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The EU and Northern Ireland, SAARC and Kashmir: The Role of Regional Organisations in Internal Conflicts

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The European Union's role as a peace-building organisation is a significant theme in the literature on European integration and in the public discourse of the European Commission and leading European Politicians.¹ The discourse of political and Commission elites in particular often conflates the historic experience of the early period of European integration, the claim that war is now 'unthinkable' between major European allies with previously conflictual relationships, the European agreed 'security complex' and the EU's modern role in external affairs including the development of its foreign, security and defence policies. While there is an extensive critical literature on the limited external engagement of the EU and the difficulties in agreeing a more comprehensive foreign and security policy, there has been less focus on the weakness of the EU in dealing with the limited number of intensive serious conflict within its own borders. The limits of this literature combined with the strength of EU official discourse on the 'success' of European integration as a 'peace-building project' has led to an exaggerated role for the EU being assumed with consequent over ambitious hopes being set out for other regional organisations by external observers.

In the case of SAARC, it is often repeated that the strong commitment to state sovereignty is a product of the relatively recent independence of states, compared to most EU members and that this combined with the relative weakness of SAARC, even compared to ASEAN and not only the EU, has made inter-state security rivalries more intense and peace-building more difficult, compared to the modern European experience. As the focus of much of the literature is on its potential role in ongoing conflicts and inter-state tension within South Asia, this article examines the equivalent role of the EU on the Northern Ireland conflict and peace process – the nearest equivalent conflict within the EU – to any of the current conflicts within the borders of SAARC.

Irish Foreign Minister Brian Cowen, explicitly referred to the frequency of the EU's claim to be a model, when saying 'It has been observed on many occasions that the European Union is one of the most successful examples of conflict

resolution the world has known'.ⁱⁱ While it might be left to historians to inquire into the causal directions involved in European peace, the Franco-German *rapprochement* and economic integration, this claim is often a prelude to an argument that the European experience is transferable to other regions and that its normative basis is a proven case study on the linkages between democratisation, economic integration, sovereignty-pooling and peace-building.

Björn Hettne, one of the world's most authoritative experts on regionalism, highlights the contradictions involved in this conflation. He argues:

The "second pillar" [of the original Treaty on European Union] is understood to encompass cooperation among the Member States in the foreign policy and security fields. It is mildly paradoxical that this cooperation is extremely sensitive and controversial, at the same time as the entire integration project is officially described as a historical peace project. Thus, security is described as the core of the EU project, but it seems instead to be an indirect effect of cooperation, which should not be seen in explicitly direct terms.ⁱⁱⁱ

Despite a healthy scepticism about the external foreign policy capacity of the EU, its role in creating inter-state peace is often left uncontested in comparative discussions about SAARC.^{iv} Even while the EU's external reach is dismissed, it is assumed to have played a central role in the sustaining of inter-state peace within its own borders.

This paper explores the role of the European Union (and its predecessors the EC and EEC) in the Northern Ireland conflict and peace process as a case study analysis of the EU's role in conflict resolution within its own borders. This conflict represented the longest running and bloodiest conflict within the borders of the EU, since its foundation. The Northern Ireland case is a good case study, as because of its duration there were many opportunities for the EEC/EC/EU to intervene. The conflict also varied over time in its intensity; it raised important

issues of state responsibility for human rights abuses; it included an inter-state dimension and finally saw a relatively successful peace process.^v

The International Context for the Northern Ireland Conflict

Until the ending of the Cold War the international pressures on the British Government for a resolution of the Northern Ireland conflict were minimal. Neither superpower had any significant interest in intervening. The USSR saw little potential for using the conflict diplomatically beyond raising human rights issues as a trade off in forums such as the CSCE. The USA was unwilling to challenge its most important NATO ally. Despite the occasional high profile campaigning within the United states by non-governmental Irish-American organisations and pressure from the Irish embassy in Washington, US government policy on Northern Ireland was firmly constrained by the context of the 'special relationship' with Britain.^{vi} Northern Ireland was seen as an internal British affair and Irish governments were politely informed that the US administration would not intervene.^{vii} Even during crisis situations such as the major street protests of the civil rights period in the late 1960s and the 1981 hunger-strikes, where 10 IRA prisoners died on hunger strike in jail this policy held firm.^{viii} Other international interventions were equally low key. The UN Security Council was never likely to get involved as Britain held a permanent seat and a veto. No other government, apart from the Irish and British had any national interests to pursue and so the only other state level intervention came from diplomatically isolated states such as Libya and Iran - with their own separate motives for attacking the British government.

EEC / EC interventions during the Cold War

Potential EEC / EU interventions on Northern Ireland need to be explored within this wider international context of non-intervention. Just as Ireland was joining the then European Economic Community, Irish Foreign Minister and later Taoiseach (Prime Minister) Dr. Garret FitzGerald, who was a strong supporter of European

integration, set out what he believed to be the most important potential influences of EEC membership on the Northern Ireland conflict and on wider relations between the Irish and British Governments.^{ix} He believed there would be positive (if not dramatic) impacts in a number of ways; at the ideological level he thought it would strengthen a more cosmopolitan form of politics; at a functionalist level he believed that it would promote north-south cooperation within Ireland on issues such as agriculture, which would then assist other more political developments and finally he argued it would change the nature of sovereignty more generally and lower the direct relevance of competing ethno-nationalist claims in Northern Ireland. He did not seem to envisage any form of direct EC / EU involvement in the conflict. These four potential areas of impact - ideological, direct intervention, functional and on the perceptions of sovereignty, provide a useful framework within which to explore the potential role of regional organisations in conflict resolution.

Ideological and cultural impacts on the conflict

There is now a very wide consensus among academics with otherwise different opinions on the Northern Ireland conflict that the ideological impact of the EU on identity and political nationalism has been very limited. There are few signs in opinion polls, for example, in any EU member state, that the EU is a primary source of identity for citizens. The EU's impact on politics has been in conjunction with state level politics and national identity politics and not a replacement for it. Indeed in Scotland there is clear evidence, over many years that EU membership (and continuing membership for an independent Scotland) has increased the number of Scottish people who would be willing to vote to leave the UK and establish an independent Scottish state, rather than diminishing the salience of Scottish nationalism.^x In Northern Ireland, there is no evidence of a reduction in the political salience of nationalism as the primary political divide.

In elections throughout the conflict, voters overwhelmingly supported political parties whose primary appeal was ethno-national. In effect there were two separate

party competition models. The two major Irish nationalist parties – Sinn Féin and the Social Democratic and Labour Party (SDLP) competed in a relatively stable two-party system and between them received the support of well over 90% of all ‘cultural’ Irish nationalists. While Ulster unionists (those supporting the ‘union’ with Britain) ruled Northern Ireland with a single dominant party from 1922 until the late 1960s, since that time there have been at least two major unionist parties. However, in contrast to the Irish nationalist community, new parties have emerged over the years, sometimes attracting significant support for an election or two. However the two major parties – the Ulster Unionist Party and the Democratic Unionist Party have ultimately seen off all these challenges. They represented over 80% of unionist voters at the beginning of the modern conflict and do so once again at present.

Only one party, the Alliance Party has maintained a permanent existence with any significant support through this period which defines itself outside of this framework. However with about 7% support it is relatively marginal and while rejecting an ethno-national label it is, and also has been, a firm supporter of the union with Britain. Other parties seeking support primarily on ground of class, gender or on environmental grounds have stood for election throughout the modern period but have received no substantial support.

As the peace process developed, the strength of ethno-national identity may have strengthened rather than weakened. Within the Irish nationalist community the more strongly nationalist and more left-wing Sinn Féin has displaced the more centrist SDLP as the dominant party. Within unionism, the more populist and more militantly unionist DUP has likewise displaced the more centrist Ulster Unionist Party. Interpreting this as a shift to the extremes is not necessarily accurate. Sinn Féin was strongly associated with the IRA who were conducting an armed campaign against the British state. Now they are in government, sharing power with unionists. However they are still clearly more strongly nationalist than their rivals in the SDLP. What is certain is that neither the process of EU integration, nor the peace process since the 1990s, has significantly weakened the

underlying strength of ethno-nationalist identity and its framing of the political system.

Direct Intervention

There was no significant EEC / European Union institutional involvement in the conflict.^{xi} There was no direct involvement by either the European Commission or the Council of Ministers. No other member state ever sought to raise the Northern Ireland conflict or had any strategic desire to. There was and remains a limited legal basis in the Treaties for direct intervention and Britain was very hostile to any involvement whatsoever until the late 1980s at least.

After the first direct elections to the European Parliament in 1979, there were more consistent interventions as Britain could not prevent discussion of the issue, given the more open procedures of the Parliament. In 1980 the strongly nationalist Irish MEP Neil Blaney unsuccessfully called for an investigation by the Legal Affairs Committee of the parliament into human rights issues in Northern Ireland. Some Irish MEPs from the government parties supported another attempt in 1981 to raise the then on-going hunger strike by IRA prisoners, but it is not clear if the Irish government exerted any diplomatic effort on the issue. The amended resolution reinforced the limited powers of the then EC with the phrase 'recognizing that the European Community has no competence to make proposals for changes in the Constitution of NI'.^{xii} There were individual motions on human rights issues over the following years, passed with Irish government support and in the face of British government opposition, though often supported by individual left-wing British MEPs. The most significant diplomatic initiative was in February 1983 when the parliament decided that its political affairs committee should conduct an investigation into the political and economic affairs of Northern Ireland. The British Government made what even they in hindsight recognised as a diplomatic blunder by condemning the move, calling it interference in their internal affairs and refusing to cooperate. The ultimate report, with Niels Haagerup MEP as rapporteur, was rather bland and simply called for the

establishment of joint British-Irish responsibilities in a number of specified fields, 'politically, legally and otherwise'.^{xiii}

Other EU Parliament interventions included the passing of two motions calling for a ban on the use of anti-riot 'plastic bullets' in 1982 and 1984, following the deaths of a number 14 people, including 9 children, mostly in disputed circumstances.^{xiv} The Parliament also called for an inquiry into the operations of the UK's anti-terrorism legislation and called for the re-opening of high profile cases of individuals jailed under anti-terrorist legislation and widely believed to be innocent. Guelke argues that while such resolutions had no legal impact in the UK they did have a political impact, in that they increased Ireland's international status and vis-a-vis the UK and strengthen their claim to have a formal role in Northern Ireland.^{xv} These initiatives by the European Parliament also established a precedent of international/EU involvement and created some international pressure on the British Government to cooperate more fully with the Irish government. It is this informal pressure which was the EU's main contribution rather than any formal role and this is discussed more fully in the section on functional cooperation.

The limited role of the EU however meant that Irish diplomacy primarily looked elsewhere for international support and that was also reflected in the peace process and the Good Friday Agreement. Even during the Cold War there was no serious attempt to utilise the Northern Ireland question for strategic purposes. Guelke refers to a general mood in the international system which favoured the Irish Government over the United Kingdom, but this rarely led to any concrete action, not least because there was little which most states could do.^{xvi} The only states seeking to utilise the conflict to attack British interests were states which were already marginalised such as post-Revolution Iran or Libya. No Irish government welcomed their interest and even guerrilla movements, who had sympathy for Sinn Féin such as the PLO or ANC kept the contacts at a low and discrete level as their own cause would have been damaged by any serious public links with the IRA.

Irish governments did however make significant efforts, especially from the 1980s onwards to mobilise members of the United States Congress who had Irish roots or were sympathetic to the Irish government's position. During the Cold War it was difficult to make progress, as the importance of the United States-United Kingdom special relationship in international affairs placed significant limits on what was possible and such influence rarely went beyond individual members of Congress. The US State Department remained a staunch ally of the British position and US Presidents always prioritised the 'special relationship' with their strongest ally within NATO.

There were occasional signs of a countervailing view, such as with United States President Jimmy Carter's St Patrick's Day statement in 1978, expressing an interest in involvement, the first such statement by an American President. More strongly he introduced a ban on arms sales to the Royal Ulster Constabulary (the RUC, the police force in Northern Ireland). President Ronald Reagan also raised Northern Ireland directly and in private with British Prime Minister Margaret Thatcher, expressing a hope that talks then beginning with the Irish Government would be successful. There were also constant non-governmental organization (NGO) criticisms of British policy in Northern Ireland, but the level of international pressure was never enough to have a significant impact.

It was the involvement of United States President Bill Clinton in active and supportive involvement in the process, which marked the first serious international pressure on the British government with regard to Northern Ireland. US visas for Sinn Féin leader Gerry Adams and IRA leader Joe Cahill were crucial confidence-building measures in the run-up to the IRA cease-fire. Partly this was the outcome of a long process of engagement, by Irish Governments, in particular with Irish Americans in the United States Congress, seeking to build support for a more active United States involvement on the issue. The ending of the Cold War opened up greater possibilities for international involvement in the conflict. It weakened the importance of the United States relationship with the United Kingdom—a crucial factor, as the United States was the only international actor likely to be able

to exert influence on the United Kingdom.^{xvii} Northern Ireland was a low-risk intervention for the United States, but it did involve President Clinton in serious tension with an ally—to the extent that British Prime Minister John Major refused to take his phone calls—and the visa decision was taken against the advice of almost the entire foreign policy, defence and intelligence establishment.^{xviii}

While the new world order permitted President Clinton's intervention, it did not prompt it. For motivations, it is necessary to look at the domestic pressure on Clinton.^{xix} His party needed to win back Irish Americans, who had become part of the Reagan-Democrat bloc. Clinton himself needed the Irish vote to win the Democratic primary and it was before the crucial New York primary, with its large and well organized Irish American vote, that he made his public commitments on the 'Irish' issue. He was also under pressure from a much more professional and influential Irish American lobby, itself partly a response to the changing strategy of Sinn Féin in Ireland, where better working relationships with other nationalists were being sought.

The fact that the President of the United States had chosen to become personally involved in the later talks, at a level beyond anything required by his electoral needs, increased the pressure on political actors to reach agreement and, as nationalists had least interest in accepting the status quo, this intervention favoured nationalists (as they wanted change), even if the process of intervention was even-handed, which it was. This quiet pressure on Britain to make greater efforts to come to a joint approach with the Irish Government was crucial in strengthening Irish diplomacy and in building a dynamic towards agreement.

The scale of the direct US involvement in the peace process, manifested in the direct involvement of President Clinton; in his appointment of Senator George Mitchel as an envoy; in Senator Mitchell's later chairing of the peace negotiations leading to the 1998 Belfast (Good Friday) Agreement; in the involvement of senior US appointments in various commissions dealing with policing, the

decommissioning of weapons, the monitoring of ceasefires etc shows a level of involvement far beyond anything the EU could do at this level.

Other international factors were also significant for the peace process. ‘Struggles’ that the Sinn Féin leadership had drawn inspiration from or sought to compare themselves with in South Africa, Palestine and Central America seemed like they were moving towards peace negotiations in the early 1990s.^{xx} Though the IRA did not face significant financial or military material losses they were affected by the political climate that these developments created and were part of. At an ideological level and, in the case of South Africa, at the level of extensive personal contacts the emergence of international peace processes had a significant impact on republican thinking, a process of influence that Sinn Féin then played in the Basque conflict.^{xxi}

Prior to the end of the Cold War, unionists by virtue of their siege mentality had made limited use of international contacts. Such parallels as were drawn tended to be with what were perceived as similar communities under siege, such as Israel, Turkish Cypriots, apartheid South Africa or other ‘abandoned’ British settlers, such as the white community in Rhodesia/Zimbabwe.^{xxii} Such comparisons were clearly damaging by the 1990s and unionists could not credibly argue that the conflict was a purely internal ‘British’ matter once the British Government accepted US and Irish government involvement.^{xxiii} However unionists were undoubtedly pleased with the election of George W. Bush as US President and the lower level of engagement it promised, but their general distrust of any international involvement was seen after ‘9/11’ when they made no serious attempt in the USA to try and use the new environment to damage Sinn Féin.

Even if direct involvement is extended from EU institutions to prominent European politicians or personalities the level of involvement is still relatively limited compared to the US or even Canada and South Africa. In the 1990’s when the UK Government, reflecting some internal political developments in Britain as well as in Northern Ireland; a much improved British-Irish relationship and under some pressure from the US administration, accepted some international

involvement, the individuals involved came from the USA, South Africa, Canada and Finland. The most obvious example is Martti Ahtisaari, former President of Finland, who played a role along with senior ANC official Cyril Ramaphosa in confirming the secure containment of IRA arms before they were ultimately destroyed by the IRA itself. None represented the EU. Martti Ahtisaari, though an EU national was selected based on Finland's tradition of neutrality and his experience in the Balkans, rather than as any sort of defacto EU representative. However in other key areas of the negotiations or the various international commissions advising on different elements of the post-Agreement transformation, the parties and governments looked beyond the EU and Europe for involvement.

The above review of the international, especially US involvement in the Northern Ireland case is discussed to provide a context for the relative absence of EU initiatives. The Northern Ireland case included important international interventions, which were absolutely essential to its success. However the EU was relatively uninvolved in this type of initiative. However, while the EU had a very limited role in the politics and diplomacy of the peace process they did provide substantial financial resources in the aftermath of the 1998 agreement, aimed at building support for the process by showing an immediate socio-economic dividend, which more easily fitted within the more functional cooperation which has characterised the EU – rather than direct intervention.

Functional Cooperation

Early theories of European integration focused significantly on the long term impact of functional cooperation. 'Neo-functional' theories of integration are premised on the notion of spill-over, whereby cooperation and integration on lower level, or less controversial areas gradually lead to further and deeper cooperation and integration. It was argued that this happened in a number of ways. Technical cooperation in one area led to requirements in other domains. For example, a single market in goods led to demand for European regulations on the environment or safety to avoid social dumping from one country into another. It

was also argued that political and administrative elites who saw the benefits of integration would use their position to deepen integration.^{xxiv} Neo-functionalism has been criticised both theoretically and empirically. Theoretically it is critiqued for underestimating the enduring strength of states and for implying a direction of causation which is open to other interpretations. Empirically the predictions of functionalists are limited at best. In the area of security, extensive economic cooperation has not resulted in any significant EU progress.

Nonetheless despite the widespread academic critiques of EU models of functionalism, in a very broad sense it is a widely accepted short-hand for the post war European narrative. Therefore when proposals were made during the early stages of the Northern Ireland peace process for greater economic cooperation across the Irish border, unionist politicians reacted negatively, using an explicitly functionalism model to argue that if they agreed to such 'low level' cooperation they would open the door to political integration. Harold McCusker, Deputy leader of the Ulster Unionist Party opposing the 1973 power-sharing agreement in Northern Ireland, said it 'was designed not to kick us out of the United Kingdom but to change our attitudes, to swing our gaze slowly from the centre of power we have always recognised as London towards Dublin and by a slow process, to change the attitude of the Loyalist people so that one day they might believe the myth of Irish unity which so bedevils many people in Northern Ireland.'^{xxv} In a very similar vein 22 years later unionist member of the British parliament, Robert McCartney, speaking about the peace process, argued that 'there is no such thing in the Nationalist dictionary of concepts as a permanent settlement. All settlements, all concessions, all agreements are merely staging posts in a process. Nationalists are not interested in a settlement, they are interested only in generating a process that will ensure their ultimate objective of Irish unity'.^{xxvi} He opposed economic cooperation by arguing that 'arrangements are being made to create an economic infrastructure that would ultimately make the giving of ... consent to a united Ireland the only answer to economic destruction'.^{xxvii} On the nationalist side the centrist SDLP and in particular their dominant leader for many years John Hume, also believed in the power of functional cooperation to deliver wider political

progress. Sinn Féin opposed this view during the conflict as part of their wider critique of EU integration, but interestingly during the peace process they also promoted the idea of economic cooperation leading to greater integration.^{xxviii}

Despite the strong local belief in functionalist theorising on both sides of the Northern Ireland divide, there is limited evidence of the impact of functional cooperation on issues with low levels of political controversy on more controversial issues. This was not the underlying dynamic of the peace process. Higher levels of cooperation within Northern Ireland across the political divide, and between Northern Ireland and the Republic of Ireland, has followed the peace agreement, it did not precede it in any significant form. The time scale for analysis is therefore very limited and its long term impact is hopeful but uncertain and untested. It is however true that cooperation between the Republic and Northern Ireland has grown since the 1998 Agreement, but its institutionalisation is still at a very undeveloped stage.

The strongest evidence of the positive impact of EU membership on the Northern Ireland conflict is in the improved relations between the British and Irish states. The EEC was the first international institution where the UK was required to engage with Ireland on a fully equal basis and where they often needed an Irish vote on the Council of Ministers. The EU also created opportunities for quiet side-meetings away from the glare of publicity, it normalised the relationship between the two states by creating a requirement for interaction on issues other than Northern Ireland. In 1968-69 as the conflict erupted, there was no structure for regular meetings between the two governments. Attempts by the Irish government to offer advice were rebuffed and requests for meetings refused, as Northern Ireland was defined as a purely internal matter by the British government. While it took some time for a relationship to build by the early 1990s as the peace process developed, regular meetings between Irish and British prime ministers, cabinet ministers and senior officials were totally routine. There were still of course differences of opinion, strongly expressed at times, but there was a channel to

discuss them and the regularity of meetings at European level played an important part in this change.^{xxix}

The other domain in which an influence from EU cooperation can be seen is in the institutional structures set out in the 1998 Agreement. The Belfast Agreement includes a North-South Ministerial Council between the Government of Ireland and the Northern Ireland Executive which is modelled at least loosely on the EU Council of Ministers. The existence of such a model potentially made the Irish version seem less unique and perhaps a little more acceptable to the British Government. These cross-border institutions were crucial to gaining Sinn Féin approval for the 1998 agreement. A purely internal (to Northern Ireland) institutional structure would not have been acceptable to Irish nationalists, however strong the internal equality and power-sharing dimensions. If they were not to achieve a united Ireland and if they were to accept that a majority within Northern Ireland would have to agree to future constitutional change, then nationalists insisted that in return they would have their political identity enshrined in a cross border structure.

Sovereignty

The fourth area where FitzGerald predicted a possible EEC influence on the Northern Irish conflict was in the impact which European integration would have on conceptions of sovereignty. FitzGerald assumed that a more integrated Europe would require governments and ultimately European peoples to shift their vision of sovereignty away from a Westphalian absolutist view towards a more multi-layered concept. This would assist the Northern Ireland case he believed, because in a traditional view of state sovereignty the Northern Ireland conflict would always be zero-sum; any acknowledgement of Irish sovereignty was only possible with an equivalent weakening of British sovereignty. In essence only one state could 'own' Northern Ireland. It was either sovereign British territory or not. This view was summed up by former British Prime Minister Margaret Thatcher when she asserted that Northern Ireland was 'as British as Finchley' – her own English constituency.

If a traditional view of sovereignty is taken, then there is little evidence that British conceptions of sovereignty altered during the conflict. UK governments throughout the period went to great lengths to assert their sovereign authority and the UK refused to acknowledge a legitimate interest by the EU in the dispute for as long as the conflict continued. On the human rights front the European Court of Human Rights occasionally made significant interventions, especially in the 1970s, but the British government always reserved its 'sovereign' right to reject the court's view and proclaim an exemption from its findings, based on the security situation^{xxx}. The 1985 Agreement between the Irish and British Government's is occasionally seen as the beginning of a shift in the British position, as the UK government agreed to some role for the Irish government in managing the conflict. However it is couched in very minimalist terms. It states that 'The United Kingdom Government accept that the Irish Government will put forward views and proposals on matters relating to Northern Ireland' and 'the Irish Government may, where the interests of' the minority community are significantly or especially affected, put forward views on proposals for major legislation and on major policy issues'.^{xxxii} It was not possible for the Irish government to have their *right* to do so formally acknowledged at that time, the British government simply accepted that the Irish government would do this! Indeed it was not even possible to agree the title of the agreement, so there are two separate front covers. The Irish version is between 'The Government of Ireland and the Government of The United Kingdom', as the formal name of the Irish state is 'Ireland' and not 'Republic of Ireland'. The British Government will not use this term arguing it implies all of Ireland, and so their version of the 1985 agreement is between 'the Government of the United Kingdom of Great Britain and Northern Ireland and the Government of the Republic of Ireland'. This short detour into the detail of inter-governmental relations is to highlight, how as late as 1985, there was no weakening of the absolutist view of sovereignty as expressed by the British government.

It is in this context that the 1998 agreement is interesting, at least at the margins. There is no overturning of British sovereignty as the agreement states, that the parties:

(iii) acknowledge that while a substantial section of the people in Northern Ireland share the legitimate wish of a majority of the people of the island of Ireland for a united Ireland, the present wish of a majority of the people of Northern Ireland, freely exercised and legitimate, is to maintain the Union and, accordingly, that Northern Ireland's status as part of the United Kingdom reflects and relies upon that wish; and that it would be wrong to make any change in the status of Northern Ireland save with the consent of a majority of its people;^{xxxii}

However this is not an absolute assertion of British sovereignty. It both acknowledges the 'legitimate' wish of Irish nationalists and accepts that British rule is conditional on a local majority. It is also interesting that the annex to the wider agreement setting out the intergovernmental aspects, uses a common form 'Government of Ireland' in all versions – moving on from the 1985 stand-off on terminology. Other interesting aspects of the 1998 agreement on sovereignty include the fact that there is no requirement on Irish nationalist ministers in the Northern Ireland Executive to formally support British sovereignty, to hold UK passports or make any declaration of loyalty to the British state.

The EU as framework to explore SAARC

The above analysis of four potential impacts of a regional organisation on a conflict internal to the region – identity and ideological shifts, direct intervention, functionalist impacts and changing concepts of sovereignty - is a useful way of categorising the different potential impacts of SAARC. As the discussion above sets out, in the Northern Ireland case the impacts of the EU have not been as significant as might have been assumed. There is no evidence of any significant change in national identity and political ideology in response to European integration. While there were very important direct external interventions in the peace process, the EU as an institution was not involved, apart from as a funder after the ceasefires. Functionalist shifts did not have the predicted impact of

making cooperation less controversial before the ceasefires but EU meetings did play a very important role in building a more normal working relationship between the Irish and British governments, their ministers and officials. The EU model may also have played a small role as an example in providing a model for post Agreement cross border co-operation. Finally the EU itself did not impact on UK conceptions of sovereignty during the conflict. However there are parallel changes in the 1998 agreement, where some more flexible conceptions of sovereignty are utilised in cross border bodies and on the absence of requirements for declarations of loyalty to the state.

The Northern Ireland experience is also not unique. The second most serious armed conflict within the EU borders, in the Basque country, saw an even more limited EU role. The EU could not even provide an informal forum, as France never sought to play an active role and the Basques therefore had no access, even at one remove, to this type of meeting. The Spanish state has been just as defensive of its absolute sovereignty on the matter as were the UK in Northern Ireland. This was re-enforced after the recent ETA ceasefire when the Spanish state rejected absolutely any suggestion of an international monitoring group to confirm the ETA ceasefire. Therefore even though the EU's role was limited it was more pronounced in Northern Ireland than in the Basque case. The Irish experience and indeed the Basque one within the EU where external intervention was even more limited, therefore suggests that we should not set too high an ambition for SAARC in regional conflicts such as that in Kashmir. Looking at the four categories of anticipated impacts for the EU in Northern Ireland is still however a useful way of exploring the potential impacts of SAARC on the Kashmir dispute.

Cultural and Ideological

There is no reason to believe that SAARC can have any significant impact on political ideology or ethno-national and cultural identities in Kashmir. This was the aspect of the EU experience where there is least evidence of any impacts. There is no reason to believe that SAARC would have a greater impact in a more difficult underlying situation.

Direct Intervention

There is no likelihood of SAARC playing a direct role in the conflict. Just as the UK had the capacity to prevent any significant EU role in Northern Ireland, so too would India and Pakistan be able to prevent SAARC playing any role which they opposed. Given India's long-standing opposition to any external intervention and Pakistan's fears of the dominance of SAARC by India because of its size SAARC does not seem a likely candidate for a formal role. Just as in Northern Ireland, only external actors with considerable power, such as the USA, have the capacity to play a mediating or even a facilitating role. If a peace process was more advanced other states might play a role on specific issues. The EU has some experience of advising on judicial reform and oversight for example. A number of countries might be acceptable in police oversight. At this point in the conflict cycle however the EU case suggests that a regional organisation to which one or all the conflict parties belong does not have the capacity to play a stronger role.

Functional Cooperation

It is in the area of functional cooperation that SAARC is likely to have its strongest impact and that is more likely to be in the informal arena, rather than with grandly announced initiatives. Certainly a better bilateral relationship between India and Pakistan will be essential if *either* SAARC is to develop *or* if the Kashmir dispute is to be resolved. However in a classic chicken and egg situation it is difficult to advance SAARC or other confidence building measures while relations are so poor.

The fringes of SAARC meetings may provide a useful informal meeting point for India and Pakistan, as a place where meetings already take place and could do so more easily without the full glare of publicity and expectations of a bilateral summit. Confidence building measures are certainly needed, but are also difficult to advance in the absence of a political commitment to seek a resolution on terms acceptable to all sides. Confidence building measures are not an alternative to political leadership and will do nothing unless there is a political will to move forward, but once that will exists, SAARC, its agreements and other bilateral

measures, will assist in building momentum in favour of a peace process and assist in building a dynamic of short term gains, which sustain a process through difficult times and through periods where the long term gains are not easy to see for people at community level.

Sovereignty

The EU experience also suggests that the strong focus on state sovereignty from India and Pakistan is not necessarily a barrier to progress and certainly the UK was equally strong on this issue up until the 1990s, when some international (but not EU) interventions were accepted in the Northern Ireland case and some innovative institutional solutions and the use of international commissions were included in the 1998 agreement. Nothing SAARC is likely to do in the foreseeable future is going to alter the strong state-centric view of sovereignty held by the Indian and Pakistan states. It is also very unlikely that there will be any change in the defacto border along the Line of Control. However it is equally true that any solution likely to be acceptable to Kashmiri opinion will need to include some degree of (power-sharing) autonomy from New Delhi and indeed Islamabad. There is scope within a strengthened Article 370 of the Indian constitution however to grant such autonomy in a manner, which even if unusual in its extent by international standards, would be acceptable to India. If such an agreement was reached between India and Kashmiri political groups, including declared separatists it would be difficult for Pakistan to refuse a similar devolution of power to Muzaffarabad. An agreed solution will also need to create an opening of the frontier and some linkages between the two parts of Kashmir. The UK's ultimate flexibility on this issue, was crucial in getting Irish nationalist consent to the 1998 agreement in Northern Ireland. For nationalists it represented a recognition of their political sovereignty, but again in a manner acceptable to the UK. This particular aspect is one where the sovereignty aspects of the Northern Ireland case are relevant even if the EU was not central to that change.

Conclusion

The case study of EU influence in the Northern Ireland conflict and peace process suggests that ambitions for SAARC should not be too high. It can play a role, in particular in facilitating a regular and at times informal dialogue between India and Pakistan at ministerial and official level. It can assist a process of gradual confidence building, but the EU experience suggest that while a process of improved informal relations needs to precede a wider political agreement, confidence building measures will follow on from a renewed peace process and agreement not in itself create momentum. The Kashmir dispute requires a strengthen dialogue between India and Pakistan and between both governments and Kashmiri political representatives. The EU experience suggests that regional organisations play a limited role in that difficult task.

References

Clayton, Pamela, *Enemies and Passing Friends: settler ideologies in twentieth century Ulster*, London: Pluto Press, 1996.

Coogan, Tim Pat *The Troubles: Ireland's Ordeal 1966-1995 and the Search for Peace*, London: Hutchinson, 1995.

Cowen, Brian, Conference on the Future of Europe after Enlargement. 11 October 2002, <http://www.dfa.ie/home/index.aspx?id=26206> , accessed on 10 June 2012.

Cox, Michael, 'Northern Ireland: the war that came in from the cold', *Irish Studies in International Affairs*, vol. 9, 1998, pp. 73.84.

Cronin, Sean, *Washington's Irish Policy 1916 - 1986: Independence, Partition, Neutrality*, Dublin: Anvil Books, 1987, p.192 and Dermot Keogh, *Twentieth Century Ireland*, Dublin: Gill and Macmillan, 1994.

Delors, Jacques, *The Irish Times*, 4 Nov. 1992.

Doyle, John 'Republican policies in practical politics: placing contemporary Sinn Féin in a European context', in Iseult Honohan (ed), *Republicanism in Ireland: Confronting Theories and Traditions*, Manchester: Manchester University Press, 2008, pp.131-146.

Doyle, John, 'Governance and Citizenship in contested states: the Northern Ireland peace agreement as internationalised governance'. *Irish Studies In International Affairs*, vol.10, 1999, pp201-219.

Doyle, John 'Re-examining the Northern Ireland conflict', in: Vassilis K Fouskas, (ed.) *Politics of Conflict: a survey*. London: Routledge, 2007, pp. 132-146.

European Greens , “Peace in the EU has become "normal", which is a historic success for the EU”, manifesto of European Greens, Brussels: European Greens 2006.

http://www.eurogreens.org/cms/default/dok/153/153995.a_green_future_for_europe@en.htm , both accessed on 10 June 2012.

FitzGerald, Garret, *Towards a New Ireland*, London: Charles Knight and Co, 1972.

Guelke, Adrian, *Northern Ireland, the international perspective*. Dublin: Gill and MacMillan, 1989.

Haagerup, Nils J. , ‘Report drawn up on behalf of the Political Affairs Committee on the situation in Northern Ireland’, *European Parliament Working Document* 1-1526/83, 9 March 1984.

Hasan-Askari Rizvi, ‘SAARC: Problems of Regional Cooperation’, *South Asian Studies* [Lahore] vol. 13, 2006, pp. 125-141.

Hettne, Björn, *Regional Actorship and Regional Agency: Comparative Perspectives*, Paper at 6th Garnet PhD School, 9 - 13 June 2008, Brussels. “*Global Governance & Regionalism: The Institutional Dimension*”. http://www.garnet-eu.org/fileadmin/documents/phd_school/6th_phd_school/Professors_papers/Hettne.pdf, accessed 10 June 2102

Keating, Michael, Plurinational Democracy in a Post-Sovereign Order, *Northern Ireland Legal Quarterly*, vol. 53, no.4, 2002, pp. 351-365.

Mervyn Rees, *Northern Ireland: a personal perspective*, London: Methuen, pp. 308-10.

Niemann, Arne, *Explaining Decisions in the European Union* Cambridge, Cambridge University Press, 2006.

Northern Ireland Human Rights commission, *Baton Rounds: A Review of the Human Rights Implications of the Introduction and Use of the L21A1 Baton Round in Northern Ireland and Proposed Alternatives to the Baton Round*. Belfast NIHRC, April 2003.

O’Cleary, Conor, *The Greening of the White House*, Dublin: Gill and Macmillan, 1996.

O’Grady, Joseph ‘An Irish Policy Born in the USA’, *Foreign Affairs*, vol.75, no.2, 1996, pp. 2-7.

Official Journal of the EC, Information and Notices (OJEC:IN) vol. 24, c. 144/90, 15 June 1981.

Ruane, Joseph and Jennifer Todd, *The dynamics of conflict in Northern Ireland, power, conflict and emancipation*, Cambridge: Cambridge University Press, 1996.

Tranholm-Mikkelsen, Jeppe, 'Neo-functionalism: Obstinate or Obsolete? A Reappraisal in the Light of the New Dynamism of the EC', *Millennium: Journal of International Studies*, vol. 20, no. 1, 1991, pp. 1-22.

Westerwelle, Guido, *Frankfurter Allgemeine Zeitung*, 14 December 2010.

[http://www.nairobi.diplo.de/contentblob/2991522/Daten/1000100/BM FAZ Artikel141210 en.pdf](http://www.nairobi.diplo.de/contentblob/2991522/Daten/1000100/BM_FAZ_Artikel141210_en.pdf)

Wilson, Andrew J. , *Irish America and the Ulster Conflict, 1968-1995*, Belfast: Blackstaff, 1995.

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ⁱ Article by Foreign Minister Guido Westerwelle published in the Frankfurter Allgemeine Zeitung on 14 December 2010.

http://www.nairobi.diplo.de/contentblob/2991522/Daten/1000100/BM_FAZ_Artikel141210_en.pdf

Other examples: "Peace in the EU has become "normal", which is a historic success for the EU"

(manifesto of European Greens 2006,

http://www.eurogreens.org/cms/default/dok/153/153995.a_green_future_for_europe@en.htm , both

accessed on 10 June 2012.

ⁱⁱ Irish Foreign Minister Brian Cowen Conference on the Future of Europe after Enlargement. 11

October 2002, <http://www.dfa.ie/home/index.aspx?id=26206> , accessed on 10 June 2012.

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- ⁱⁱⁱ Björn Hettne (2008) *Regional Actorship and Regional Agency: Comparative Perspectives*, Paper at 6th Garnet PhD School, 9 - 13 June 2008, Brussels. "Global Governance & Regionalism: The Institutional Dimension", p.8. http://www.garnet-eu.org/fileadmin/documents/phd_school/6th_phd_school/Professors_papers/Hettne.pdf, accessed 10 June 2102.
- ^{iv} Hasan-Askari Rizvi, 'SAARC: Problems of Regional Cooperation', *South Asian Studies* [Lahore] vol. 13, 2006, pp. 125-141.
- ^v For some background on the Northern Ireland case see John Doyle, 'Governance and Citizenship in contested states: the Northern Ireland peace agreement as internationalised governance'. *Irish Studies In International Affairs*, vol.10, 1999, pp201-219 and John Doyle, 'Re-examining the Northern Ireland conflict', in: Vassilis K Fouskas, (ed.) *Politics of Conflict: a survey*. London: Routledge, 2007, pp. 132-146.
- ^{vi} Joseph O'Grady, 'An Irish Policy Born in the USA', *Foreign Affairs*, vol.75, no.2, 1996, pp. 2-7.
- ^{vii} Sean Cronin, *Washington's Irish Policy 1916 - 1986: Independence, Partition, Neutrality*, Dublin: Anvil Books, 1987, p.192 and Dermot Keogh, *Twentieth Century Ireland*, Dublin: Gill and Macmillan, 1994, 194.
- ^{viii} Cronin, *Washington's Irish Policy*, p.320. Andrew J. Wilson, *Irish America and the Ulster Conflict, 1968-1995*, Belfast: Blackstaff, 1995, p. 64. Joseph Ruane and Jennifer Todd, *The dynamics of conflict in Northern Ireland, power, conflict and emancipation*, Cambridge: Cambridge University Press, 1996, p. 280. Also statement by Jacques Delors, *Irish Times*, 4 Nov. 1992, cited in Ruane and Todd, *The dynamics of conflict*, p. 280.
- ^{ix} Garret FitzGerald, *Towards a New Ireland*, London: Charles Knight and Co, 1972.
- ^x Michael Keating, Plurinational Democracy in a Post-Sovereign Order, *Northern Ireland Legal Quarterly*, vol. 53, no.4, 2002, pp. 351-365, pp.358-9.
- ^{xi} Ruane and Todd, *The dynamics of conflict*, p. 280.
- ^{xii} Official Journal of the EC, Information and Notices (OJEC:IN) vol. 24, c. 144/90, 15 June 1981.
- ^{xiii} Nils J. Haagerup, , 'Report drawn up on behalf of the Political Affairs Committee on the situation in Northern Ireland', *European Parliament Working Document* 1-1526/83, 9 March 1984.
- ^{xiv} For details see later report by Northern Ireland Human Rights commission, *Baton Rounds: A Review of the Human Rights Implications of the Introduction and Use of the L21A1 Baton Round in Northern Ireland and Proposed Alternatives to the Baton Round*. Belfast NIHRC, April 2003.
- ^{xv} Adrian Guelke, *Northern Ireland, the international perspective*. Dublin: Gill and MacMillan, 1989, p.163.
- ^{xvi} Guelke, *Northern Ireland*.
- ^{xvii} Michael Cox, 'Northern Ireland: the war that came in from the cold', *Irish Studies in International Affairs*, vol. 9, 1998, pp. 73.84.
- ^{xviii} Tim Pat Coogan, *The Troubles: Ireland's Ordeal 1966-1995 and the Search for Peace*, London: Hutchinson, 1995, p. 373.
- ^{xix} Conor O'Cleary, *The Greening of the White House*, Dublin: Gill and Macmillan, 1996.
- ^{xx} Cox, 'Northern Ireland', pp. 75-77.
- ^{xxi} *The Irish Times*, 20 Apr. 1998; 30 Apr. 1998.

-
- ^{xxii} Pamela Clayton *Enemies and Passing Friends: settler ideologies in twentieth century Ulster*, London: Pluto Press, 1996, pp. 40–46 and David Trimble, House of Commons, 30 Oct. 1996, col. 633.
- ^{xxiii} Ruane and Todd, *The dynamics of conflict*, p. 289.
- ^{xxiv} Jeppe Tranholm-Mikkelsen, ‘Neo-functionalism: Obstinate or Obsolete? A Reappraisal in the Light of the New Dynamism of the EC’, *Millennium: Journal of International Studies*, vol. 20, no. 1, 1991, pp. 1-22 and Arne Niemann, *Explaining Decisions in the European Union* Cambridge, Cambridge University Press, 2006.
- ^{xxv} House of Commons, 4 June 1974, vol. 874, col. 1108.
- ^{xxvi} Northern Ireland Forum, 25 October 1996, vol. 15, p.6.
- ^{xxvii} Northern Ireland Assembly, 22 November 1982, vol. 4, p.48.
- ^{xxviii} John Doyle ‘Republican policies in practical politics: placing contemporary Sinn Féin in a European context’, in Iseult Honohan (ed), *Republicanism in Ireland: Confronting Theories and Traditions*, Manchester: Manchester University Press, 2008, pp.131-146.
- ^{xxix} Guelke, *Northern Ireland*, p.163
- ^{xxx} See former British Ministers memoir, expressing anger at the case taken to the court by the Irish government, Mervyn Rees, *Northern Ireland: a personal perspective*, London: Methuen, pp. 308-10.
- ^{xxxi} Article 2b and Article 5c. <http://cain.ulst.ac.uk/events/aia/aiadoc.htm> , accessed 10 June 2012.
- ^{xxxii} Article 1(iii), 1998 Belfast Agreement. <http://www.dfa.ie/uploads/documents/Anglo-Irish/agreement.pdf> , accessed 10 June 2012.