

'You cannot be pro-Agreement and pro-Union'

Lecture delivered to the S.A.S.H group

Shankill Road, 16 August 2021

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Introduction

In this lecture I will seek to argue one core proposition. It is this: *you cannot be pro-Belfast Agreement ('the Agreement') and a Unionist, because the Agreement is designed to end the Union.*

In seeking to persuade you of the correctness of my proposition, I will look at what is known as the 'peace process' in various component parts.

Firstly, I will challenge the very notion of the 'peace process' itself, asking you to consider why peace is entwined with the process (which is the overarching phrase for the outworking of the Agreement).

Secondly, I will invite you to agree with me as to the meaning of a process, and its characteristics.

Thirdly, I will seek to persuade you- assessing it in two parts (practical and legal)- as to what I say is the ultimate end point of the process is; a United Ireland.

At each juncture, I will offer you the opportunity to challenge my arguments and thus defeat my proposition.

The 'process'

The phrase 'peace process' has become part of the linguistic textbook of Northern Ireland post-1998. It has developed almost the status of a holy writ; a sacred cornerstone of all that is good and righteous; that which all those who are to gain societal acceptance must dedicate to.

It is incredible this status has been afforded to a political agreement between fallible human beings (notwithstanding that the hand of history itself reached down and touched Tony Blair and the Belfast Agreement quickly became the 'Good Friday' Agreement, and thus bestowing it with biblical connotations.

This Agreement has been elevated to a moral pedestal, not only placing it beyond criticism, but effectively ensuring it is a hanging offence to dare criticise it. This moral blackmail has been solidified by the manner that the Agreement has been inextricably linked to peace. The subtle message, drilled into societal consciousness for over two decades, is that if you want peace, then you must support the process, which is born from a political agreement.

I want you to think on that for a moment; here is a political agreement, drawn up by politicians. You must support that Agreement and its outworking, otherwise you endanger peace. Take a moment to consider that. How do you feel?

Do you not feel a sense of being blackmailed, of being held at the point of a metaphorical gun? Add into the mix imagining the media, academia and society's self-appointed liberal elite screaming at you and poking you in chest saying 'you will support this Agreement, or you are an awful person. Worse than that you want people to die'.

That is exactly what the unionism has been subjected to, including by proponents of the Agreement from within our own community, for more than two decades. A form of moral blackmail, bullying and coercion.

A political agreement must meet with your endorsement, or you are lesser persons; citizens worthy of condemnation and isolation- how dare you consider a political policy on its merits and form your own conclusion (unless of course you form the conclusion that you have been instructed to form).

The democratic majority in this circumstance does not rule by the free and frank exchange of ideas and debate, but rather those who hold the guns and bombs coerce the majority into- at the very least- by virtue of enforced silence acquiescing to a political process which suits the objectives of nationalist terrorists. And at this juncture let us accept one unimpeachable fact- nationalism did not give up murdering and bombing because they came to a moral decision it was wrong- this is obvious given they continue to glorify their terrorism until this very day- they did so only because they see a better tactical advantage by using the threat of violence to extract political concessions.

I want to convince you that you should, both intellectually and morally, reject the blackmail that tells you that you must support the process, otherwise you do not deserve to leave in peace.

Peace should not be dependent upon a political agreement being implemented; if it is then there is an obvious problem with that because those who would threaten peace have a veto over democracy.

So, as the first stage in the journey I ask you to come on with me to consider whether I can convince you of the rightness of my core proposition, I want you to accept that you have a moral and fundamental human right to consider the Agreement, and the 'process', on its own merits without giving any consideration as to whether your decision as to the merits of the Agreement effects peace or not. To do this is to remove the metaphorical gun being held to your head; to say that you will consider your political decisions by recourse to your own analytical skills and thought process rather than sub-contracting them out to the chorus of coercion being sung by a self-appointed elite- who I like to term 'peace processors' (most of them having made a career out of playing in the Belfast Agreement's coercive choir)- or by being intellectually shackled by the notion that if you oppose the Agreement this means you oppose peace. I say to you that you can be wholly committed to peace, but equally resolutely opposed to the process.

Therefore, I seek to persuade you to separate peace from the process. To render this phrase redundant and to cast it from your considerations. If anyone is not persuaded, now is the time to leap into the fires of intellectual tug-of-war and challenge me on this initial issue I am urging you to accept in favour of my argument. If you can defeat my argument at this point, then you defeat

my proposition. If the notion that peace is dependent upon the process prevails, then the rest of my argument falls.

Questions from the floor

If you remain on this journey, then I am to take it you have accepted my preliminary argument. Therefore, no more will we refer to the 'peace process', but rather just the 'process'.

In order to properly consider the merits of my argument, it is necessary for me to set out in detail what I mean by the process. I can not hope to persuade you to endorse my argument if I do not clearly explain my terminology.

Firstly, we must agree on what a process is. I put it to you that a process has- by its very definition- a beginning and an end. It constantly moves towards the pre-determined end point. This is the dictionary definition of process:

(i) A series of actions or steps taken in order to achieve a particular end.

(ii) A natural series of changes

Therefore, I ask you to accept that a process, to be a process, must have an end point. A process is not wandering around aimlessly; it is rather following a pre-determined trajectory. If you are with me on this, and I respectfully suggest opposing me on this stage of my argument would be to try and fundamentally rewrite what the definition and obvious outworking of a process actually is and would as such require remarkable intellectual dishonesty.

Nevertheless, I am open to be challenged on my assertion. If anyone wishes to take me to task and put a counterargument that would by necessity have to amount to arguing I have fundamentally misunderstood the character and meaning of a process, then now is the opportunity to do so.

Questions from the floor

If we accept the definition and character of a process I have put forward, then the next stage is to determine what the end of the process is. I am going to deal with this in two parts; first I am going to analyse the process by recourse to its demonstrable practical outworking over the past twenty-three years. Secondly, and more succinctly because the answer is patently obvious, I will deal with the process as a legal construct.

The practical outworking of the process

When I refer to the 'process', I refer to the outworking of the Belfast Agreement. This, in its most obvious sense, refers to the political institutions and Stormont Assembly. However, the process is much more than that because the Belfast Agreement also created an ethos, or- as has become fashionable to label it- a 'spirit'.

Let me own up from the outset, I have never managed to summon up the spirit of the Agreement to allow me to consult with it. Therefore, when I hear people talking about the 'spirit' of the Belfast Agreement I- in my view correctly (I think)- view this is a shorthand way of saying '*resolving every*

constructive ambiguity in favour of nationalism'. That is certainly the clear evidence as to what it means when viewed in the context of the last two decades.

That 'spirit' has infected much more than our political institutions. It has spread to academia, media, civic society, policing, culture and our justice system. In all these key arms of society, nationalism now dominates and this is the case primarily thanks to the infectious 'spirit' of the Agreement which has fuelled a process that at its core necessitates that nationalism must be legitimised and amplified, whilst unionism must be de-legitimised and dehumanised.

This is because to keep the process advancing towards its pre-determined end point, it is therefore necessary to remove any obstacles standing in the way of that. Those who are diametrically opposed to the process reaching its end point of a United Ireland are an obstacle, and so that obstacle must be incrementally removed and weakened. Conversely, the side which are to be ultimately victorious- because that is what the process is designed to achieve- must be strengthened.

All of this started in 1998 by the very way the Agreement was sold. To unionism it was sold (deceptively) as a settlement; the closing of the constitutional question dominating our politics. To nationalism, it was a process- a staging post which set forth the pathway to a United Ireland. That had the result of demotivating and depoliticising a generation of unionists, whilst simultaneously energising and politicising a new generation of nationalists. The game was rigged from the start, and we see this imbalance coming to fruition now- not least on social media which in terms of the younger generation is dominated by highly motivated nationalist activists.

So too is this evident in all the key component parts of society. Never was this more evident than in the Sinn Fein orchestrated letters to the Irish Prime Minister over Brexit. Hundreds of persons, labelled by their profession, signed a letter in their professional capacity and self-identified with the political cause of nationalism. This extraordinary event was a very clear and deliberate statement of supremacy within the professional class. Unsurprisingly, this reality went largely unchallenged by the liberal elite establishment, not least the media.

The media is inherently imbalanced in favour of nationalism; this is unsurprising given media is for the most part dominated by nationalists. This dominance is not even subtle or covert; most nationalists in the media will quite happily declare their allegiance, with many journalists quite openly doubling up as nationalist commentators. By comparison, there is shockingly few overt unionists within the media. It is trite to point out that in regards new journalists (as in those who have come into the profession within the last decade) they will mostly come from a generation who have (i) been infected with the coercive chorus of the 'peace process' narrative and therefore will suffer from a de-facto form of Stockholm syndrome arising from two decades of relentless- both overt and subtle- propaganda; and (ii) given the world of social media is dominated by nationalism, if seeking the warm glow of Likes and RTs (which-although not the subject of this lecture- stems from a delusion that fleeting validation on Twitter etc is real) then attacking unionism and self-identifying as a nationalist is a good career start.

That of course also sits alongside those at the lower level of the media chain. I should say there is a clear distinction between such persons, who belong more in the orbit of social media trolling, and credible journalists who work diligently and with professionalism, of which there are many in Northern Ireland (including many who self-declare as nationalists).

However, the focus of my commentary in this instance is those who seek to make a career out of the dehumanisation of PUL communities, including incessantly seeking to stir up intra-community tension with hoax and often maliciously contrived claims, alongside the dissemination of wholly false material, which such persons desperately seek to provide with the appearance of credibility, albeit this usually ends up unsuccessful as outside the often financially generated amplification deceptions (paying for twitter engagement) in the orbit of social media, most people have retained their sense of smell for the distinct aroma of flatulence.

I do not blame the low-level social media 'journalists' who are simply swimming in the sewer to seek to find anything they can polish up to try and enhance their own (lacking) credibility. I blame those within our own community who take advantage of these validation-seeking sewer swimmers- by playing on their thirstless desire for anything with the appearance of demonising PUL communities- to get them to perpetuate lies and deceptions for some individual's own nefarious, and often criminal, agendas.

More concerningly, the legal profession is heavily dominated by nationalist activists- many extremely skilled- who have weaponised the law to advance political goals, often cloaked in rights-based language. This sits alongside a well-resourced and formidable nationalist legacy activist movement which is dedicated and relentless in rewriting the past with the narrative that the State were bad, and republicans were only responding to the actions of the State; it follows with that narrative that nationalists are absolved of their actions, because sure who wouldn't take similar actions faced with such an oppressive State?

This dominance of the legal profession now extends to the very highest echelons of the judiciary. If we are, for arguments sake, to take the underpinning ethos of the Belfast Agreement at its height then it is supposed to ensure a balance in key institutions of the State by reflecting an equilibrium of representation from both majority communities; indeed the Assembly itself is carefully constructed on this basis, with in-built cross community protections (albeit which can be disapplied unilaterally when it suits nationalism, see Section 56A and Schedule 6 of the NI Act 1998).

However, when it comes to the judiciary- which formed part of the criminal justice reforms flowing from the Belfast Agreement (for example, QCs no longer are required to swear an oath of the Queen and the Royal emblems have been largely eradicated from Court buildings ¹), there is not even the appearance of cross community balance, with most judicial positions held by those from the catholic-nationalist community.

There is no positive discrimination (as an aside I find this phrase a *non-sequitur* because it is 'positive' only for the benefactors, and negative for those who lose out despite often being deserving on merits) to remedy this. If the extraordinary imbalance was in the opposite direction, then the process- with reference to the 'spirit' of the Belfast Agreement- would necessitate urgent corrective action.

¹ *In the matter of an Application by Seamus Treacy and Barry Macdonald for Judicial Review* (2000) NIQB 2075

The same trajectory has infected policing since the moment the PSNI was conceived in the womb of political appeasement. By accepting it was necessary to cast aside the RUC to placate nationalists, there was an implied acceptance that nationalism's criticisms of the RUC were well founded and deserved to prevail. This was a grave betrayal of the those who served bravely in the RUC, and the ultimate destruction of the force was not based upon the merits of evidence showing that such a course of action was in fact required, rather it was rooted squarely in the overriding objective of creating a police service that nationalism would provide the seal of approval to. After twenty years of the PSNI I doubt there are many in the broad Protestant, Unionist, Loyalist ('PUL') community who would feel the organisation has been anything other than a two-tiered system which has clung diligently to its founding objective of winning nationalist support. In everything it has done since, this fundamental requirement has acted as an overriding objective.

This is true in the policy direction of the PSNI, alongside its operational decisions. To take one example we have a Paramilitary Crime Task Force ('PCTF') which focuses almost exclusively on loyalists. It is a fallacy to believe that crime is greater in loyalist communities vis-à-vis nationalist communities (PIRA is one of the largest terrorist organisations in the world involved in a wide range of crime, including high-level white-collar crime). Therefore, why is there a specialist unit whose modus operandi appears to be presenting crime as a predominately loyalist problem?

The answer is of course clear. It is multi-faceted, but nevertheless uncomplicated. As set out previously, the process requires the legitimisation of nationalism/republicanism and conversely the delegitimisation of unionism/loyalism. Policing can usefully assist this process purpose by criminalising, and thus dehumanising (often with a broad and wholly contrived brush) PUL communities.

The PSNI, in writing, confirmed to me that the PCTF do not investigate the IRA.² They say that terrorism is a national security issue and therefore this does not fall under the PCTF. This, to be frank, is arrant nonsense. The Terrorism Act does not have a hierarchy of proscribed organisations, nor is there a special category which specifies those which are proscribed and those which are paramilitary. This is a wholly artificial differentiation, and one which quite neatly suits with the political objectives of the PSNI which, as I have argued, were hardwired into the organisation from its inception.

However, you do not need to take my word for it. Here are the words of former PSNI Assistant Chief Constable Alan McQuillan, who went on to become head of the Assets Recovery Agency, as reported in the Belfast Newsletter ³:

"There was a great desire by the British Government to play down these things (republican crime), to not admit that the IRA were still active in crime or active at all. We could only take cases on referral from other law enforcement agencies so they had to give us the cases.

² Freedom of Information request provided to Jamie Bryson (2021)

³ <https://www.newsletter.co.uk/news/probes-ira-assets-were-blocked-peace-process-1271034>

“We got lots of cases of loyalist crime and we were hugely successful against those – to the extent that the unionists began to complain about bias.

“But what we would not be getting were the really hard-core entry into the criminality of republican paramilitaries. I think the decisions were political, not operational. The issue here was the management of the peace process and nothing must be done that would disturb the politics of the situation.”

A criminalised and dehumanised community is a weakened community. Let us pause here and remember my earlier argument: to advance the process, it is necessary to incrementally remove obstacles to its progress.

The same themes I have developed in relation to the media, the legal profession, the justice system and policing can equally be applied to academia, the civil service and almost every statutory body in Northern Ireland. The spirit of the Agreement has infected them all. It has done so with such success that it has almost reduced elections to the point of merely being symbolic. If, as nationalism has realised, you control all the organs of the State and society- media, policing, legal profession and judiciary- then even political power, which usually has merely a temporal term of office of five years, is ultimately powerless to arrest the trajectory which has already been set in motion by infecting the organs of society.

There is further predictably a strong assault on the cultural traditions and institutions of the PUL community. Let us, to take one example, look at the Parades Commission. Consider the years since its inception; has our community gained cultural rights, or lost them?

The answer is clear; the agitation- and in many instances acts of violence- by nationalists were rewarded by increasing restrictions on the Article 10 and Article 11 Convention rights of our community. I need not dilate further beyond reminding you Drumcree is gone, the Crumlin Road is gone, the traditional Whiterock route is gone.

On a yearly basis heavily armed police units are sent- at the behest of nationalist politicians- to eradicate PUL cultural bonfire celebrations. Whatever about the justifiable concerns about some bonfires, is there really anyone in our community content with three nationalist ministers and the PSNI sitting around the table taking decisions ⁴ as to which cultural celebrations should be eradicated, often based on the spurious assessments of politically motivated nationalist Ministers?

The cultural war is raging, and it is patently obvious that all the organs of society (both political and civic) in Northern Ireland have trained their armoury on further assisting the eradication of PUL culture and tradition. If you demolish a community's culture and identity, then you significantly

⁴ A Memorandum of Understanding exists between Department for Infrastructure (SDLP Minister), Department for Justice (Alliance Minister), Department for Communities (SF Minister) and PSNI as to triggering the removal of PUL cultural sites. There is no input from any unionist minister. (The actions of nationalist ministers in bringing legal action in July 2021 at Adam Street, North Belfast, is currently subject to a Judicial Review).

weaken that community. Remember the core point my earlier argument: *the process requires the removal of obstacles which can stand in the way of it (the process) reaching its end point.*

In light of all the foregoing (and I should say, I have only scratched the surface) I say to you that logic must compel you to accept that the practical outworking of the process is purely and exclusively in favour of nationalism. In short, an analysis of the past twenty-three years can lead us to being able to sum up the process in a simple sentence: *unionism must give, and nationalism must get.*

If you accept that analysis, then it follows you accept that the end point of the process must have an outcome favourable to nationalism, and thus conversely detrimental to unionism. However, as ever throughout this journey, I welcome any challenges or counterarguments.

Questions from the floor

The 'process' in law

The Northern Ireland Act 1998, which transported the multi-party political agreement known as the Belfast Agreement and obligations under the British-Irish treaty, into domestic law sets out the end of the process very clearly.

The only end envisaged by the Northern Ireland Act 1998 is a referendum on a United Ireland, and the question being put in perpetuity until the answer is yes. Once the answer is yes and a United Ireland is achieved, then the process provides for nothing else. There are no provisions within any legislation which sets out a way back to the United Kingdom, rather the end point is an affirmative vote on the question of a United Ireland.

Therefore, as a matter of law, the end point set out in the Belfast Agreement, and accordingly the destination point of the process, is strikingly clear. It requires intellectual self-deceit on an industrial scale to close your eyes to that which is plainly obvious as a matter of law. The end point, the place where the process is going, is- as a matter of law- a United Ireland.

The principle of consent argument by pro-agreement Unionists

I pre-emptively deal now with one of the core contentions of unionism's pro-agreement lobby, and it would be an incomplete lecture if I failed to engage with this point.

I do not accept that the principle of consent protects the substance of the Union, I say it is a fig-leaf protecting merely its symbolism. I have developed this in previous lectures analysing what I term the competing 'substance v symbolism' interpretations of the principle of consent, which is given effect by section 1 (1) of the Northern Ireland Act 1998.

In the substance theory, which as it seems to me the core of pro-agreement unionism's belief in 1998, the Union is protected in all its component parts within the ambit of the constitutional protections set out within section 1 (1) of the 1998 Act. In short, you can't change anything that would alter the substance of the Union, until the majority votes for a United Ireland.

In the symbolism theory, which is plainly the one which prevailed practically over the past twenty-three years and recently in the High Court in the first instance decision in the challenge to the Protocol, you can incrementally dismantle the Union *'piece by piece'*, and it is only the severing of the last tie which attracts the constitutional protections in the 1998 Act.

At its simplest form I put it like this: *you can change everything but the last thing*. As with the Protocol, you can repeal the very foundational constitutional stone of the Union- the Act of Union- and you can hand law-making powers to a foreign power (I need not point out, the same powers could equally be handed to Dublin) and you can leave Northern Ireland subjugated in an economic United Ireland. All of this without offending the apparent principle of consent. I argue that principle offers nothing of substance to Unionism because it is merely symbolic.

The Protocol, which is not the subject of this lecture- primarily because the subject needs a focused lecture of its own- welds Northern Ireland to the Irish republic in economic union. And, as is clear from the EU's own model, and indeed the model of the United Kingdom, economic union and political union go hand in hand. That is why it has been necessary to dismantle the economic union of the United Kingdom, by removing the fundamental provision in the Act of Union which underpins the UK internal market to facilitate the subjugation of Northern Ireland into an all-Ireland economic union. Take the time to read the EU's own recent communique on extending grace periods- the purpose, they say, was to facilitate the reorientation of trade; in basic terms, to further orientate NI away from GB and towards Dublin.

I would also urge you to read the July 2021 UK Government command paper, but especially go to paragraph 47. It states clearly that whilst the Protocol makes clear Northern Ireland is part of the United Kingdom internal market, this is not in fact the position in practice. The Government's own paper has this to say:

"47. The Protocol is clear that Northern Ireland is fully part of the United Kingdom's customs territory. But this principle does not apply in practice due to the burdens of paperwork facing all trade moving from GB to Northern Ireland, and due to the absence of entirely tariff-free trade (for example where Northern Ireland traders, uniquely, have been unable to access either the UK's or the EU's Tariff Rate Quotas on products such as steel, and therefore face higher tariffs, because of legislation introduced by the EU after the Protocol was agreed.)"

This is a perfect example of my symbolism not substance theory. Symbolically Northern Ireland is part of the United Kingdom internal market, but in substance this is not the case. *Changing everything but the last thing*.

If we conjure up a metaphorical example. You can go to a house and knock the wall down between it and the neighbouring property, and thus join both properties into one; you can refurbish it entirely internally; you can remove the basic freedoms of the tenet to enjoy their cultural music within their own home and you can paint the exterior green, white and gold. You can even, as a belt and braces exercise, knock down the fence in the garden between the properties delineating the previous boundaries and employ the same gardener to harmonise the lawns into one big garden. However,

so long as you do not formally hand over the deeds of the property, then the tenets have no recourse. This is the process.

I dismiss as sheer folly the claim that the principle of consent is a gain, or any protection for unionism. It is a nonsensical proposition that we should- if we take this theory at its height- be thankful our sovereign government won't (apparently) arbitrarily hand us over to our covetous neighbours; this demonstrates the sheer absurdity of this point.

In equally derisory terms, I dismiss the argument that the Agreement is the best way of maintaining the Union. That resolves itself to this basic proposition: to save the Union for the time being, we must participate in process which requires our acquiescence in the incremental destruction of the Union. Never has the phrase feeding a crocodile hoping it will eat you last been more apt.

Questions from the floor

Conclusion

In conclusion, I say this: The Belfast Agreement breathed into life a process, the fundamental guiding star of which was providing a mandatory pathway to incrementally weakening Northern Ireland's place within the United Kingdom. Essentially when distilled and properly analysed, the position underpinning the Belfast Agreement is that in exchange for nationalism ceasing murdering our community and for Northern Ireland to be symbolically permitted to remain in the Union for the time being, unionism must willingly and with good grace participate in a process which will incrementally dismantle the Union and eventually lead to the formation of a United Ireland.

Firstly, I sought to persuade you that the phrase 'peace process' was an act of moral blackmail, and asked you to agree with me that it should be disregarded, with the implicit acceptance that the threat of violence as a tool of coercion should not be permitted to prevail.

Secondly, I asked you to agree with me that a process by its definition has a pre-determined end point.

Thirdly, in two component parts I sought to persuade you that the process both in its practical and legal outworking, had only a pro-nationalist trajectory with the ending point being a United Ireland. In this, I presented an argument to you that the principle of consent provides no protection at all for the substance of the Union, and in short is in fact a deceptive snare in so far as it's a tool to *change everything but the last thing*.

And so finally we reach the end of our journey together. If I have succeeded in bringing you with me over the three hurdles *supra*, in so far as I have persuaded you as to the merits of my argument and you- applying your own independent thought process- think that it should prevail, then I have discharged the burden of proving the proposition that I undertook to prove at the beginning of this lecture.

If you agree with me that the threat of nationalist violence shouldn't be permitted to hold democracy hostage; and you agree with me that a process must have a defined end point; and you agree with me that the end point, both practically and a matter of law, is a United Ireland; then the conclusion is inevitable.

It follows that if you are a unionist, and acquiesce in the process, then you participate in the destruction of the Union.

As such, you can not be pro-Agreement and pro-Union, because the Agreement is designed to end the Union.

By way of a *coda*, I add this. The process has infected every aspect of society. To try and untangle it thread by thread would in fact only tighten it. Think of it as a knot. The only way to resolve the issue, is to cut the knot down the middle, at which point all its component parts will unravel.

Unionism, as it stands, still retains the power to cut the knot down the middle. If unionism withdraws from the institutions of the Agreement, the Agreement falls. And, by virtue of its own fundamental requirements, for it to survive it requires cross community support. No unionism, no Agreement.

Cut the knot.

Jamie Bryson