and practice in divided societies.

Adrian Guelke is professor of comparative politics in the School of Politics at Queen's University, Belfast, where he is also director of the new Centre for Study of Ethnic Conflict. Originally from South Africa he was for a period in the mid-90s professor of international relations at the University of the Witwatersrand.

Richard Lewis is a principal administrator at the European Commission in Brussels, where he has worked on the process of

European integration since 1974. For the past 13 years his responsibilities have centred on eastern and central Europe, including two years working exclusively on ex-Yugoslavia, during which time he was seconded to the conference on Yugoslavia in The Hague under Lord Carrington. A visiting fellow in human rights at the University of Essex, from 1993 to 1996 he was deputy head of the commission department setting policy on human rights.

Jeannie Peterson has recently been working for the United Nations Transitional Authority for Eastern Slavonia—as chief for reconciliation, education, culture, NGOs and religion at the headquarters in Vukovar; chief of the regional office in Vinkovci; and acting deputy chief of civil affairs. Earlier, she headed the UNPROFOR liaison office in Belgrade and the sectoral HQ in Knin, as well as the exploratory mission for UN peace-keeping in Macedonia. She has also held senior positions in the UN Department for Policy Co-ordination and Sustainable Development and the UN Fund for Population Activities.

George Schöpflin is director of the Centre for the Study of Nationalism and lecturer in the politics of central and eastern Europe at the University of London. His principal area of research is the relationship between ethnicity, nationhood and political power, with particular reference to post-communism. He is engaged on a work looking at current theories of nationalism and the impact of ethnicity on politics in Europe.

Frank Steketee is currently working in the Minorities Unit of the Directorate of Human Rights in the Council of Europe, where he deals with the Framework Convention on the Protection of National Minorities and inter-governmental co-operation in the field of protection of national minorities. Before joining the Council of Europe, he practised law and was an assistant professor at the University of Leiden.

Cedric Thornberry is an international lawyer, peacekeeper and former assistant secretary-general of the United Nations, for which he worked for 17 years. Previously, he taught at Cambridge University and the London School of Economics, was a foreign correspondent for the *Guardian* in Greece and was a practising human rights lawyer. Originally from Northern Ireland, he was one of the founders of the Northern Ireland Civil Rights Association in 1968. In the 70s he represented many applicants at the European Court of Human rights. He was for four years director of administration at the UN but he spent most of his UN service in international peace-keeping—in Cyprus, the middle east, ex-Yugoslavia and Somalia. In 1992-94, he was head of civil affairs and deputy chief of the 50,000-person UN operation in ex-Yugoslavia, as well as senior negotiator with all the Balkan parties. He is currently a consultant to NATO in the exercises it conducts with the Partnership for Peace countries and a visiting professor at King's College in London.