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LASTING PEACE IN NORTHERN IRELAND: AN ECONOMIC RESOLUTION TO A POLITICAL AND RELIGIOUS CONFLICT

KATHLEEN P. LUNDY*

The aspirations of people the world over are the same. To satisfy those aspirations they need work Fathers and mothers must be able to satisfy the economic needs of their families: housing, food, health care, education, recreation. They also have to be able to satisfy their own emotional need for productive work, for self-respect, for meaning in their lives.¹

These words by Senator George Mitchell capture the essence of the conflict in Northern Ireland. Today, the focus must expand beyond Catholic versus Protestant or Nationalist versus Unionist. The potential for peace depends on education, employment, equality of opportunity, and other socioeconomic factors.

Americans have come to take independence and self-government for granted as the very essence of a democracy. However, such benefits have little value to individuals lacking the most basic, yet even greater rewards of a free society, such as employment and economic opportunities. As Senator Mitchell remarked:

To a man without a job, to a woman who cannot get good care or education for her child, to the young people who lack the skills needed to compete in the world of technology—they do not think much about liberty or justice; they worry about coping day to day.²

Thus, there will not be total peace in Northern Ireland until its people can “satisfy their own emotional need for productive work, for self-respect, for meaning in their lives.”³ High unem-

* A.B., College of the Holy Cross, 1998; J.D. Candidate, Notre Dame Law School, 2001; 1999-2001 Thomas J. White Scholar. I dedicate this Note to my grandparents, Delia and Michael Casey, who emigrated from Ireland and first introduced me to the beauty and majesty of their native land. I thank my mom, Maureen Lundy, for her unceasing love and support in all of my endeavors.

1. GEORGE J. MITCHELL, MAKING PEACE 11-12 (1999).

2. George J. Mitchell, *Toward Peace in Northern Ireland*, 22 FORDHAM INT'L L.J. 1136, 1136-37 (1999).

3. MITCHELL, *supra* note 1, at 12.

ployment, job discrimination, and segregation in education all must be addressed for lasting peace to be realized in Northern Ireland.

"The Troubles"⁴ have become a constant in Northern Irish society. While this religious and political conflict is centuries old, it has been inherited by each subsequent generation. In any country, there will always be various political parties and people faithful to different religions. Northern Ireland is no exception. Yet, at present, Northern Ireland is lacking opportunities for its people to be self-sufficient, employed, educated, and forward-looking. The people of Northern Ireland turn to the past, inheriting their political and religious views from prior generations. Economic opportunities will turn them towards the future and away from a history of division, hatred, violence, and hopelessness. As John Hume, co-founder and leader of Northern Ireland's Social Democratic Labor Party (S.D.L.P.), has said, "the past has brought us to where we are [today] and it is not very pleasant. In Ireland, we are very fond of the past, but as I often say, a respect for the past tends to paralyze our attitude of the future."⁵ The experiences and stories of the past will fade and diminish in light of future opportunities, if only such opportunities could ever be realized.

The failure to recognize the importance of such socioeconomic factors and their ensuing opportunities is evident in the current composition of Northern Irish society. Throughout the

4. There has been conflict on the island of Ireland for centuries, much of which has been fueled by religious differences. The Celtic tribes which first settled Ireland were converted to Catholicism by Saint Patrick around 450 A.D. James T. Kelly, *The Empire Strikes Back: The Taking of Joe Doherty*, 61 *FORDHAM L. REV.* 317, 320 (1992). Meanwhile, neighboring Britain has been historically Protestant and the Anglo-Norman invasion of 1169 brought the British presence to the island for the first time. See Roger Myers, *A New Remedy for Northern Ireland: The Case for United Nations Peacekeeping Intervention in an Internal Conflict*, 11 *N.Y.L. SCH. J. INT'L & COMP. L.* 1, 16 (1990). Thus, there's a deep-rooted and inherent tension between Catholics and Protestants on this small island. However, the term "The Troubles" only emerged in the late 1960s as a result of the Civil Rights movement in Northern Ireland. This marked an escalation of the conflict and a rejection of the status quo, which seemed to permeate the island for centuries. Catholics, who constituted a minority in Northern Ireland, sought equal treatment in all aspects of life—including employment, education, and government dealings. Since the 1960s, over 3,000 people have been killed as a result of these violent "Troubles." One cannot help but note the irony in the term the people of Northern Ireland have chosen to name their conflict. It is indeed an exemplification of the Irish personality that they could choose a name which seems to diminish the intensity of such a violent, tragic conflict. Perhaps it is their own therapeutic way of coping with such a situation.

5. John Hume, *Prospects for Peace in Northern Ireland*, 38 *ST. LOUIS U. L.J.* 967, 970 (1994). See also Trimble, *infra* note 22.

twentieth century, Northern Ireland has become less and less pluralistic.⁶ The society is divided according to Unionist versus Nationalist, as well as Protestant versus Catholic.⁷ Unionists are traditionally Protestant, and Nationalists are typically Catholic. The basic fundamental difference between the two political groups rests in their vision for the future. Unionists hope for Northern Ireland to remain loyal to and governed by Great Britain; Nationalists look to exercise the Article in the Irish Constitution of 1973, claiming a right to all thirty-two counties in Ireland, thus reunifying Northern Ireland with the Republic of Ireland.⁸

Such contrasting political, constitutional, and religious differences cannot be eliminated by simply signing an agreement. Thus, the Good Friday Agreement⁹ should not be seen as a "solution" to the conflict. Rather, it is a starting point. The attitudes of the Northern Irish people must change as well. Until that happens, the Good Friday Agreement alone will not bring lasting

6. See Stephen Farry & Sean Neeson, *Beyond the "Band-Aid" Approach: An Alliance Party Perspective Upon the Belfast Agreement*, 22 *FORDHAM INT'L L.J.* 1221, 1223 (1999) (arguing that there will not be peace in Northern Ireland until people relinquish their sectarian loyalties and begin to think and act as one citizenry). The path towards peace requires:

[A] playing down rather than an institutionalization of sectarian differences, . . . greater emphasis upon the individual than the group, the promotion of a common cosmopolitan and multicultural civic identity for Northern Ireland, a down-grading of territorial aspirations in favor of uniting people and ultimately a progression towards a new type of politics that transcends sectarianism.

Id. at 1249.

7. *Id.* at 1224 ("Politics in Northern Ireland have become even more polarized over the course of 'the Troubles.'").

8. JOHN DARBY, *MINORITY RIGHTS GROUP INTERNATIONAL REPORT, REPORT 95/5, NORTHERN IRELAND: MANAGING DIFFERENCE* 15 (1995).

9. Even the term for the Agreement itself is disputed. Unionists and Protestants prefer to call it the Belfast Agreement, while Nationalists and Catholics call it the Good Friday Agreement. I will continually refer to this Agreement as the Good Friday Agreement because it is the term used by Senator George Mitchell and the United States representatives.

The Good Friday Agreement was reached on April 10, 1998, by eight Northern Irish political parties, two national governments, and independent negotiators, including the United States' George Mitchell. The represented Unionists included: Ulster Unionist Party (U.U.P.), Progressive Unionist Party (P.U.P.), Ulster Democratic Party (U.D.P.), and the Women's Coalition. The Nationalist Parties included: Social Democratic and Labour Party (S.D.L.P.), Sinn Féin, Labour Party, Alliance Party. MITCHELL, *supra* note 1, at 159.

The numerous political parties greatly contribute to the complexity of this conflict. Each party varies in its degree of deviation from the general distinctions between Unionists and Nationalists. One party's concessions were no concession at all for the more moderate parties. This is another example of why politics alone cannot solve this long-lasting conflict.

peace. However, old fears and prejudices are more likely to be abandoned when placed in the international public eye. The publicity will force individuals to account for their behavior and require entire communities to assess their prospects for a peaceful future. The Clinton Administration made Northern Ireland a primary policy initiative in January 1995 with the appointment of former Senate majority leader George Mitchell as the Special Advisor to the President and the Secretary of State on Economic Initiatives in Ireland.¹⁰ The United States' realization of and commitment to the economic influences and effects on the people in the North of Ireland in 1995 served as the foundation to the Good Friday Agreement of 1998.

At the very core of the United States' economic initiative was a conscious effort by U.S. companies to invest their capital and resources in the people of Northern Ireland. The role of foreign economic investment has often been overlooked by scholars contemplating peace in Northern Ireland. Yet, the current peace broker, Senator George Mitchell, is wholly cognizant of the economic dimension of this conflict and peace process. He reflects that "[t]he conflict in Northern Ireland is obviously not exclusively . . . economic. It involves religion and national identity The Good Friday Agreement acknowledges the legitimacy of both aspirations. And, it creates the possibility that economic prosperity will flow from and contribute to lasting peace."¹¹ So while national identity and religion are the primary causes of this conflict, economic opportunities have the potential of crossing the existing divide and making progress which no political solution alone can achieve.

INTRODUCTION

This Note addresses the positive role foreign investment and increased economic opportunities can have in transcending deep-rooted political and religious differences. Today, economic

10. See MITCHELL, *supra* note 1, at 10. Senator Mitchell acknowledges the title was selected so as not to offend the British with a more threatening title. A title involving the words "negotiator" or "conflict" would have been more threatening to the British than the one selected, involving "advisor" and "economic investment."

11. Mitchell, *supra* note 2, at 1142-43. The dual role of economic influences makes the peace process increasingly complex. As Senator Mitchell so aptly acknowledged, economic prosperity is a necessary contribution, in fact prerequisite, to the peace process. Yet, more peace leads to more economic prosperity flowing from it. It is this cyclic nature which leaves no doubt that economic factors will and must have a major role in the resolution of this conflict.

growth in Northern Ireland is necessary to ensure the success of the Good Friday Agreement of 1998. Foreign investment and the ensuing employment opportunities will lead to economic prosperity and contentment, two prime prerequisites for peace.

Part I gives an overview of the political dimension of this conflict. A political solution alone has not been possible because the successful interplay of additional factors is necessary;¹² economic success, employment, and equality of opportunity could positively influence the respective political parties. Historical loyalties to Unionism or Nationalism will not diminish, and a willingness to compromise will not evolve, until increased education and employment opportunities provide hope for the future, giving the people of Northern Ireland a reason to abandon ancient loyalties and preconceptions.

Part II focuses on the role religion has played in creating modern Northern Irish society. Segregation in schools, the workplace, and in residential communities dominates Northern Ireland and has undoubtedly adversely affected the quest for peace. Permanent peace cannot be realized without a commitment to religious desegregation in all aspects of society.

Part III addresses the high level of unemployment that dominates Northern Ireland's economy. Unemployment serves as a converging point for the various religious and economic divisions within Northern Ireland. Religious-based discrimination, as well as diminished economic opportunities for Catholics, result in high unemployment. The Civil Rights movement played a crucial role in addressing unemployment by establishing the foundation for equality of opportunity through economic advancement. However, unemployment remains high, particularly among Catholics, and thus much more needs to be done to rectify these inadequacies.

Part IV suggests that economic support from both the public and private sectors, within the British Isles and abroad, can serve as a catalyst to lasting peace in Northern Ireland. Such assistance will further the pursuit of equal opportunities first advanced by the Civil Rights movement.

12. The Good Friday Agreement is the ultimate exemplification of successful assimilation of all these factors. The Agreement addresses various factors including: economic, social, and cultural issues; policing; security; and symbols. "Pending the devolution of powers to a new Northern Ireland Assembly, the British Government will pursue broad policies for sustained economic growth and stability in Northern Ireland and for promoting social inclusion." *Agreement Reached in the Multi-Party Negotiations*, 22 FORDHAM INT'L L.J. 1860, 1889 (1999).

I. THE POLITICAL DIVIDE—UNIONISTS VS. NATIONALISTS

The very root of "The Troubles" rests not in religious or political differences per se, but rather in the fundamentally opposing views held by citizens of Northern Ireland. In essence, this conflict is one of identity: British or Irish?¹³ Nationalists have long claimed that the British government partitioned Northern Ireland to establish a unionist majority in Northern Ireland. This was indeed the very purpose of partition.¹⁴ In 1921, the line was purposely drawn so as to have two Protestants for every Catholic in any given region throughout Northern Ireland.¹⁵

Others claim the real issue is that the opposing views held by Nationalists and Unionists prior to partition remain a viable force today. Prior to partition, Unionists wanted to remain a part of Great Britain, while Nationalists wanted to be reunited with the Republic of Ireland. Partition itself was an attempt to resolve these existing divisions.¹⁶ At the time, the British saw partition as an adequate compromise; the South of Ireland gained independence, and the North stayed British. However, no one in Northern Ireland was consulted regarding the establishment or governance of their province. Thus, all sides have equal objections regarding the existence and basic foundation of Northern Ireland. And so the conflict has evolved.

13. See JOHN DARBY, SCORPIONS IN A BOTTLE: CONFLICTING CULTURES IN NORTHERN IRELAND 135 (1997) (citing Social Attitudes Survey, compiled by K. Trew (1996)). In a poll of National Identity, Protestants appear to be more resolute in their British identity than Catholics are in their Irishness. Over time, Protestants have increasingly identified themselves as British. In 1968, 39% of Protestants in Northern Ireland considered themselves British while 20% said Irish. By 1994, 71% of Protestants considered themselves British and only 3% called themselves Irish. The differential in identities is much less drastic among Catholics. In 1968, 76% considered themselves Irish and 0% said Northern Irish. By 1994, only 62% of Catholics called themselves Irish and 28% hailed as Northern Irish.

These figures exemplify the increasing Unionist loyalties and the diminishing Nationalist fervor. There has been a marked increase in civil rights and equality of opportunity for Catholics within Northern Ireland itself. This resulted from the Civil Rights movement's relinquishment of its call for reunification. In essence, Catholics/Nationalists have become less concerned with "identity" and more concerned with fundamental rights which directly impact their daily lives.

14. See Dennis Kennedy, *Dash for Agreement: Temporary Accommodation or Lasting Settlement?*, 22 FORDHAM INT'L L.J. 1440, 1442 (1999).

15. See Hume, *supra* note 5, at 968.

16. See Kennedy, *supra* note 14, at 1460. "[P]artition was *not* the root cause of trouble in Ireland, but a reasonable, even inevitable if untidy means of resolving the basic unionist-nationalist division among the people of the island." *Id.*

The prolonged focus on the establishment of the national borders of Northern Ireland has perpetuated the conflict because it ignores the inequalities existing within the nation-state itself. John Hume insightfully commented that “[i]t is people who have rights, not territories.”¹⁷ In essence, the focus must shift from land and territory to the rights of the individual people living on that land. Scholars have suggested following the “established European pattern of regarding borders as fixed and devoting best efforts to accommodating minorities within those borders, with the fullest possible guarantees of civil rights.”¹⁸ However, the approach to Northern Ireland has historically been the complete opposite—to constantly rekindle feelings regarding the border and unification, thus only further perpetuating the instability.¹⁹ As a result, little progress has been made to go beyond this basic question of land and move toward issues affecting the citizens themselves. The significance of the initial reasons for the conflict has diminished over the years. The current search for peace must address existing obstacles in modern terms and not in light of historical differences.

One must presume that the political struggle over identity and border recognition must be resolved by the people of Northern Ireland and by them alone. Such a vote, however, will not come to be until basic human necessities are satisfied. Citizens of all religions must be educated and employed in an equitable manner. The violence must stop and minority rights must be realized. The best means of achieving both these aims simultaneously is through employment and economic investment. Only then can the people of Northern Ireland vote regarding their national identity and borders. Northern Ireland must follow the European example of conflict resolution and accept the existing borders, if only for the time being, and focus on events affecting both the minority and majority within those defined borders. In the European Union (EU), countries at the root of World Wars have voluntarily come to live together in peace and harmony. John Hume points out that these Member States of the European Union “concentrate on working on the areas of agreement, which are economic, leaving aside their disagreement. . . .

17. Hume, *supra* note 5, at 970.

18. Kennedy, *supra* note 14, at 1452. See also John Hume, *Acceptance of Diversity: The Essence of Peace in Northern Ireland*, 18 *FORDHAM INT'L L.J.* 1084, 1088 (1995) (“I strongly believe that today’s European Union is one of the greatest conflict resolution successes in world history.”).

19. See Kennedy, *supra* note 14, at 1452.

[T]hey [can] then build a trust to tackle the areas of disagreement later."²⁰

Perhaps the most well-known figure of "The Troubles" is the Irish Republican Army (I.R.A.). The I.R.A. has been at the forefront of both the violence and the political negotiations. Great Britain's original motivation for establishing Northern Ireland has historically fueled the fires of the I.R.A. and Sinn Féin (the political wing of the I.R.A.). Gerry Adams, leader of Sinn Féin, has repeatedly said that he advocates the use of force because Britain is withholding the right of self-determination from the Irish people.²¹ Gerry Adams' main contention is that the British presence in Northern Ireland is for wholly selfish interests and, thus, the British have no right to be in Northern Ireland. However, John Hume believes such a view is outdated and that the British no longer have an interest in or benefit from their presence in Northern Ireland.²² Regardless, progress can only be achieved by concentrating on the present and ceasing to focus on the reasons for British actions taken in 1921.

These two contrasting Catholic leaders, one who supports violence and the other who abhors it, held talks which successfully unified the various Catholic factions and created negotiation. Gerry Adams told John Hume, "If you can prove that the British no longer have any interests here then we will lay down our guns and join in the process of reaching agreement."²³ The talks between the two Catholic leaders ultimately led to the Downing Street Declaration of 1993 in which the British government declared it had "no selfish, strategic or economic interest in Northern Ireland."²⁴ This was vital to appease the I.R.A.'s fears and resulted in the 1994 ceasefire by the I.R.A. However, the cyclical nature of this conflict and its participants cannot be forgotten. The I.R.A.'s ceasefire of 1994, combined with the

20. Hume, *supra* note 5, at 973. The creation of the European Union (EU) and the E.M.U., the currency of the EU, is a great example of the unity in Europe. The EU has become an economic giant, a feat unimaginable more than a half century ago during World War II.

21. *See id.* at 972.

22. *See* David Trimble, *The Belfast Agreement*, 22 *FORDHAM INT'L L.J.* 1145, 1150 (1999). As co-founder of the S.D.L.P. and founder of the Civil Rights movement, John Hume represents Catholics in Northern Ireland. He is more moderate in his views than Sinn Féin and denounces all use of violence.

23. Hume, *supra* note 5, at 972.

24. Kennedy, *supra* note 14, at 1448 (quoting *THE DOWNING STREET DECLARATION* (1993)). Prior to the Downing Street Declaration, Sir Patrick Mayhew emphasized in 1992 that the United Kingdom had no self-interest in Northern Ireland. He stated that "[t]he U.K. Government was simply seeking to facilitate the democratic will of the people of Northern Ireland on their own future." *Id.*

Nationalists' diminishing call for unification, calmed the fears of Unionists, to an extent.

Unionists did not support the Downing Street Declaration and did not appreciate their government officially acknowledging that they had no interest in the province.²⁵ David Trimble, leader of the Ulster Unionist Party (U.U.P.), said the Downing Street Declaration "poisoned relations between unionists and the [Conservative John] Major Government."²⁶ While the Protestants had a growing distrust of all British parties, by 1994 they reluctantly accepted that the Dublin government should have a role in talks about Northern Ireland's political future.²⁷ So while progress was made in having the I.R.A. advance peace, the Unionists' distrust of the British government only further complicated the search for peace. Dissatisfaction with the British government's handling of Northern Ireland has caused many working class, non-church Protestants to follow the "radical anti-Catholic commitment of fundamentalist church leaders," such as Reverend Ian Paisley.²⁸ The election of Tony Blair and his Labour government in 1997 was a crucial development to the peace process, as it was welcomed by the U.U.P. and gave life to the search for peace.²⁹

The Civil Rights movement, led by Catholics, is distinct from Nationalism. Their ultimate aims are inherently different. While Nationalists seek the unification of Ireland, members of the Civil Rights movement seek the integration of Catholics as equals into Northern Irish society.³⁰ John Hume has been vital to the latest

25. See Trimble, *supra* note 22, at 1147.

26. *Id.* As leader of the U.U.P., Trimble is much more moderate than the radical Ulster Democratic Unionist Party, led by the Rev. Ian R.K. Paisley.

27. See DARBY, *supra* note 8, at 22.

28. Jennifer Schense, *Creating Space for Change: Can the Voluntary Sector Help End Northern Ireland's Troubles?*, 11 HARV. HUM. RTS. J. 149, 152 (1998). See also Dr. Ian R.K. Paisley, *Peace Agreement—Or Last Piece in a Sellout Agreement?*, 22 FORDHAM INT'L L.J. 1273 (1999). The Ulster Democratic Unionist Party is much more adamant in its views than the more moderate S.D.L.P. led by David Trimble. Rev. Paisley believes:

British democracy has been trampled into the ground. The civil and cultural heritage of the Protestant and Unionist majority are being systematically eroded because a Government that has totally failed to deal with Irish Republican terrorism is instead continuing its headlong capitulation to the violence and threats of the IRA and its political wing, Sinn Féin.

Id. He continues to say, "Britain has shamelessly abandoned its support for the democratic and constitutional rights of a peaceful majority." *Id.*

29. See Christopher McCrudden, *Mainstreaming Equality in the Governance of Northern Ireland*, 22 FORDHAM INT'L L.J. 1696, 1724 (1999).

30. See Schense, *supra* note 28, at 151.

resurgence toward peace. As founder of the Civil Rights movement of the 1960s and the current leader of the Social Democratic Labor Party, Hume is seen by his colleagues, as well as counterparts, to have redefined Irish Nationalism.³¹ He has moved the Nationalist view away from territorial concerns and unification towards a commitment to peace within Northern Ireland. The movement served to moderate many Nationalists who were willing to abandon their desire for unification in exchange for equal treatment and equal opportunities within Northern Ireland. Such a decision enabled Unionist fears of reunification with the Republic of Ireland to subside. As Unionist leader David Trimble said, "By this redefinition of nationalism, a common ground, where dialogue might take place, became possible."³² Today, Catholics and Nationalists would prefer to see equality in the North rather than unification. "Our polls were finding substantial numbers of Catholic middle class . . . groupings, people in management or white-collar jobs, who are saying that a united Ireland isn't their first preference."³³ This is crucial to appeasing Unionist fears of unification, thus allowing a greater possibility of peace.

Consistent with the aims of the Civil Rights movement, the Good Friday Agreement made equality and human rights central issues to the search for peace in Northern Ireland.³⁴ Surprisingly, this is attributable to the presence of Sinn Féin in the peace process negotiations. Sinn Féin and various Loyalist parties, especially the Progressive Unionist Party (P.U.P.), heavily emphasized "social inclusion" such that it was paramount to the negotiations. "Once human rights was identified as an area that was important, particularly to Sinn Féin, it then became important for those who wanted to keep Sinn Féin 'on board' to include it for reasons of strategy as well as for reasons of princi-

31. See Trimble, *supra* note 22, at 1150.

32. *Id.*

33. DARBY, *supra* note 8, at 26 (quoting a Coopers and Lybrand poll conducted by Colin McIlhinney). A major reason for this significant shift in public opinion regarding unification rests in the upward mobility of the Republic of Ireland within Europe. The Republic decided to join Europe in 1972 and this signaled the beginning of its rise as an economic force within Europe. As Ireland became more integrated into Europe, the traditional Nationalist ideology of unification became less important. In fact, some feared unification would threaten their newfound economic success. See Michael Cox, *Northern Ireland: The War That Came in From the Cold*, 9 IRISH STUD. IN INT'L AFF. 81 (1998).

34. See McCrudden, *supra* note 29, at 1697-98. "During 1998, something remarkable happened. Discussions about equality and human rights moved from the margins into the mainstream." *Id.* at 1697.

ple in the final Agreement.”³⁵ This further exemplifies the extent to which the Good Friday Agreement seeks to transform the attitudes of the people of Northern Ireland. The Agreement is the foundation upon which trust and mutual respect must be built.

Scholars studying various ethnic conflicts assert that “a lasting agreement is impossible unless it actively involves those with the power to bring it down by violence.”³⁶ They realize that since it is impossible to include all those who have the potential to threaten the peace process, a principle of “sufficient inclusion” is necessary.³⁷ Sufficient inclusion is the notion that a peace process must include all the actors who represent a significant proportion of the community, as well as all the actors who have the ability to destroy an agreement.³⁸ Senator Mitchell advances this notion of sufficient inclusion, as evidenced by his belief that “it [is] a mistake to say in advance that if acts of violence occur, the peace process will stop. That’s an invitation to those who use violence to destroy the process, and it transfers control of the agenda from the peaceful majority to the violent minority.”³⁹ Thus, Senator Mitchell promoted the inclusion of Sinn Féin in the negotiations; including the I.R.A. in the negotiations leading up to the Good Friday Agreement was essential to any progress at all. The denunciation of the violent I.R.A. and its exclusion from prior peace efforts was a major reason for the perpetual failure in previous negotiations. “In Northern Ireland there were seven unsuccessful attempts to reach agreement through negotiation between constitutional politicians, until the inclusion of Sinn Féin and the loyalist parties led to the Good Friday Agreement.”⁴⁰ Once the parties allowed Sinn Féin to join the negotiations, unprecedented results ensued.

During the 1990s, the British government began to accept the Nationalist claim to Northern Ireland and realized that Nationalists “were a persecuted minority to such an extent that they could never be fully reconciled to their position within the United Kingdom, and that the minimum that they could be

35. *Id.* at 1725 (citing Beatrix Campbell, *United in Equality over Ulster's Fate*, GUARDIAN (London), May 20, 1998, at 2); *see also id.* at 1724.

36. John Darby & Roger Mac Ginty, *Conclusions: The Management of Peace*, in *THE MANAGEMENT OF PEACE PROCESSES* 228, at 254 (John Darby & Roger Mac Ginty eds., 2000).

37. *Id.*

38. *See id.* at 395.

39. George J. Mitchell, *Alexis C. Coudert Memorial Lecture-Keynote Address*, 11 *PACE INT'L L. REV.* 13, 19 (1999).

40. Darby & Mac Ginty, *supra* note 36, at 254.

expected to accept in the meantime was some form of Irish-British joint responsibility for Northern Ireland."⁴¹ In essence, the British acknowledged, "[T]he IRA goal of Irish unity was worthy and realizable, but that its [violent] methods were wrong."⁴² This acknowledgment satisfied the I.R.A. and empowered them with a willingness to negotiate. The result was the Good Friday Agreement's call for the establishment of a joint Northern Irish Assembly, elected by the people of Northern Ireland. The people will have a difficult transition adjusting to the establishment of their own government after so many years of British rule. More importantly, it will result in self-accountability, as they will be solely responsible for the attainment of peace, and thus unable to pass blame upon the British or Irish governments.

The mutual lack of accountability by those in a governing position has resulted in a sense of powerlessness among both voters and politicians within Northern Ireland.⁴³ "[T]he lack of genuine access, responsibility, and ownership in the political process is dangerous because 'powerlessness is the seedbed of violence.'"⁴⁴ The powerlessness is so immense, and the violence so great that even Protestants feel that "but for the grace of God,' their own families or they themselves could just as easily have become involved with a paramilitary organization."⁴⁵

Thus, the "personal commitment" and acceptance of responsibility by both British Prime Minister Tony Blair and the Irish Taoiseach Bertie Ahern was "vital" to the peace process.⁴⁶ Their efforts immediately set this peace process apart from all previous attempts. Such a commitment was particularly critical to assure Protestant and Unionist participation in the process. For many years, Unionists saw the British Parliament become less and less concerned with and involved in the affairs of Northern

41. Kennedy, *supra* note 14, at 1449-50.

42. *Id.* at 1450.

43. See Schense, *supra* note 28, at 164.

44. *Id.* (quoting John Paul Lederach, *Beyond Violence: Building Sustainable Peace*, in *BEYOND VIOLENCE: THE ROLE OF VOLUNTARY COMMUNITY ACTION IN BUILDING A SUSTAINABLE PEACE IN NORTHERN IRELAND* 11, 18 (Arthur Williamson ed., 1995)). "Also flowing from this powerlessness is a crisis of confidence in the ability of government and other institutions to meet the needs of the people." *Id.* at 165.

45. *Id.* at 179 (citing Group Workshop, *Politics and the Political System*, in *COMMUNITY DEVELOPMENT IN PROTESTANT AREAS* 27, 28 (1991)). This comment refers to the fact that, while the Nationalist I.R.A. has gained greater notoriety throughout the course of "The Troubles," more radical Protestants have joined paramilitary organizations which refuse to acknowledge the British government's role in the peace process.

46. See Trimble, *supra* note 22, at 1149.

Ireland.⁴⁷ These concerns cannot go unaddressed by the British government. "[R]egardless of the way in which the constitutional question may ultimately be resolved [regarding unification], the British government must now make a genuine and enthusiastic commitment to protect the rights of *both* communities within Northern Ireland."⁴⁸

There is little real difference between Unionists and Nationalists in the practical governance of Northern Ireland. For as Trimble, a Unionist himself, admits, "Unionists . . . were more concerned with preventing [N]ationalists from exercising power over them than they were with exercising power themselves."⁴⁹ Thus, it becomes evident that the issues that divide the two political parties are minute in comparison to the longstanding efforts to diminish the worth of the other side.

II. RELIGIOUS SEGREGATION

Religion plays a major role in the daily lives of the people of Northern Ireland.⁵⁰ It is such a conscious aspect of daily life that social life is "rarely conducted in ignorance of one's religious identity."⁵¹ The pervasive presence of religion is best exemplified by a popular anecdote of Northern Ireland:

A man . . . was stopped by a mob during the early years of the Troubles and asked to declare his religion. It was important to get the answer right, and he could not easily identify which side the mob supported. So he told them he was a Jew. The mob withdrew in confusion to consider this unusual outcome. Then the leader advanced and asked the question again, but in more direct form: "Are you a Catholic Jew or a Protestant Jew?"⁵²

47. See Schense, *supra* note 28, at 160.

It began twenty years ago, when the British government began to say one thing and to do another. The strategy was to unravel the union slowly. So the government is not believed by Protestants. Their actions undermine their words. They keep saying that they are committed to the union, but their actions are chipping away at it.

Id. at 161 (quoting SEAMUS DUNN & VALERIE MORGAN, *PROTESTANT ALIENATION IN NORTHERN IRELAND: A PRELIMINARY STUDY* 6-18 (1994)).

48. Kevin A. Burke, *Fair Employment in Northern Ireland: The Role of Affirmative Action*, 28 COLUM. J.L. & SOC. PROBS. 1, 2 (1994) (emphasis added).

49. Trimble, *supra* note 22, at 1151.

50. See DARBY, *supra* note 8, at 10. In 1991, only 3.7% of the population did not claim any religion. *Id.*

51. *Id.* at 11.

52. *Id.* at 10. This story exemplifies the extent to which every dealing and every interaction involves religion in some capacity.

The current religious segregation stems from the political segregation of Nationalist Catholics that led them to become more closely aligned with the Catholic Church.⁵³ The segregation has permeated all aspects of Northern Irish society, including neighborhoods, schools, and employment. Such total segregation has led both Catholics and Protestants to see themselves solely in terms of their belonging to their respective and distinct groups. Consequently, succeeding generations see the conflict as rooted in these religious differences. Continued total separation "encourages mutual ignorance and validates group differences and hostilities."⁵⁴

The irony of Northern Ireland and its religious population is best exemplified in Belfast's "peace lines"—barbed wire topped walls which divide the Catholic and Protestant communities.⁵⁵ Northern Ireland's capital, Belfast, is the highest church-going city in Western Europe, and yet Belfast contains "thirteen walls to separate and protect one section of a Christian people from another."⁵⁶

A firm system is in place to insure the perpetuation of religious segregation; it is the educational system that is thoroughly segregated based upon religion.⁵⁷ As of 1995, only two percent

53. See Schense, *supra* note 28, at 153 (citing FIONNUALA O'CONNOR, IN SEARCH OF A STATE 336 (1993)).

The belief that the Catholic community had to do everything for itself resulted from the political reality of the segregation of Catholics in the Northern Irish state. In the absence of a protective political structure, Catholics turned to the Church, which became the chief source of authority and social coherence by default: the "state within a state."

Id. See also DARBY, *supra* note 13. The citizens' retreat to their respective Catholic or Protestant identities is best exemplified by the evolution of Northern Irish society over the past 40 years. In the 1960's, Protestants wielded power and authority while Catholics, as the disenfranchised minority, empowered themselves by forming a strong national identity of Irishness. Today, the roles are essentially reversed: Protestants consider themselves abandoned by Great Britain and no longer empowered by restricting Catholics, so they are turning to their British identity as a unifying and empowering factor. Such a human reaction seems natural given such circumstances. However, it does little to advance peace. Thus, other factors must be addressed to neutralize such behavior.

54. DARBY, *supra* note 8, at 21.

55. See Mitchell, *supra* note 2, at 1142.

56. Hume, *supra* note 5, at 969. See also DARBY, *supra* note 8, at 24. Church membership remains high in Northern Ireland—87%, compared to 66% in Britain. The proportion is even greater for those who claim to attend religious services at least weekly—62% versus only 14% in Britain. *Id.* Thus, the people of Northern Ireland are a religious people in more than just a political sense.

57. F. Gibson et al., *Discrimination and Education*, in PERSPECTIVES ON DISCRIMINATION AND SOCIAL WORK IN NORTHERN IRELAND (1994), CAIN Web Ser-

of children were educated in integrated schools.⁵⁸ Much research has been conducted regarding whether such a largely segregated school system “contributes to perpetuating divisions, differences, and possibly discrimination within Northern Ireland.”⁵⁹ As long ago as 1977, scholars found that “segregated schooling causes social apartheid [and] the very separation of Catholic and Protestant children into different schools encourages suspicion and develops group differences and tribal loyalties.”⁶⁰

Education is the first area of Northern Irish society in which integration is sought. Integration is crucial for the next generation in Northern Ireland, as greater contact between Protestants and Catholics is seen as a major contributor to the advancement toward understanding and, ultimately, peace.⁶¹ If children do not grow up experiencing such division and hatred, they will not mature with the distinct prejudices of their parents and grandparents. Most people say they are in favor of integrated schooling,⁶² yet there was not much of a push for integrated schooling until the 1990s. This push only came about due to the realization of a possible connection between education and employability.⁶³

“In Northern Ireland, a Catholic man is twice as likely to be unemployed as his Protestant counterpart.”⁶⁴ This is despite the

vice, at <http://cain.ulst.ac.uk/issues/discrimination/gibson1.htm>. Of the 67 Catholic schools surveyed, none had less than 95% Catholic enrollment. Furthermore, 58 of these schools had a 100% Catholic student body. *Id.* at § 3.2.

58. See DARBY, *supra* note 8, at 11.

59. Gibson et al., *supra* note 57 (citing JOHN DARBY, EDUCATION AND COMMUNITY IN NORTHERN IRELAND: SCHOOLS APART? (1977)).

60. *Id.*

61. See DARBY, *supra* note 8, at 21.

62. See *id.* at 15. “67% of Catholics and 57% of Protestants believe the government should encourage integrated schooling.” *Id.*

63. This may be attributed to the fact that students in Catholic schools tend to perform better in liberal arts and languages while students in Protestant schools tend to perform better in the sciences. Historically, there has been a greater demand for students with a science background. See Fionnuala McKenna, *Background Information on Northern Ireland Society—Education*, CAIN Web Service, at <http://cain.ulst.ac.uk/ni/educ.htm> (last visited Jan. 26, 2001).

64. Jane Hyatt Thorpe, *God, Labor, and the Law: The Pursuit of Religious Equity in Northern Ireland's Workforce*, 31 VAND. J. TRANSNAT'L L. 719, 719 (1998). “[T]he 1996 figures show that Catholic males are more than twice as likely to be unemployed as Protestant males.” *Id.* at 756 (citing Edward Mortimer, *Social Engineering in Northern Ireland Has Reached Its Limits*, FIN. TIMES (LONDON), July 17, 1996, at 20). In 1971, 17.3% of Catholic males were unemployed, compared with 6.6% of Protestants. By 1985, the situation had grown even worse and the disparity even greater. 36% of Catholic men and 14% of Protestant men were unemployed. Thus, between 1971 and 1996 there was no apparent decrease in

enactment of Fair Employment legislation over 20 years ago. A prime example of this disparity is the Shankill ward, an entirely Protestant area. Shankill is considered the most depressed and deprived *Protestant* area in Northern Ireland. However, in 1981, its unemployment rate was "only" 27.6%. This is "less than the average rate of unemployment amongst Catholic males in Northern Ireland as a whole. Thus . . . the *average* Catholic rate is even worse than that for the *most deprived* Protestants of the Shankill."⁶⁵ Such an employment differential is directly attributable to the religious sectarianism firmly rooted in Northern Irish society.

Surprisingly, the people of Northern Ireland say they would prefer a more integrated society. Eighty-two percent of Catholics and 66% of Protestants would prefer to live in mixed neighborhoods. Similarly, 94% of Catholics and 87% of Protestants would choose to work in an integrated workforce.⁶⁶ However, little has been done to advance such desires. Encouraging integration is one means of apparently welcomed change that will likely have a positive effect on the peace process. The failure to pursue such ends is inexcusable, as religious sectarianism inhibits the attainment of equal opportunities for all.

III. EQUALITY OF OPPORTUNITY AND UNEMPLOYMENT

Unemployment is virtually as long standing in Northern Ireland as "The Troubles" itself. The Great Depression resulted in mass unemployment that continued throughout the 1950s and the 1960s, as industries failed to revive. This high unemployment during the 1960s contributed to the commencement of the modern day violent "Troubles." Research indicates that violence was a significant cause of plant closings in Northern Ireland during the 1970s that resulted in an estimated loss of 25,000 jobs.⁶⁷ Furthermore, between 1973 and 1990, there was a significant decrease in the level of foreign investment in Northern Ireland,

the unemployment disparity between Catholics and Protestants. *Id.* at 731 (citing Robert J. Cormack & Robert D. Osborne, *Religion and the Labour Market: Patterns and Practices*, in DISCRIMINATION AND PUBLIC POLICY 49, 53 (Robert J. Cormack & Robert D. Osborne eds., 1991)).

65. BOB ROWTHORN AND NAOMI WAYNE, *NORTHERN IRELAND: THE POLITICAL ECONOMY OF CONFLICT* 118 (1988) (emphasis added).

66. DARBY, *supra* note 8, at 25 (citing A.M. Gallagher, *Community Relations, SOCIAL ATTITUDES IN NORTHERN IRELAND* (1995)).

67. A.W. GRAY, *THE ECONOMIC CONSEQUENCES OF PEACE IN IRELAND* 10 (1995).

primarily attributable to the violence.⁶⁸ Such a decrease in investment automatically has an adverse effect on employment levels. The 1979 recession forced the closings of many multinational plants that caused the unemployment rate to skyrocket to between 20 and 50% in some areas.⁶⁹ As a result of these diminished economic and employment opportunities, violence intensified in the 1980s.⁷⁰ It quickly becomes apparent that unemployment leads to violence and, conversely, violence scares away corporate investment and employment. It is a vicious cycle in which the only victims are the people of Northern Ireland.

Discrimination in employment came to the forefront of the peace agenda as a result of the Civil Rights movement of the 1960s. "Since then the broader question of the link between religion and labour market opportunity has remained important and has led to two major pieces of legislation on fair employment, in 1976 and 1989."⁷¹ However, this conflict is so deeply rooted that it will take much more than the enactment of fair employment legislation for all people to have equal employment opportunities. The people themselves must decide to put their historical differences aside. Until that happens, the government can only do its share to pass fair employment legislation. The British government acknowledged in 1992 that "the unemployment differential between Catholics and Protestants is unlikely to alter significantly over the next decade."⁷² This is despite the passage of anti-discrimination legislation.

The British government passed the Northern Ireland Constitution Act in 1973 which outlawed discrimination on religious or political grounds. This was followed by the Fair Employment Act

68. *See id.* "The evidence shows there was a very major decline in the number of externally owned plants in Northern Ireland, from 351 in 1973, to 207 in 1990. The data also demonstrate the dependence of Northern Ireland on investments from Great Britain which accounted for nearly 60% of overseas plants." *Id.*

69. *See Thorpe, supra* note 64, at 730-31.

70. *See id.* at 730. This is another example of the direct, yet cyclic, link between unemployment and resulting violence. While in the early 1970's violence caused the closings of factories and resulted in high unemployment, during the early 1980's, factories closed due to the 1979 recession, resulting in increased violence during the 1980's. Because unemployment and violence are directly proportional, supporting the pursuit of economic initiatives will inevitably assist efforts to maintain a lasting peace.

71. A.M. GALLAGHER, *Preface to MAJORITY MINORITY REVIEW 2: EMPLOYMENT, UNEMPLOYMENT AND RELIGION IN NORTHERN IRELAND* (1991).

72. Thorpe, *supra* note 64, at 761 (quoting Gary MacEoin, *Job Discrimination Worked in N. Ireland: McBride Principals Can Be Effective Way to Create Level Playing Field For Catholics*, PART 2, NAT'L CATH. REP., Oct. 29, 1993, at 11).

of 1976.⁷³ Yet, the inequalities persisted well beyond 1976. In 1987, the Department of Economic Development found that “there is evidence that Protestant and Catholic pupils with the same level of academic attainment do not have the same success in obtaining employment.”⁷⁴ Furthermore, not only are Catholics more prone to unemployment than Protestants, but where they do have jobs, they are lower down the occupational scale.⁷⁵ Thus, there appear to be other factors included in hiring criteria beyond the typical considerations of qualifications and education. The distribution of employment is the single most obvious example of the effects of the hostility and segregation between Catholics and Protestants.

The most recent effort for reform was the new Fair Employment Act of 1989, which made indirect discrimination illegal.⁷⁶ Examples of such indirect discrimination include requiring workers to live in a certain area of Belfast or only recruiting from a certain religiously affiliated youth club.⁷⁷ Another common form of discrimination is the unconscious direct discrimination in which employers simply “look after their own.”⁷⁸ The 1989 Act requires the implementation of affirmative action for both Catholics and Protestants where each is underrepresented in a given workforce.⁷⁹ “The 1989 Act is intended to increase Roman Catholic representation and reduce the unemployment differential. It is also intended to reduce sectarian violence, maintain and increase U.S. investment in the province, . . . [and] promote

73. See *id.* at 735 (citing N. IRELAND. CONST. ACT § 19 (1973)).

74. F. Gibson et al., *Discrimination and Employment*, in PERSPECTIVES ON DISCRIMINATION AND SOCIAL WORK IN NORTHERN IRELAND, § 3.2(7) (1994), CAIN Web Service, at <http://cain.ulst.ac.uk/issues/employ/gibson2.htm>.

75. ROWTHORN & WAYNE, *supra* note 65, at 119.

76. See Thorpe, *supra* note 64, at 747–48. The 1989 Act defined indirect discrimination as application of a “‘requirement or condition’ equally to all employees, present and potential, but where ‘the proportion of persons of the same religious belief or of the same political opinion’ who can comply with the provision is ‘considerably smaller’ than those who do not share that belief or opinion.” *Id.* at n.198 (citing The Fair Employment (Northern Ireland) Act (1976) (Eng.)).

77. *Id.* at 748.

78. Gibson et al., *supra* note 74, at § 1.1(2). “Employers have a natural and understandable predisposition to give preferential treatment to those from their own community.” *Id.* While this type of discrimination is not intentional, it is nonetheless illegal under the 1989 Act. However, enforcement of this Act and punishment of violations seems impractical, if not wholly impossible.

79. See Thorpe, *supra* note 64, at 750 (citing JOHN EDWARDS, AFFIRMATIVE ACTION IN A SECTARIAN SOCIETY 34 (1995)).

economic growth."⁸⁰ However, the long-term effectiveness of this Act has yet to be fully realized.

Since 1980, unemployment among Catholics has risen even faster than among Protestants. Thus, the unemployment gap between the two communities is greater now than at any other point during the height of "The Troubles."⁸¹ This growing differential, despite the enactment of Fair Employment Legislation, leads one to realize that not all of the discrepancies are due to discrimination. Even proponents of reform and equality have difficulty fully identifying the causes of the disparate employment rates between Catholics and Protestants.⁸² An additional reason for the growing differential may be the large number of security-related jobs in Northern Ireland—an estimated 40,000 jobs.⁸³ Virtually all the security jobs are filled by Protestants, thus creating an entire field of employment in which Catholics are not included.⁸⁴ As British troops pull out, additional private security forces are needed, and most have come from the Protestant communities. Almost ten percent of Protestant men are employed as security forces in some capacity.⁸⁵ This is another example of how religious segregation adversely affects employment opportunities in Northern Ireland.

Additional reasons for the employment differential include the low rate of Catholic emigration in recent years⁸⁶ and the collapse of economic opportunities for Catholics in Northern Ireland.⁸⁷ Since there are no longer job opportunities abroad, unemployed Catholic workers are forced to stay in Northern Ireland, which further contributes to the religious differential in the unemployment statistics.⁸⁸ Location of industry has also been a source of some employment differential, as much of the industry

80. *Id.* at n.211.

81. See ROWTHORN & WAYNE, *supra* note 65, at 110.

82. See Thorpe, *supra* note 64, at 734.

83. DARBY, *supra* note 8, at 34.

84. See generally Gibson et al., *supra* note 74, at § 3.2(5).

85. See ROWTHORN & WAYNE, *supra* note 65, at 112. Without the security industry as a source of employment, unemployment amongst Protestants would still be considerably less than their Catholic counterparts. *Id.*

86. *Id.* at 110–11. "Emigration is no longer necessarily an option. The economic crisis is now international and there are fewer jobs available in Britain and elsewhere for would-be immigrants. So, many Catholics who would otherwise have left, have remained at home to swell the ranks of the unemployed." *Id.*

87. *Id.* "Many of the new, non-manufacturing jobs created in recent years have been in sectors of the economy where Catholics find it difficult to obtain employment, or where, for political reasons, they are unwilling to accept it." *Id.* at 111–12.

88. GRAY, *supra* note 67, at 13.

has historically been located in the Protestant areas of Belfast, Derry, and other cities. There has been a "gradual shift" of emphasis to create jobs in Catholic areas.⁸⁹ Yet, of the six factors considered in a comprehensive research survey, it was found that "after allowing for all the factors that are known to be relevant and important [in employment decisions], religion is the major determinant of the rate of unemployment."⁹⁰ Decreased economic opportunities for Catholics serve as the second most important determinant, after religion. "Resolution of this employment differential would be a key step toward achieving peace and unity in Northern Ireland; however, no progress can be made toward this goal until both communities share economic benefits and hardships."⁹¹

However, it is difficult to remedy a situation when not everyone believes there is indeed a problem to be rectified. "[O]ver 50% of Catholics and only 9% of Protestants thought that Protestants had a better chance of finding a job."⁹² It will likely take external measures beyond the current capabilities of Northern Ireland to cure slowly the employment discrepancy. It will evolve from various factors. Increasing educational opportunities will help. Decreasing religious segregation and its ensuing effects will also positively contribute to reducing the unemployment levels. Most important will be foreign investment and the creation of jobs totally new to Northern Ireland. The current opportunities are inadequate for the high quality of the potential workforce in Ireland today. It is not a matter of redistributing the jobs, but rather enhancing economic opportunities such that jobs will become available to those who are properly educated.

Some critics argue it is difficult to tackle the issue of fair employment when there is so little employment at all.⁹³ This is precisely why there is a desperate need for foreign investment in Northern Ireland. But the people of Northern Ireland can also do quite a bit to help themselves. Most importantly, they must guarantee peace so that potential foreign investors may settle in the region.

89. ROWTHORN & WAYNE, *supra* note 65, at 106.

90. Gibson et al., *supra* note 74, at § 3.2 (summary) (citing D.J. SMITH AND G. CHAMBERS, EQUALITY AND INEQUALITY IN NORTHERN IRELAND at PART 1: EMPLOYMENT AND UNEMPLOYMENT, PART 2: THE WORKPLACE (1987)). The six factors they considered are: religion, travel-to-work area, age, number of dependent children, socioeconomic group, and qualifications.

91. Thorpe, *supra* note 64, at 719.

92. Gibson et al., *supra* note 74, at § 3.1.

93. See Schense, *supra* note 28, at 183.

In 1995, the population of Northern Ireland was 1.6 million. Its composition was 57% Protestant and 43% Catholic.⁹⁴ And yet, the unemployment rates are a complete reversal of the population ratio—58% of the unemployed are Catholic and 42% are Protestant.⁹⁵ Christopher McCrudden, one of the foremost scholars on civil rights in Northern Ireland, believes “[a]ny future [progress towards equality of employment] will depend on increasing the degree of mutual respect between the two communities [and that] mutual respect will not develop without greater equality.”⁹⁶ This captures the cyclical nature of this conflict. All factors must converge simultaneously as neither side is willing to be the first to succumb to the negotiations. Outside support is not only necessary, but essential, to achieve such ends.

IV. ECONOMIC FACTORS AND INWARD INVESTMENT

The cyclical nature of violent ethnic conflicts is precisely what makes them so difficult to resolve. In Northern Ireland, you cannot have peace without economic prosperity, and yet you will not have economic investment without a guarantee of peace.⁹⁷ As George Mitchell so aptly stated, “For many years, violence and fear settled over Northern Ireland like a heavy, unyielding fog. The conflict hurt the economy, so unemployment rose with violence in a deadly cycle of escalating misery.”⁹⁸ The numerous attempts at a political solution have failed largely because the economic considerations were not addressed. The United States’ realization of the economic impetus to peace is the most tangible reason the latest peace process advanced to

94. See Thorpe, *supra* note 64, at 756 (citing Philippe Bernes-Lasserre, *Northern Ireland Faces Ongoing Battle Over Jobs Discrimination*, AGENCE FRANCE PRESSE, Sept. 4, 1995, available at LEXIS, News Library, AFP File).

95. *Id.*

96. Burke, *supra* note 48, at 2 (quoting Christopher McCrudden, *The Evolution of the Fair Employment (Northern Ireland) Act 1989 in Parliament*, in *DISCRIMINATION AND PUBLIC POLICY IN NORTHERN IRELAND* (Robert J. Cormack & Robert D. Osborne eds., 1991)).

97. See DARBY, *supra* note 8, at 26. Darby analogizes the factors involved in ethnic conflicts to dominoes. There are many various factors, and while they all have varying weights and priorities, their effects are nonetheless the same. Once one falls, no matter how initially insignificant, all the remaining dominoes fall. Thus, the removal of the minority disadvantage, the removal of violence, political compromise, and external intervention must all fall into line, to some extent, at relatively the same time. This small, even minute, window of opportunity is difficult to ascertain, and the opportunity must be seized immediately. “Some of the dominoes are more likely to create momentum than others. But none of them should be dismissed. Sometimes the most unpromising initiative can deliver the goods.” *Id.* at 28.

98. Mitchell, *supra* note 39, at 15.

yield the Good Friday Agreement. If foreign investment were to generate even a minimal number of new jobs, the resulting peace and employment would simultaneously encourage more foreign investment and more peace as the paramilitary groups go off to work. And yet, the reality remains, as a major U.S. multinational commented, that "foreign companies would have to be assured that peace was permanent before investing in Northern Ireland."⁹⁹

A great example of the U.S. government's long-standing financial commitment in support of peace in Northern Ireland is its contributions to the International Fund for Ireland (the Fund).¹⁰⁰ In passing the Anglo-Irish Agreement Support Act of 1986, Congress recognized the need to "rebuild a land that has too often been the scene of economic hardship and where many have suffered severely from the consequences of violence in recent years."¹⁰¹ As such, Congress approved annual contributions to the Fund "to serve as an incentive for economic development and reconciliation in Ireland and Northern Ireland."¹⁰² The Fund also receives substantial financial support from the European Union, Canada, Australia, and New Zealand.¹⁰³ The stated objectives of the fund are: "to promote economic and social advance; and to encourage contact, dialogue and reconciliation between Unionists and Nationalists throughout Ireland."¹⁰⁴ As such, the Fund focuses on providing this foreign assistance directly to the people in the North of Ireland—through invest-

99. GRAY, *supra* note 67, at 82.

100. The International Fund for Ireland is an independent, international organization established by the British and Irish governments in 1986 as a result of the Anglo-Irish Agreement. Membership on the Board of the Fund is determined jointly by both the British and Irish Governments. See The International Fund for Ireland website, at <http://www.intl-fund-ireland.org/origin.html> (last visited Feb. 1, 2001).

101. Anglo-Irish Agreement Support Act of 1986, Pub. L. No. 99-415, 100 Stat. 947 (§ 2(a)). The Act provided that "Congress believes the United States should participate in this renewed commitment to social and economic progress in Northern Ireland and affected areas of Ireland." *Id.*

102. *Id.* at § 2(b). Such funds are only to be used "to support and promote economic and social reconstruction and development in Ireland and Northern Ireland." *Id.* at § 5(a). Examples of these efforts include: the encouragement of new investment, creation of new jobs, economic invigoration based on the equality of opportunity, and an increased respect for human rights for all the people of Northern Ireland. *Id.* at § 6.

103. The International Fund for Ireland website, at <http://www.intl-fund-ireland.org.html> (last visited Feb. 1, 2001).

104. *Id.*

ments in business growth, tourism, and the people themselves.¹⁰⁵ The Fund's commitment to "investing in people" is evidenced by its realization that "[r]econciliation and co-operation between communities and across divides is central to the Fund's objectives and activities."¹⁰⁶

The Fund has been very successful in advancing its stated goals of economic and social advance and reconciliation in Northern Ireland. In 1998, a study commissioned by an independent consulting firm analyzed the initiatives advanced since the Fund's inception ten years earlier. It found that:

[T]he Fund has had a substantial effect on the communities and economies of Northern Ireland and the border counties, that its work is highly focused on the designated disadvantaged areas and that, through all its programmes, the Fund contributes to contact, dialogue and reconciliation between the communities in Northern Ireland and between North and South.¹⁰⁷

The Fund's success during its first ten years, from 1987-1997, helped establish a foundation within the community in Northern Ireland upon which peace could flourish. The increased economic and employment opportunities advanced by the Fund ripened the culture in Northern Ireland for the unprecedented peace progress that led to the Good Friday Agreement of 1998.

105. "[S]ponsoring international marketing initiatives has allowed the Fund to help bring the potential of doing business in Ireland to the attention of investors and entrepreneurs worldwide." The International Fund for Ireland website, at <http://www.intl-fund-ireland.org/bus.html> (last visited Feb. 1, 2001).

106. The International Fund for Ireland website, at <http://www.intl-fund-ireland.org/peop.html> (last visited Feb. 1, 2001). As part of its commitment to investing in people, the Fund sponsors group travel to Europe and the United States for training and development programs. As a result of such an experience, people from the North of Ireland often "find that viewing home from a distance challenges their perceptions of each other and enhances their perception of their own potential to achieve." *Id.* In addition, the Fund is committed to empowering communities with the skills and leadership potential necessary to "stimulate community led economic regeneration projects" in areas of previous economic stagnation. *Id.*

107. Report by KPMG Management Consultants, at <http://www.intl-fund-ireland.org/other.html> (last visited Jan. 29, 2001). As of September 1997, the Fund has supported over 31,000 jobs and has allocated total investment of over £950 million. *Id.* The British and Irish governments also collaborated on a Report analyzing the efficacy of the Fund. The Report concluded that the two governments were "impressed by the operation and performance of the International Fund for Ireland and the unique and *distinctive role* it has developed for itself in *promoting* reconciliation and *economic regeneration* in the region." *Id.* (quoting a Report by the British Irish Inter-Parliamentary Body, Apr. 1996 (emphasis added)).

The International Fund for Ireland is just one example of how the United States has supported social and economic progress in Northern Ireland. Americans on all levels, from the President and elected officials, to businessmen, to Irish-American immigrants, should be credited with advancing the economic pursuits toward peace. There are many reasons for the United States' extensive involvement. Undoubtedly, the rise of Irish-Americans from the poorest immigrants in America to among the most powerful in corporate America is a major factor. But former President Clinton is arguably the single person most responsible for the United States' involvement in Northern Ireland. Clinton was the first American President to abandon the long held American policy of regarding Northern Ireland as an internal matter of the United Kingdom.¹⁰⁸ President Clinton not only brought the peace process to the forefront of Americans' consciousness, but his visits to Northern Ireland in November 1995 and November 1998 put the onus on the people of Northern Ireland to make peace a priority.

"A lasting peace would be one of the most significant positive economic developments influencing the prospects for inward investment to Northern Ireland in over a quarter of a century."¹⁰⁹ The people of Northern Ireland gained a sense of the potential economic rewards of lasting peace after the 1994 I.R.A. ceasefire. Northern Ireland received £240 million from a Special Peace and Reconciliation package from the European Union, £40 million from the International Fund for Ireland, and various other funding from private investment initiatives.¹¹⁰ A major study conducted by the Forum for Peace and Reconciliation in Northern Ireland found that "the economic benefits deriving from the ending of violence could be almost doubled in the event of a political agreement being reached."¹¹¹ But how can you have peace without economic prosperity and employment opportunities? And how can you ever expect foreign companies

108. See John Darby & Roger Mac Ginty, *Northern Ireland: Long, Cold Peace*, in *THE MANAGEMENT OF PEACE PROCESSES* 61, at 90 (John Darby & Roger Mac Ginty eds., 2000).

109. GRAY, *supra* note 67, at 64. This again acknowledges the cyclic nature of this conflict. Which comes first? Must peace come first and then economic investment? Or is economic investment and opportunity a prerequisite to peace and the cessation of violence?

110. See *id.* at 140.

111. Forum on Peace and Reconciliation, *Forum Report on the Social and Economic Consequences of Peace and Economic Reconstruction Highlights the Economic Benefits of a Political Settlement*, at http://www.irlgov.ie/iveagh/angloirish/forum/socio_economic.htm (last visited Feb. 15, 2001) [hereinafter *Forum Report*].

to invest their valuable resources in a land wracked by violence? Ultimately, it must come down to trust. While the governments must be trusted to keep their word and deliver additional jobs and economic benefits, the paramilitaries must simultaneously trust the governments and cease the violent behavior. The two communities must come to share economic benefits, as well as hardships, otherwise "there will be no respect, no accommodation, little investment, and no commitment to the state."¹¹²

A. North—South Comparison

A comparison of economic factors in the North and South of Ireland indicates the extent to which "The Troubles" has impeded foreign investment and economic opportunities. Conversely, one must also remain cognizant that employment differentials and the ensuing economic stagnation may have perpetuated the violent "Troubles." While external resources are available as foreign investment in the Republic of Ireland indicates, Northern Ireland has not benefited from Europe's booming economy. Since 1980, the South has attracted 33,000 new jobs while the North has only attracted 5,000.¹¹³ Furthermore, the Republic of Ireland has the fastest growing economy of all western industrialized nations.¹¹⁴ It is precisely the inward investment that has jump-started the Republic's economy. "The inflow of foreign direct investment, drawn by Ireland's attractive investment climate and flexible and well-educated work force, has expanded employment opportunities and greatly contributed to a much-improved standard of living."¹¹⁵ It is estimated that peace will bring 50.5% more inward investment to Northern Ireland while the South will gain an additional 32.9% in foreign investment.¹¹⁶ Furthermore, assuming continuation of the current cease-fires, "up to 30,000 extra jobs could arise in Northern Ireland even allowing for reduced security related employ-

112. Burke, *supra* note 48, at 2 (quoting Christopher McCrudden, *The Evolution of the Fair Employment (Northern Ireland) Act 1989 in Parliament*, in *DISCRIMINATION AND PUBLIC POLICY IN NORTHERN IRELAND* (1991)). "It will be difficult, if not impossible, for any society to prosper where one community has greater access than another to economic benefits and, in particular, to employment opportunities." *Id.* at 2-3.

113. See *Forum Report*, *supra* note 111.

114. See The International Trade Administration Office of Public Affairs, U.S. Dep't of Commerce, *Mission Statement: Business Development Mission to Northern Ireland and the Border Counties of Ireland*, at <http://www.ita.doc.gov/media/ireland.htm> (last visited Feb. 15, 2001).

115. *Id.*

116. See GRAY, *supra* note 67, at 13.

ment."¹¹⁷ If there is a more certain, long-lasting political agreement within the next three years, "the employment gain in Northern Ireland could be as high as 58,400 new jobs with the Gross Domestic Product (G.D.P.) boost of up to £1 billion (6.3%)."¹¹⁸ Thus, there is a large economic peace dividend for both the North and South of Ireland.

The large discrepancy in tourism numbers between the North and South is yet another example of the detrimental effects violence has had on the economy of Northern Ireland. Tourism is a major source of both revenue and employment in Ireland and the South has consistently had 50% more tourists than the North. In addition, the visitors spend three times as much money in the South than in the North. Evidence suggests that if there is a lasting peace, there would be a 117% increase in tourism to the North, while the South would benefit from a 43.8% increase in tourists.¹¹⁹

While the North has suffered financially from the violence, the South has been successful in attracting foreign investment. A major survey was conducted of the chief executives of major multinational companies in the United States, Europe, and the Far East.¹²⁰ Of the companies surveyed, 68% of them believe there is a large "untapped potential" for additional foreign investment in both the North and South of Ireland which has been adversely affected by twenty-five years of violence.¹²¹ Such investment will not come automatically; it must be directly solicited and incentives must be offered. The Republic of Ireland has reaped immense rewards from investment attracted as a result of its tax incentives to foreign investors. It would be in their own self-interest for the British government, or a newly formed Northern Irish government, to grant similar tax breaks for foreign companies willing to do business in Northern Ireland.

Inward investment is heavily sought after throughout Europe, and thus the Republic of Ireland is fortunate to attract 25% of the United States' investment in Europe.¹²² Historically, Great Britain has provided most of the investment in Northern

117. *Forum Report*, *supra* note 111.

118. *Id.*

119. *See* GRAY, *supra* note 67, at 13.

120. *See id.* at 3.

121. *See id.* at 11. "The potential for increased foreign investment will be influenced by high level initiatives taken in a number of the key source markets to encourage investment in Ireland as well as by the more positive international media image of the country as a result of peace." *Id.* at 12.

122. *See id.* at 64.

Ireland.¹²³ However, this is likely to change now that the British no longer have a "self-interest" in Northern Ireland. In fact, the peace process may even hasten Britain's discontinuation of funding. Currently, Northern Ireland receives £4 billion of subsidies from the British government, which accounts for a full one-third of Northern Ireland's G.D.P.¹²⁴ Yet, such considerations cannot inhibit the peace process from advancing. Investment must be sought from other means.

As of 1997, North America had the most overseas companies operating in Northern Ireland.¹²⁵ Additionally, the highest increase in investment as a result of the current peace is expected to come from the United States. This is a direct result of not only the peace, but also the "very significant initiatives which have been developing in the United States aimed at stimulating U.S. investment in Ireland."¹²⁶ The United States Department of Commerce has taken the lead on behalf of the U.S. government to advance the economic possibilities for the people of Northern Ireland. In 1998, the Department led a "business development mission" to Northern Ireland.¹²⁷ The overall economic initiatives by foreign investors, especially from the United States, are certainly working. Inward investment in Northern Ireland was \$1 billion in 1996/97, up 73% from the investments in 1994/95.¹²⁸ Investment inevitably leads to the creation of new jobs as "[u]nemployment in Northern Ireland is at its lowest level in 18 years. It has fallen from 16.8% in 1986 to 8.2% in 1997."¹²⁹ The importance of such investment cannot be underestimated. "The extent to which there is untapped potential for increased foreign investment in Ireland will determine the extent to which

123. See *id.* at 71. The highest percentage of companies who invested in Northern Ireland were British firms.

124. See Darby & Mac Ginty, *Northern Ireland*, *supra* note 108, at 92 (citing *Economic Uncertainties*, BUSINESS & FINANCE, June 11, 1998, at 20).

125. GRAY, *supra* note 67, at 71 (citing IRISH ALMANAC AND YEARBOOK OF FACTS 1999 at 170). The breakdown of overseas companies in Northern Ireland in 1997 is as follows: North America 52, United Kingdom 47, Rest of Europe 14, Republic of Ireland 13, Asia/Pacific 10, and Germany 10. See Fionnuala McKenna, *Background Information on Northern Ireland Society—Economy, Finance, Industry and Trade*, CAIN Web Service, at <http://cain.ulst.ac.uk/ni/economy.htm> (last visited Jan. 26, 2001).

126. GRAY, *supra* note 67, at 76.

127. The International Fund for Ireland website, *supra* note 106. The Commerce Department targeted the following five areas—information technology, health technology, food technology/processing, wood/timber products, and environmental technology.

128. See *id.*

129. McKenna, *supra* note 125.

an important element of the potential peace dividend can be realized."¹³⁰

B. *Corporate Social Responsibility*

There is currently a new revolution in the international arena of human rights that intermingles various economic, political, and social factors. This may have a positive long-term effect on peace in Northern Ireland—the more attention paid to fundamental human rights, the less violence, and the greater the possibility of peace. The responsibility of ensuring human rights appears to be passing from government enforcement to private multinational corporations.¹³¹ Multinational corporations are beginning to accept international human rights responsibilities through the self-imposition of codes of conduct and other private acts.¹³² The idea behind such responsibility has its roots in the United Nations. During the 1970s, the United Nations tried to develop an international code of conduct for multinational corporations.¹³³ However, there was no international support due to worries of divestment. Almost twenty-five years later when the Clinton Administration de-linked U.S. trade policy with China from human rights, President Clinton promised to emphasize corporate human rights codes as an alternative. A year later, the Clinton Administration formally established Model Business Principles, not only for China, but for all nations.¹³⁴

The Sullivan Principles¹³⁵ and the MacBride Principles are examples of worldwide concern for internal human rights viola-

130. GRAY, *supra* note 67, at 72.

131. See Douglass Cassel, *International Security in the Post-Cold War Era: Can International Law Truly Effect Global Political and Economic Stability? Corporate Initiatives: A Second Human Rights Revolution*, 19 *FORDHAM INT'L L.J.* 1963, 1964 (1996).

132. See *id.* at 1972. Examples of U.S. corporations who have adopted such principles worldwide include: Levi Strauss, Sears, J.C. Penney, Wal-Mart, Phillips-Van Heusen, The Gap, Nike, Reebok, and Starbucks. See *id.* at 1973.

133. See *id.* at 1969 (citing Seymour Rubin, *Transnational Corporations and International Codes of Conduct: A Study of the Relationship Between International Legal Cooperation and Economic Development*, 10 *AM. U.J. INT'L L. & POL'Y* 1275 (1995)).

134. See *id.* at 1974 (citing Bureau of National Affairs, Inc., *Voluntary "Model Business Principles" Issued by the Clinton Administration May 26, 1995*, *DAILY REP. FOR EXECUTIVES*, May 31, 1995). The U.S. government found the following companies to support this worldwide initiative: Boeing, Honeywell, GE, Westinghouse, Digital Electric, Kodak, Rockwell, and Loral. However, "[s]ince May 1995, the Model Principles have not been high on the Administration's list of priorities. . . . Their implementation has been entrusted to the U.S. Department of Commerce." *Id.* at 1975.

135. The Sullivan Principles in South Africa were developed by Reverend Leon Sullivan, a General Motors board member, in 1977. They were initially

tions within South Africa and Northern Ireland respectively. While these are noble undertakings, the long-term solution rests in a worldwide universal adoption of codes of conduct by multinational corporations. Allowing the specificity of such applications to only a select few nations results in precisely the problem of divestment that is so feared by critics.

Not surprisingly, corporate social responsibility is not universally accepted. Many economists and corporate officials strongly object to such procedures. Nobel Prize winning economist Milton Friedman believes that "there is only one social responsibility of business . . . to increase its profits so long as it stays within the rules of the game. Doing public good is the responsibility of government, not business."¹³⁶ And thus, much of corporate America rejects the notion that they have an obligation to use their financial resources, political input, and worldwide influence to positively influence people adversely affected by fundamental human rights violations.

C. *MacBride Principles*

The Universal Declaration of Human Rights, as established by the United Nations, recognizes in Article 23 that "[e]veryone has the right to work, to free choice of employment, to just and favorable conditions of work and to protection against unemployment."¹³⁷ Consistent with this idea, Irish-Americans became involved in the quest for equal employment opportunities in Northern Ireland, pointing to the United Nations Universal Declaration as justification for international intervention.¹³⁸

adopted by only twelve U.S. companies involved with South Africa. *See id.* at 1970. "By 1986, approximately 200 of the 260 U.S. corporations doing business in South Africa had adopted the Sullivan principles." *Id.* (citing Patricia Arnold & Theresa Hammond, *The Role of Accounting in Ideological Conflict: Lessons From the South African Divestment Movement*, 19 ACCT., ORG., AND SOC. 111, 116 (1994)). However, the Sullivan Principles were a failure in both their goal of bringing down apartheid and in their effort to offer an alternative to divestment from South Africa. Their main failing was that they encouraged divestment. By 1987, even Reverend Sullivan himself declared the Principles a failure and encouraged abandonment of any further attempts at implementation. *See id.* at 1971.

136. *Id.* at 1977 (quoting Milton Friedman, *The Social Responsibility of Business is to Increase Profits*, N.Y. TIMES, Sept. 13, 1970, at 32, 125). Friedman believes that when "executives commit corporate funds for social responsibility, they wrongfully usurp the funds of their shareholders, or possibly of their customers, or even of their employees." *Id.*

137. Mitchell, *supra* note 2, at 1142 (citing *Universal Declaration of Human Rights*, Dec. 10, 1948, G.A. Res. 217A, U.N. GAOR, 3d Sess., 67th plen. mtg., at 135, U.N. Doc. A/810 (1948)).

138. *See* Thorpe, *supra* note 64, at 739-40.

The MacBride Principles,¹³⁹ established in 1984, were intended to be a “corporate code of conduct” for companies

139. The MacBride Principles were created by the Irish National Caucus, a lobby group for Irish causes on Capital Hill. *See* Burke, *supra* note 48, at 10 n.37 (citing IRISH NATIONAL CAUCUS, Membership Pamphlet (1994)). The Principles were researched and drafted on behalf of the Irish National Caucus by Patrick Doherty, a staff member of Harrison Goldin, then Comptroller of the City of New York. Once Doherty finished drafting the Principles, he asked Sean MacBride to give his name to the Principles. MacBride (1904-1988), co-founder of Amnesty International and a United Nations assistant secretary general, kindly obliged. Thorpe, *supra* note 64, at 739.

The requirements set forth in the MacBride Principles are:

1. Increasing the representation of individuals from under-represented religious groups in the work force, including managerial, supervisory, administrative, clerical and technical jobs.
2. Adequate security for the protection of minority employees both at the work place and while travelling to and from work.
3. The banning of provocative religious or political emblems from the work place.
4. All job openings should be publicly advertised and special recruitment efforts should be made to attract applicants from under-represented religious groups.
5. Layoff, recall and termination procedures should not, in practice, favor particular religious groups.
6. The abolition of job reservations, apprenticeship restrictions and differential employment criteria, which discriminate on the basis of religion or ethnic origin.
7. The development of training programs that will prepare substantial numbers of current minority employees for skilled jobs, including the expansion of existing programs and the creation of new programs to train, upgrade and improve the skills of minority employees.
8. The establishment of procedures to access, identify and actively recruit minority employees with potential for further advancement.
9. The apportionment of a senior management staff member to oversee the company's affirmative action efforts and the setting up of time tables to carry out affirmative action principles.

In addition to the above, each signatory to the MacBride Principles is required to report annually to an independent monitoring agency on its progress in the implementation of these Principles.

IRISH NATIONAL CAUCUS, THE MACBRIDE PRINCIPLES (1984), available at <http://www.knight-hub.com/inc/MacBride.html>.

The preamble of the Principles states that they were put forth “in light of decreasing employment opportunities in Northern Ireland and on a global scale, and in order to guarantee equal access to regional employment.” Thorpe, *supra* note 64, at 740 (citing H. BOOTH, THE MACBRIDE PRINCIPLES AND U.S. COMPANIES IN NORTHERN IRELAND 55 (1989)).

See infra note 149, for a comparison of these MacBride Principles with the “Principles of Economic Justice,” which the U.S. Congress adopted in 1998 and which are applicable to all funds contributed by the United States to the Inter-

operating in Northern Ireland.¹⁴⁰ The movement began in the United States with the hope that “pressure from American multinationals would provide the necessary impetus for change.”¹⁴¹ The Principles focused solely upon non-discrimination in employment practices—an effort designed “to secure equal treatment for Catholic workers in Protestant-majority Northern Ireland.”¹⁴² Currently, forty-five of the eighty publicly traded U.S. companies operating in Northern Ireland have adopted the MacBride Principles.¹⁴³ In addition, as of 1995, sixteen U.S. states and over forty U.S. cities have enacted MacBride Principles laws.¹⁴⁴

However, the acceptance of the MacBride Principles has not been without detriment. The British government recognized this and objected to the Principles on various grounds.¹⁴⁵ Such objections included that the Principles: discouraged companies from investing in Northern Ireland, impeded the progress of equal opportunity employment because of their ambiguity, and called for reverse discrimination, which was also illegal.¹⁴⁶ Critics argue the existence of the Principles may serve as an impediment to foreign investment as it places additional restrictions and provisions upon employers operating in Northern Ireland that they would not have to confront if they simply invested elsewhere.

One such critic has been the U.S. government. From the time of the MacBride Principles’ introduction in 1984, through much of the Clinton Administration, the U.S. government refused to adopt the MacBride Principles and the State Department declared it “has consistently opposed legislation that would require adherence to the MacBride [P]rinciples on legal as well as foreign policy grounds.”¹⁴⁷ President Clinton opposed the MacBride Principles throughout his administration. However, in

national Fund for Ireland. Pub. L. No. 105–277, 112 Stat. 2681–851, (amending The Anglo-Irish Support Act. Pub. L. No. 99–415).

140. Lisette M. Currier, *Religion and Employment in Northern Ireland: U.S. Influence on Anti-discrimination Legislation*, 12 COMP. LAB. L. 73, 93 (1990) (citing H. BOOTH, U.S. COMPANIES AND FAIR EMPLOYMENT PRACTICES IN NORTHERN IRELAND 39 (1988)).

141. *Id.* at 93.

142. Cassel, *supra* note 131, at 1971.

143. The Irish National Caucus Website, at <http://www.knight-hub.com/inc/MacBride.html> (last visited Feb. 5, 2001).

144. *See id.*

145. *See Currier, supra* note 140, at 94.

146. *See id.* (citing BOOTH, *supra* note 140, at 53, 55). *See also* Burke, *supra* note 48, at 13.

147. Currier, *supra* note 140, at 94 n.179 (quoting BOOTH, *supra* note 140, at 55).

1998, the Anglo-Irish Agreement Support Act of 1986, which provided U.S. financial support of the International Fund for Ireland, was amended as part of the large-scale Omnibus Consolidated and Emergency Supplemental Appropriations Act of 1999.¹⁴⁸ This Amendment introduced the "Principles of Economic Justice"¹⁴⁹ as a conditional requirement for disbursement

148. Pub. L. No. 105-277, 112 Stat. 2681-851 (adopted Oct. 21, 1998) (§ 2811 amending the Anglo-Irish Agreement Support Act of 1986, Pub. L. No. 99-415).

149. The 1998 Amendment to the Anglo-Irish Agreement Support Act of 1986 defines "principles of economic justice" as meaning the following principles:

- (A) Increasing the representation of individuals from underrepresented religious groups in the workforce, including managerial, supervisory, administrative, clerical, and technical jobs.
- (B) Providing adequate security for the protection of minority employees at the workplace.
- (C) Banning provocative sectarian or political emblems from the workplace.
- (D) Providing that all job openings be advertised publicly and providing that special recruitment efforts be made to attract applicants from underrepresented religious groups.
- (E) Providing that layoff, recall, and termination procedures do not favor a particular religious group.
- (F) Abolishing job reservations, apprenticeship restrictions, and differential employment criteria which discriminate on the basis of religion.
- (G) Providing for the development of training programs that will prepare substantial numbers of minority employees for skilled jobs, including the expansion of existing programs and the creation of new programs to train, upgrade, and improve the skills of minority employees.
- (H) Establishing procedures to assess, identify, and actively recruit minority employees with the potential for further advancement.
- (I) Providing for the appointment of a senior management staff member to be responsible for the employment efforts of the entity and, within a reasonable period of time, the implementation of the principles described in subparagraphs (A) through (H).

Pub. L. No. 105-277, 112 Stat. 2681-851, at § 2811(f)(3).

See supra note 139, for a comparison of these "Principles of Economic Justice" with the MacBride Principles. It is obvious these two sets of Principles are substantially identical and differ in name only. Thus, it appears as though the name of the Principles was changed for purely aesthetic reasons, so as not to draw controversy to their implementation.

It is notable that this Amendment explicitly states that *nothing* contained in these "Principles of Economic Justice" "shall require quotas or reverse discrimination or mandate their use." Pub. L. No. 105-277, 112 Stat. 2681-851, at § 2811(e). This statement seems intended to appease the critics of this bill and to assure them that there will be no reverse discrimination as a result of the "Principles of Economic Justice's" implementation.

of U.S. government funds to the International Fund for Ireland. The Amendment states that "United States contributions should be used in a manner that effectively increases employment opportunities in communities with rates of unemployment higher than the local or urban average of unemployment in Northern Ireland."¹⁵⁰ These "Principles of Economic Justice" are identical in substance to the MacBride Principles, which were so vigorously opposed by the Clinton and previous Administrations.

Nonetheless, while the MacBride Principles may have some faults due to their potential tendency toward divestment at the expense of the very people they are aimed at helping, increased global corporate responsibility serves as a beneficial means of encouraging equal treatment in Northern Ireland through foreign investment.

CONCLUSION

History is replete with conflicts based upon deep-rooted political and religious differences.¹⁵¹ They are difficult to resolve as there is no right and wrong party in conflicts, such as these. Much is a matter of interpretation, perception, and ultimately, a willingness to compromise. In Northern Ireland, Nationalists and Unionists alike have proven their steadfast resolve to their respective viewpoints. They are the polar opposites of each other, and little has been done to bring these two views in enough proximity to create dialogue, not to mention a peaceful society. Neither Catholics nor Protestants can be asked to abandon their religious beliefs in exchange for peace. Little can be gained from such a result, and thus it is unproductive to focus so heavily on the religious aspect of a conflict in which, while religion is certainly a factor, it plays a minimal role in finding a peaceful resolution to the conflict. Thus, the only aspects open to negotiation which transcend both politics and religion, and relate equally to citizens on all sides of the respective divides, are socioeconomic considerations.

It is widely acknowledged that high unemployment leads to violence. And violence only results in perpetuating the economic stagnation.¹⁵² This is a major reason this conflict has

150. Pub. L. No. 105-277, 112 Stat. 2681-851, at § 2811(a).

151. See generally THE MANAGEMENT OF PEACE PROCESSES, *supra* note 36. Modern day examples include: the Basque Country (Spain), the Israeli-Palestinian conflict, South Africa, and Sri Lanka.

152. "There is a high correlation between unemployment and violence." Mitchell, *supra* note 39, at 21.

lasted so long. The direct correlation between unemployment rates and violence is best exemplified by two areas of Northern Ireland well-known for their violent history and segregated populations. "Along the Falls Road in Belfast, where the working-class Catholic families congregate, and the Shankill Road, where their Protestant counterparts live, some estimates suggest that as many as a third of the men are born, live out their lives, and die without ever having held a job."¹⁵³ For some men, joining a paramilitary organization offers the best hope for steady income. This is an additional indication of how the promotion of political and religious differences may be motivated by economic factors.¹⁵⁴

One week before the Good Friday Agreement was reached, 87% of the Northern Irish people polled believed that *no* agreement was possible.¹⁵⁵ This exemplifies the extent of the hopelessness in Northern Ireland. Northern Ireland was on the verge of the most historical agreement in its history, and its people were not even hopeful for its success. It is remarkable that the people of Northern Ireland themselves identified the solution to their conflict, only they had no idea that they had. As Senator Mitchell recalls, "[t]hey told me that when men and women have no opportunity, no hope, they are more likely to take the path of violence."¹⁵⁶ It took an outsider to help them realize that increased employment and economic opportunities through international investment will bring hope, peace, and stability to the next generation growing up in Northern Ireland.

As Senator Mitchell reflected on his historic contributions to this peace process, he recalled an elderly woman confronting him on that fateful Good Friday in 1998. She told him, "We want to thank you. Not for us, our lives are nearly over, but for our grandchildren, whose lives are just beginning. Thanks to you they'll lead lives of peace and hope, something we've never known."¹⁵⁷ Empowered with the historic Good Friday Agreement and the promise of international investment, it is now up to the people of Northern Ireland to make their dreams of peace a reality.

153. MITCHELL, *supra* note 1, at 12.

154. *See id.*

155. *See* Mitchell, *supra* note 39, at 19. "Despair is the fuel for conflict and instability everywhere in the world. Hope and opportunity are essential to peace and stability." *Id.* at 21.

156. *Id.* at 21.

157. MITCHELL, *supra* note 1, at 183.