



# Human Rights as Conflict Resolution in Northern Ireland

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**Following the 1998 peace agreement, Northern Ireland has been promoted as a model for peacemaking. Human rights discourse played a role as a cause and cure of the conflict.**

Since the civil rights movement of the 1960s, the Northern Irish conflict has captivated imaginations far beyond the island. Following the 1998 peace agreement, the region has been internationally promoted as a model for peacemaking. Politicians from the region have shared wisdom of the Northern Ireland peace process in far-flung countries in conflict, including the [Philippines](#), [Sri Lanka](#), [Iraq](#), and [Afghanistan](#). Some of the lessons exported from Northern Ireland's peace process are general prescriptions, such as the necessity of engaging with enemies or the need for multi-party talks to include even the smallest parties. Broader lessons promoted about Northern Ireland's peace process are claims about the role of human rights in conflict resolution. During the peace process, a popular history emerged with rights—political, economic, and human—occupying a central role as a cause and cure of the conflict.

### Human Rights as Political Narrative

The broad outlines of this narrative are: after partition in 1921, the new state in Northern Ireland systematically denied civil and economic rights to Catholics and maintained Protestant dominance. In the late 1960s, when peaceful civil rights demands were met with both loyalist and state violence and state reforms failed, the republican movement was forced into armed struggle. During the conflict, the British state engaged in human rights violations, further

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compromising the legitimacy of UK governance. In the late 1990s, republicans, unionists, and the British state settled the conflict by agreeing to new political institutions that ensured equal rights for all.

However, human rights lessons from Northern Ireland's peace process are not quite as tidy as this narrative suggests. My longstanding ethnographic and historical research in the region suggests caution about the comforting certainties of this causal account. In the 1960s, grassroots advocates protested that nationalists' civil rights were systematically undermined since partition, and throughout the conflict, "first generation" rights to speech and association, or freedom from torture, were violated and remain deeply contentious. At the same time, human rights were absorbed into the conflict, and became another arena for ethno-political contest. In the Good Friday Agreement (GFA), an explicit commitment to human rights was envisioned for the new political arrangements. Yet as the agreement was implemented, rights politics have often been vehicles for the claims of nationalists and unionists, rather than universal human subjects.

### **Ethnopolitics and Human Rights**

Since the GFA, the tendency to argue ethno-political conflicts in terms of human rights has intensified, to the detriment of both wronged parties and broader understandings of human rights. A compelling example of how human rights were an incomplete solution to the conflict emerged early in the post-GFA era, in 2001, when a dispute in Ardoyne, north Belfast, resulted in shocking, violent loyalist protests at the Holy Cross Primary school (a Catholic girls' school). In June 2001, loyalists from the Glenbryn estate began picketing Holy Cross Primary School in nationalist Ardoyne, north Belfast. The school entrance was located just on the Glenbryn side of a famous "peace line." Police in riot gear

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were deployed to protect small girls as they walked to school past lines of enraged adults. The dispute continued for four months, with violent conflicts during the summer break and a resumption of the pickets when the new term began in the autumn. Riots spread throughout north Belfast that autumn and winter, along with attacks on children travelling to other schools.

Families of the distressed children eventually backed an unsuccessful challenge of police conduct under the Police (Northern Ireland) Act 2000, and under Articles 3, 8, 13, and 14 of the European Convention. That case, *P.F. and E.F. v. the United Kingdom (Application no. 28326/09)*, was eventually ruled inadmissible by the European Court of Human Rights. Its long legal journey ended in 2010, when the European declared that, horrific as the protests were, there was no evidence of European convention breach.

The dispute and legal proceedings very nearly derailed the new Human Rights Commission formed under the GFA. In 2002-3, six members resigned or withdrew from the commission, citing multiple reasons related to the commission's lack of authority and resources, its approach to drafting a Bill of Rights, and, most notably, its approach to handling the Holy Cross protests. Although the commission as a whole voted not to become involved, its casework committee committed the commission to supporting the families' lawsuit. Individual commissioners took contradictory public positions and became increasingly divided. Meanwhile, the commission was perceived as part of an ethnopolitical conflict rather than as public advocates for either the protection of vulnerable people or fundamental rights.

The Holy Cross protest was not resolved by human rights institutions or advocacy; some might argue that it has never been resolved. The situation revealed several problematic dimensions of treating human rights as a cure for

conflict. One difficulty is that human rights laws concern the conduct of state actors. Paramilitary organizations, neighborhood associations, and transnational corporations do not sign human rights treaties.

### **Human Rights in the Good Friday Agreement**

Another issue making it difficult for human rights law or advocacy to provide a resolution to conflict was how the GFA itself situates human rights principles in relation to power-sharing as a means to manage conflict. One innovation of the GFA is that it makes human rights central to the settlement, with the entirety of section 6 devoted to “Rights, Safeguards and Equality of Opportunity.”

However, the GFA is more strongly oriented by political scientist Arend Lijphart’s consociational model. This model prescribes the management of conflict through power sharing among parties defined in ethnic or communal terms.

Thus, the GFA situates human rights within a broader logic that privileges collective political rights. This conceptual maneuver mirrors the way political rhetoric and everyday life absorb human rights claims into regional ethnopolitics, rather than creating a transformative alternative to ethnopolitics.

In the Holy Cross conflict, protagonists framed the dispute in terms of collective rights and alleged that these rights were being differentially allocated by the state. Families of the girls argued that the protests subjected them to inhuman and degrading treatment—violations of their human rights. Furthermore, they said, police did not use force to stop the protests because the girls were Catholic, but they would have ended any such protest by nationalists. Loyalists claimed that free assembly was an unconditional right, irrespective of sectarian content or whether violence might be a consequence.

Unfortunately, the kinds of conflicts and challenges for human rights politics raised in the Holy Cross conflict are neither unusual nor uncommon in Northern Ireland. For example, in *Donaldson v. the United Kingdom* (Application no. 56975/09) the European Court of Human Rights refused to hear the complaint of a republican prisoner that his human rights were violated when the prison service did not allow him to wear a lily (a symbol of the republican struggle for a unified Ireland) outside his cell. Disputes over rights to display emblems may appear frivolous outside the region, but they are part of a broader process, in which human rights laws and institutions have been insufficient to resolve the disputes that emerge from Northern Ireland's longstanding political conflict.

### **Enduring Lessons and the Everyday Life of Rights**

In my 2014 monograph, I explore at length how rights politics have often functioned war by other means over time, rather than providing a comprehensive resolution to conflict. I conclude that advocacy such as the lesbian, gay, bisexual, and transgender (LGBT) equality movement have been more transformative in human rights terms than attempts to balance ethno-political rights. This cautionary point about how human rights politics have been received, reinterpreted, and transformed in the Northern Ireland context is not intended to dismiss the peace process' significant achievements, including the profound diminution of political violence, paramilitary demobilizations, and decommissioning.

Nevertheless, the successes of the process also require recognition that throughout the fitful implementation of the GFA, political polarization intensified, past violence and political symbols have been repeatedly contested, and riots surrounding parades and symbolic matters like flags have become dangerous and costly recurrent events, intimating, for some,

a return to conflict. Violence casts a long shadow across the present peace; prosecutions and re-investigations of past [murders](#) and [atrocities](#) continue, recent killings like the murder of [Kevin McQuigan](#) last summer [destabilize](#) power-sharing institutions, and ministers continue to warn of [resurgent paramilitary activity](#) – such as a recent upsurge in bomb attacks.

Understanding the role of human rights in everyday politics in both the past and present is necessary for making nuanced claims for human rights advocacy and law in conflict resolution. Northern Ireland's tremendous reduction in violence must not be dismissed, but it is important to recognize that the settlement also sustains a form of ethno-politics that is not always congruent with the goals of human rights advocacy. As the politics of the conflict continue to structure the settlement, it is fair to ask how transformative human rights politics have been. Such an approach can make us conscious of perilous conditions that constrain the present fragile peace, and highlight achievements that are durable and transferrable for the future.

Image of the “Time for Peace” mural, Whiterock Road, Belfast. Image available under the GNU Free Documentation License via [Wikimedia Commons](#).

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**movements for LGBT equality, and anti-equality movements, within the broader historical context of racialized violence, slavery, and inequality in the American South.**

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