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NON-VIOLENT OPPOSITION TO PEACE PROCESSESS: NORTHERN IRELAND'S SERIAL SPOILERS

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Non-violent opposition to peace processes: Northern Ireland's serial spoilers

Abstract: This article argues the crucial stage to the success or failure of a peace agreement is the implementation stage because it is at this stage that the agreement becomes subject to political forces which have not been involved in the negotiation process. It builds on Frensley's research (1998) that the post-negotiation ratification process is a determinant of the success of failure of an agreement by positing a more dynamic theory. It argues that the role of elites in shaping the preferences of their constituency needs to be factored into the analysis of the ratification process and that the position of parties in a democratic framework is important in shaping their strategies. It builds on Stedman's research on spoilers to argue that non-violent democratic spoilers pose a particular difficulty for peace agreements and uses evidence from Northern Ireland to show how non-violent spoilers have been the main determinant for the failure of both the Belfast Agreement of 1998 and the Sunningdale experiment of 1973 – 4.

The successful negotiation of a peace agreement is the result of numerous contingent and structural factors combined with dynamic processes, which first have to convince political actors that they should negotiate with an 'enemy' and then trust them enough to make compromises. Once agreed, a peace agreement is an important juncture in conflictual societies in that it creates political structures which alter dynamics of violence. This structuring of politics is an important part of whether the peace agreement is successful or not in that after a peace agreement all parties, political or otherwise, relate to the agreement in new ways that they did not relate to each other or the pre-existing political structures. Peace agreements are therefore powerful instruments of political change. However, peace agreements have a mixed record of success. Why do peace agreements fail? This article addresses this question by proposing that the crucial stage to the success or failure of a peace agreement is the implementation stage because it is at this stage that dynamic processes of elite-constituency and elite-elite relationships provide support for or opposition to the peace agreement, which affects its ultimate success or failure.

The article is divided into two main parts. The first examines the dynamics of conflict implementation in relation to how a successfully concluded peace agreement can still face difficulties *despite* widespread acceptance among the population for its content. It builds on Frensley's argument (1998) that the post-negotiation ratification process is a determinant of the success of failure of an agreement by positing a dialectical theory. It argues that the role of elites in shaping the preferences of their constituency needs to be factored into this ratification process and spoilers are crucial in these processes. It builds on Stedman's research on spoilers to argue that non-violent democratic spoilers pose a particular difficulty for peace agreements. The second part is empirical and compares two of Northern Ireland's attempted peace agreements, which are similar in terms of content but differ markedly in terms of context. This comparison shows that the failures of these agreements are not necessarily to be found in either their content or context. Instead, both agreements are shown to have been susceptible to the activities of non-violent spoilers and their ability to change the preferences of public opinion through the dynamic ratification process.

The dynamics of peace implementation

It can be argued that there are three stages through which a peace process will progress: the negotiation stage, the implementation stage and the conflict transformation stage. Failure can occur at each stage. At the negotiation stage, failure can occur over content, as the parties involved in the negotiation cannot agree on the content of the agreement. At the implementation stage Stedman identifies a number of key elements of the implementation environment, which can determine the success or failure of an agreement. These include: the number of warring

parties, the absence of an agreement before UN intervention, the likelihood of spoilers, a collapsed State, the number of soldiers, the presence of disposable natural resources, the presence of hostile neighbouring States or networks and whether the conflict was a war of secession (Stedman, 2001: 10 – 11). The third stage is the transformation phase, where an agreement passes the first two hurdles but is unable to bed down because prevailing norms and structures in society prevent it from sufficiently transforming the conflict. Most research has focussed on the content phase, while the transformation stage has been least researched. This is probably due to the lack of empirical examples of conflicts which have progressed through this stage, as Linklider remarked: "*negotiated settlements of identity civil wars are less likely to be stable than military victories*" (1995: 686, emphasis in original). The main concern of this article is with the progression from the first to the second stage. In other words, how is a successfully negotiated peace agreement converted into a stable and successful peace?

Most of the research conducted on peace agreements has looked at the relationship between parties to the agreement, how they analyse the costs and benefits of negotiations and how those incentives can be altered by third parties (Hartzell and Rothchild, 1997; Kubicek, 1997; Rothchild, 1997). However, the politics of implementing peace agreements involve all the relationships between the parties to the *conflict* and not just the relationships between those who conclude the agreement. This factor is particularly neglected in the discussion on the negotiation of power sharing agreements, which have used the idea of elite predominance over their respective communities as an explanatory factor in the successful negotiation of such an agreement (Nordlinger, 1972; O'Leary, 1989). Such predominance usually does not exist but, even if it does, it is easily eroded by the practices of ethnic politics or the second generational problem (Rothchild and Roeder, 2005, 38 and 41 – 2). It is therefore necessary to examine relationships between elites within, as well as across, ethnic blocs *and* the relationship between those elites and their constituencies.

There is increasing attention to the relationship between a negotiator and their negotiating partners on the one hand, and their constituents on the other hand, through the idea of two-level games (Evans, Jacobson and Putnam, 1993; Frensley, 1998; Hazan, 2000; Mor, 1997; Putnam, 1988; Shamir and Shikaki, 2005). Frensley has advanced the most developed theory of this process in relation to ethnic peace negotiations by positing a dynamic group theory of ratification processes. She argues that one of the major difficulties of implementing peace agreements occurs if there is a divergence between the opinions of the parties who negotiated an agreement and public opinion (Frensley, 1998). However, Frensley's approach misses the important dialectical relationship between public opinion and political elites. Her analysis merely compares the opinions of the elites with public opinion but the analysis of this relationship needs to take into how elites can frame, shape and change public opinion. We know that public opinion is susceptible to framing effects (Shamir and Shikaki, 2005) and the utilisation of these frames is important for how political elites gain support. Moreover, the static nature of Frensley's ratification process is counterintuitive. Most accounts of inter-ethnic peace negotiations use agential explanations of a successful agreement and assume that negotiators have an active relationship with their community in so far as they can shape and mould preferences. In order to conclude a peace agreement these elites may have to agree to arrangements which do not find unambiguous or complete support among their constituents. They therefore introduce procedures during negotiations to insulate themselves from challenges based on partial information, such as holding the negotiations in secrect or semi-secrecy, and, after the negotiations, have to 'sell' an agreement to their constituents. In these instances we have to introduce further concepts and theories in order to provide explanations for the success or failure of peace agreements. Spoiler explanations are important here as they credit political actors with agency to create a context where peace agreements fail. Thus, rather than merely comparing the

opinions of elites and constituents, as Frensley does, it is necessary to conduct an analysis of the position, interests and strategies of spoilers in order to ascertain the challenges that pro-settlement elites face in ratifying a peace agreement.

Violent and non-violent spoilers

It is proposed here that non-violent spoilers need to be inserted into the analysis of the success or failure of peace agreements. Stephen Stedman has defined 'spoilers' in peace processes as: "leaders and parties who believe that peace emerging from negotiations threatens their power, worldview, and interests, and use violence to undermine attempts to achieve it" (Stedman, 1997: 5). Stedman devised a typology of spoilers base on their position (inside or outside a peace process), the number of spoilers, the type of spoiler (limited, greedy or total), and the locus of the spoiler (whether it is a leader or followers) (Stedman, 1997) and illustrated the methods which peacemakers have used in order to deal with spoilers. The intention was to enable future peace processes to analyse spoilers carefully and systematically. At the implementation stage, Stedman found that the presence of spoilers and neighbouring states which support them were the most important environmental factors affecting peace implementation (Stedman, 2001, 12).

However, Stedman's definition avoids many difficulties with assessing peace processes. The peace could be an unjust peace, which threatens the rights of an excluded group. It also avoids problems with the legitimacy of the peace which has been concluded; has it been ratified through a democratic process or does it fulfil some normative criteria? Stedman's definition avoids these problems by including violent methods as a key characteristic of spoilers. Violence is seen as an inherently illegitimate method of political protest. However, to fully understand the relationship between political opposition to peace processes and their success or failure, it is necessary to drop this link, as this imposes some very strict limitations on what or who we can think of as spoilers. We can make an important distinction between 'violent spoilers' and 'non-violent spoilers'. 'Non-violent spoilers' do not seem to arise within Stedman's research because of the type of conflicts and peace processes that he has examined. Each of the peace agreements involved 'warring' parties, whereas peace process, such as SAMENI peace processes[1] do not necessarily involve agreements between 'warring' parties. Northern Ireland is a case in point. The 1973 Sunningdale experiment was an agreement between parties who had not fired a shot at each other; the 1985 Anglo-Irish Agreement was an agreement between the British and the Irish Governments, who again had not been fighting. The 1998 Agreement was somewhat different in that it included Sinn Féin, political representative of the Irish Republican Army (IRA), and the Progressive Unionist Party (PUP) and Ulster Democratic Party (UDP), political representatives of the Ulster Volunteer Force (UVF) and the Ulster Defence Association (UDA) respectively. However, these parties were inside the talks as *political parties* which also happened to be political representatives of the paramilitary groups. The paramilitary groups were not inside the talks as the groups themselves. Moreover, they were in the talks by virtue of a popular mandate achieved at an election for the purpose of electing representatives to the talks process. Similar thinking can be seen in both South Africa and the Middle East in so far as democratic legitimacy was the basis for inclusion in peace talks and not the status as combatant.

Violent and non-violent spoilers differ only in their methods and not in their intentions, position, type or locus. Moreover, if we drop the requirement that spoilers are distinguished by their violent *modus operandi*, it is also necessary to drop the normative implications of labelling opposition to peace agreements 'spoilers'. 'Spoilers' are usually considered to be 'bad' or opposed to peace. Not only are they perceived to put their sectional or ethnic interests above the general interest but these interests are also considered to be opportunistic and are exploited to increase the power or prestige of an individual or group. This not only makes value judgements about

opposition to such agreements but also places undue normative pressure on those who reach such agreements. Indeed, it is more realistic to argue that the success or durability of a peace agreement rests on the rational assessment of groups as to the sectional or ethnic benefits that they might bring, rather than on a disinterested appeal to the common good. While peace agreements are frequently discussed and defended on this ground, it is unreasonable and counter to empirical evidence to expect that political actors make their judgement on these grounds.

There is an important interaction between the content of the agreement and the positioning of parties in relation to the agreement. It has been found that the content of peace agreements had a strong effect on the durability of peace in inter-state wars (Fortna, 2003; Werner, 1999; Werner and Yuen, 2005). In ethno-national conflicts the effects of the content of an agreement need to be considered in more detail. Here, a peace agreement can be a crucial juncture in the relations between the competing groups. Patterns of conflict can become path-dependent and an agreement can become an important juncture in breaking those patterns and reconstructing relations between the groups (Ruane and Todd, 2004). The content of an agreement is crucial in obtaining that agreement. Long, sleepless nights searching for the compromise which seals an agreement are characteristic of many peace negotiations. However, it is important to recognise that, providing political leaders do not renege on deals made or the agreement itself, the content of the agreement, by virtue of being agreed, is no longer contentious *between those parties to the agreement*. In the long term it may be that the political institutions which are established by such peace agreements may serve to undermine those agreements (Roeder and Rothchild, 2005) but, in the short term, the important question is how political actors outside the negotiations and public opinion in general respond to the terms and conditions of the agreement?

In terms of the content of peace agreements, 'spoilers' go through the same assessment process as 'peacemakers' but merely arrive at a different conclusion. Therefore, the difference between 'spoilers' and 'peacemakers' is not as far as the original definition would suggest. Moreover, this assessment provides a key element of the appeal of the non-violent spoiler to public opinion. After the Belfast Agreement, for instance, pro- and anti- Agreement Unionists employed primarily *pragmatic* arguments to appeal to Unionist opinion in the referendum campaign (Farrington, 2001) and pragmatic arguments imply a cost / benefit analysis of the peace agreement. These assessment processes are combined with the avenues for political protest within the political institutions of the territory. In certain situations recourse to violence may not be open to those who oppose the peace arrangement. This may be particularly evident in low-intensity conflicts which have maintained democratic institutions and practices throughout the period of violence. Hartzell, Hoddie and Rothchild found that a democratic tradition and a low intensity conflict over a long time frame increased the longevity of a peace agreement (Hartzell, Hoddie and Rothchild, 2001). It is precisely in these circumstances that non-violent spoiling may be a viable political strategy and where the costs of non violent spoiling activities may outweigh the costs of violence. This is crucial, as Jung, Lust-Okar and Shapiro have argued: "In contrast to conventional analyses of SAMENI conflict, we find that successful negotiations do not depend on the nature of the solution. Rather what is vital is that the solution – whatever its form – gains enough legitimacy that potential spoilers decide that challenging it is too costly" (2005: 308). The activities of non-violent spoilers are related to these cost/benefit analyses.

What might these non-violent spoiling activities be? Such activities have to be disruptive to the implementation of the peace agreement and may include:

- Mass demonstrations
- Civil disobedience
- Electoral campaigns

The purpose of such activities is to garner democratic legitimacy for a 'spoiling position' and, in doing so, deny time and space to 'peacemakers' to consolidate the peace agreement. Elections are particularly important for non-violent spoilers because they provide concrete evidence for the legitimacy of the peace agreement. Elections are usually held to be counter-productive for agreements because they offer the possibility of polarising public opinion and therefore undermining support for 'moderate' parties and politicians (Rabushka and Shepsle, 1972: 82 – 86). Again, the assumption is that elections allow the opposition to the peace agreement to mobilise support on an ethnic basis and therefore undermine the stability of the peace. The problem that non-violent spoilers pose is that once this has happened the moral legitimacy of a peace agreement is competing with the democratic legitimacy of an election. In a context which has maintained strong democratic traditions, this is a competition which the peace agreement is bound to lose.

The Northern Ireland case

The Northern Ireland case is particularly interesting in this regard. From the outbreak of the Troubles in the late 1960s to the present day there have been a number of attempts to provide a resolution of the conflict. Table One outlines all the major initiatives and the primary reason for their failure. As we can see, none of the peace agreements passed the spoiler phase and some even failed at the content stage. There has been a large amount of literature written about the major peace initiatives and the two most substantial ones – the Sunningdale experiment of 1973 – 4 and the Belfast Agreement of Good Friday 1998 – have been studied primarily in relation to their content and context. As Stefan Wolff argues: "Both are, in essence, consociational settlements with a strong cross-border dimension . . . . However, there are also significant differences between them, both in terms of content and the circumstances surrounding their negotiation, implementation, and operation. These differences are important since they shed light on why the Sunningdale Agreement [sic] failed whereas the Belfast Agreement seemed to have a reasonable chance of success" (Wolff, 2001: 11). Wolff's assessment of the prospects for the Belfast Agreement is typical of the post-1998 optimism and it is worth revisiting this play-off between content and context as an explanatory factor for the success of a peace agreement in the context of a failing Belfast Agreement. Firstly, both initiatives contain similar content. There may be significant differences but both agreements passed the content test in terms of agreement between political parties. Secondly, both agreements had considerable levels of public support. In 1998 we have clear evidence of support through the referendum which was held after the conclusion of the negotiations. While evidence from 1974 is not as readily available, an opinion poll held in April 1974 showed considerable support for the main elements of agreement (Kerr, 2006, 55 – 8). Yet, despite this public support, both agreements came into trouble. Thirdly, the two agreements appear to offer the perfect case study for testing the importance of difficulties experienced during implementation. Even in the context of the early 1970s when physical conflict was at its highest, Northern Ireland still contained a favourable implementation environment, given Stedman's factors, and, more generally, had a statistically favourable environment for a stable political agreement (Hartzell, Hoddie and Rothchild, 2001). In fact, at any point during the Troubles, the only unfavourable factor that was present in Northern Ireland was the presence of spoilers. Nevertheless, after the 1998 Agreement it was widely considered that this attempt would be successful in a way that Sunningdale was never going to be in 1973 because of the dramatic changes in context. The 1998 Agreement occurred in the context of paramilitary ceasefires, a changed international context, improved British – Irish governmental relations, and a strengthened civil society sector which was receiving important funding from the European Union. Yet, the 1998 Agreement has been only marginal more robust than the 1973 agreement and is currently shelved by the British and Irish governments

The missing explanatory link here is the presence of non-violent spoilers. Each one of the agreements arrived at in Northern Ireland has foundered on the political opposition of a substantial section of Ulster Unionism. However, Northern Ireland's successful spoilers have been non-violent and have used democratic methods to bring down the political structures established under the relevant agreement. Of course, there have also been the more conventional 'violent spoilers', in the form of the IRA and Loyalist paramilitaries. Nevertheless, in none of the three major attempts at a 'peace agreement' did a 'violent spoiler' succeed in disrupting the implementation to such an extent that the agreement was shelved. In each case this has been achieved by the non-violent spoiler. In Stedman's seminal article on spoilers, he argues that peace negotiators need to have a strategy in place to deal with spoilers, which he defines as violent. It will be shown that Northern Ireland's peace negotiators *did* have a strategy to deal with *violent* spoilers but not non-violent ones. Northern Ireland offers an ideal testing ground for how peace agreements affect the strategies of spoilers. It gives an impression of Groundhog Day, with no evidence that the authors learnt from past mistakes, given that on each of the three occasions the opposition was led by or involved *the same spoilers*. Thus, Northern Ireland provides an exemplary case study for the research into the activities of non-violent spoilers.

Why did Sunningdale fail?

The Sunningdale experiment was not a process of negotiations which led to an agreement, although elements of the process resemble this. Indeed, it is only called the 'Sunningdale Agreement' after its peace negotiation phase and it was actually two different agreements predicated on two quite different assumptions. The first agreement occurred in November 1973 and concerned negotiations over the formation of a devolved Executive. This stage involved an agreement between Unionists and Nationalists to share power but this was brokered by the British Government and, in many ways, power sharing was a *fait d'accompli*. In fact, the negotiations which occurred at this stage were more akin to negotiations over a coalition government than a peace agreement; most of the meetings discussed a social and economic programme for the government to conduct.[2] The parties which composed the Executive and were therefore included in the negotiations were chosen beforehand and the process was not an open competition, in so far as the SDLP *had* to be in government (as the sole representatives of Nationalists) and this therefore determined their coalition partners, as there were parties which they would not go into coalition with and which also happened to be the parties which would not enter coalition with them.[3] Power sharing was unpopular enough among political opponents but it could have been claimed, with some justification, that this was just tough; the coalition enjoyed a majority within the Assembly and therefore did not need to resort to anything other than majority rule for legitimacy. More importantly, opposition leaders explicitly told the British Government that they did not want to be involved in these negotiations *because* they were concerned with the formation of the Executive; they did, however, want to be involved in the second stage, which was concerned with constitutional issues.[4] Thus, the second set of negotiations had a rationale which was significantly different than the first. These negotiations were held at the civil service college in Sunningdale, England, between the 6th and 9th of December 1973 and concerned governmental structures and legitimacy issues. It is important to note here that a communiqué and not an agreement emerged from Sunningdale. Therefore there was agreement to an agreement rather than an 'Agreement' itself. The Sunningdale communiqué proposed a Council of Ireland, addressed the legitimacy of Northern Ireland and possible change in its constitutional position, and law and order issues, primarily extradition and policing.

The Executive took office following the Sunningdale conference on 1st January 1974 and the civil servants from Britain, Northern Ireland and the Republic of Ireland began to work on the issues which had been agreed in principle in the communiqué, such as the precise nature of the Council

of Ireland and how to operationalise law reform. The intention was to hold a second ratification conference very quickly; the Irish Minister for Foreign Affairs was pressing for the 8th February.[5] Unfortunately, the agreements began to unravel rapidly. In January, the legitimacy of the communiqué was contested in the Irish Supreme Court by a former Fianna Fail minister, Kevin Boland, and the coalition government's defence unintentionally completely undermined the reassurances which Unionists had taken from the government's commitment in the communiqué.[6] It was to be March before the Irish Taoiseach was able to reaffirm the commitment (Bew and Gillespie, 1993: 81). The Executive was then dealt a more substantial blow in February when the British Government called a general election. This was at the worst possible time for the Executive. It had been unable to make any real political impact because it had been in office for just over a month but more importantly, the Chief Minister, Brian Faulkner had resigned from the Ulster Unionist Party in early January after the governing body of the party had voted against the Sunningdale communiqué. He had not had enough time to organise a new party (which he was to do in April) and therefore was unable to effectively challenge the opponents of the whole package. The result of the election was an overwhelming victory for the political opponents of the package, which gave their position political legitimacy at a crucial time. It was to be another two months after the elections that the political opposition embarked on the final stage in the collapse of the experiment, although it was initially an extra-parliamentary body which took action. On 14th May the Assembly eventually voted on, and defeated, a motion which had first been tabled in March to reject the Sunningdale communiqué. This vote should have been a signal to proceed with ratification but was instead the signal for the Ulster Workers' Council to start a general strike which was to last two weeks and was to bring Northern Ireland, the Executive and the Sunningdale experiment, to a grinding halt.

The events of 1973 and 1974 have been explained in various different ways but can be classified into three different types of explanations:

- Contingent factor explanation: Various unforeseen events occurred, such as the Boland case, the February election, or the change in British Government, which undermined the experiment.
- Issue explanation: the Council of Ireland agreed at Sunningdale was too much for Unionists to buy; the issue of the status of Northern Ireland was not resolved adequately.
- Alternative interpretation explanation: the parties interpreted the Agreement differently and this meant it was no agreement and its collapse was inevitable when the parties attempted to sell it to their constituents.

These are explanations which are based on a reading of the play-off between content or context. However, they are also based on the same empirical observation that the opposition to Sunningdale led to its failure but these explanations do not adequately explain how this opposition related to the agreement and brought about its collapse. Of course, it is easy in hindsight to identify factors that led to its failure but what opposition did the negotiators envisage? Let us look more closely at the type of opposition which the Sunningdale experiment envisaged that it would encounter and how it planned to confront it.

The Provisional IRA: Most peace agreements in Northern Ireland have been explicitly about confronting and undermining the Provisional IRA. The Sunningdale experiment had five main ways in which it was going to deal with the IRA. The first way was SDLP participation in government; the second was the Council of Ireland; the third was changes to the police service; the fourth was changes to extradition procedures and an attempt to police the border more effectively; the fifth was the assumption of a continuing campaign by the British military. Indeed, the rationale for changing the governmental structures in order to incorporate Nationalists in government was explicitly about challenging the rationale for IRA violence. Therefore, there was a combination of political and military strategies to combat IRA violence.

Loyalist paramilitaries: There seemed to be no real consideration of the position of Loyalist paramilitaries. This is another common aspect to most peace agreements in Northern Ireland. However, this may not be a serious problem as Loyalist violence has been primarily reactionary, and has been articulated as such. Therefore, the thinking was that by ending Republican violence, the rationale for Loyalist violence would disappear and the violence would end as well. There was also the assumption of a continuing British campaign.

Republicans in the Republic of Ireland: This group was a non-violent spoiler but were carefully considered in the drafting of the declaration by the Irish government on the status of Northern Ireland. This was a justified consideration as they (through Kevin Boland) challenged the legitimacy of the communiqué through the Irish courts. As was noted above, this was a successful defence but had unforeseen negative consequences.

However, the one group which was not thought about in any consistent fashion was potential anti-Sunningdale non-violent Unionists. Indeed, each of the explanations above rests on the assumption that this opposition to Sunningdale was fixed and impossible to confront, outwit or defeat in the short term. This assumption may be true but it is obvious from the contemporary record that no attempt was made to think strategically about this opposition in advance. Where there is any thinking about the medium term survival of the Executive and the Agreement this is wishful, rather than strategic, thinking. Many participants expressed the opinion that, given time, the power-sharing Executive and the Council of Ireland (considered the most contentious aspects of the package) would show themselves to work and to be less threatening than initially thought (see, for example, Devlin, 1993, 252; McIvor, 1998, 121). There seems to be very little evidence (theoretic or empirical) to confirm or dispel this 'bedding-in' thesis and this is precisely the point: the long-term future of the whole package rested on mere speculation as to the potential changes in public opinion. The implication of this argument for tackling opposition to the package is this: ignore the opposition because in x amount of time it will have inevitably diminished. This argument seems to have driven the (lack of) strategy towards potential opposition.

Why is the Belfast Agreement failing?

Twenty three years after the Sunningdale conference another round of all-party negotiations began. This process is more complicated than the Sunningdale negotiations because these negotiations occurred *after* peace negotiations. Peace negotiations, or negotiations with the expressed intention of bringing about an end to violence, occurred somewhere between 1988 and 1993, between the British Government and the IRA, the Irish Government and the IRA and the SDLP and Sinn Féin. The content of these agreements was contained in the Downing Street Declaration of December 1993, which was a joint declaration made by the British and Irish Governments. This declaration addressed issues and ideas concerning the relationship between Republican ideology and the status and position of Northern Ireland but was made in the context of a changing international system and a military stalemate. This process culminated in the 1994 IRA ceasefire but was then followed by negotiations between political parties in Northern Ireland on political institutions and political issues. These negotiations led to the Belfast Agreement of Good Friday 1998.

The Belfast Agreement of 1998 has not collapsed with the same drama as Sunningdale but has experienced more of a slow death. At the time of writing it seems as if it has been shelved for the medium term. Unlike the Sunningdale experiment, the Belfast Agreement did have time to bed itself in. The proposed constitutional changes in Britain and Ireland occurred quickly, the

Assembly and Executive was established in shadow form within three months of the Agreement, the other political institutions such as the North/South Ministerial Council, North-South bodies, the British Irish Council, the Northern Ireland Human Rights Commission, the Northern Ireland Equality Commission and the Patten Commission on Policing were all established on schedule. The problems occurred over the decommissioning of paramilitary weapons. Pro-Agreement Unionists did not want to form an Executive until there had been an indication of IRA good faith through decommissioning, which was supposed to be completed by May 2000, although there was no indication of a starting date. Decommissioning was finally completed in September 2005. The Assembly was suspended on four occasions as Unionists initially refused to form an Executive, then formed one on the understanding decommissioning would follow, then the Executive was suspended again after there was no decommissioning and then reinstated when a first act occurred in October 2001. However, elections in 2003 brought defeat for pro-Agreement Unionists and no deal has been reached between the anti-Agreement DUP and the political representatives of the IRA, Sinn Féin. Combined with these political difficulties, Northern Ireland has experienced increasing interface violence and disputes over parades.

There have been fewer explanations for the crises over the Agreement than there have been to explain the collapse of Sunningdale, perhaps because the 1998 Agreement has been troubled in more ambiguous ways. Nevertheless, we can see a number of similar types of explanation:

- Issue explanation: issues such as decommissioning or prisoner releases undermined confidence in the agreement.
- Alternative interpretation explanation: Unionists interpreted the Agreement as a final settlement, whereas Republicans interpreted it as a stepping stone to unity and these two incompatible interpretations undermined the Agreement.
- The polarisation explanation: The Agreement seemed to reward political extremism and therefore people voted for Sinn Féin and the DUP, which could not work together.

Again, these explanations can all be examined in relation to the opposition to the Agreement and the role of spoilers. What strategies against potential spoilers were used in order to buttress the 1998 Agreement?

Provisional IRA: The Provisional IRA was a limited spoiler of the 1998 Agreement in that it was less than forthcoming with its commitments on decommissioning, which precipitated the crises of the Assembly. However, this was seen as tolerable given the type of spoiling which it could have engaged in if it so desired. The spoiling potential of the IRA was further eroded given the position of its political wing within the talks process and the considerable international political capital which Sinn Féin had accrued as a result of this position. This was particularly evident in March 2005 when Sinn Féin were excluded from the most powerful circles in America during the annual St Patrick's Day celebrations, thus sending an important signal to the IRA that it could no longer sustain a position of limited spoiling.

Republican dissidents: Republican dissidents were the only grouping in Northern Ireland who could be classified as unambiguous spoilers in so far as they wanted the Agreement to fail because they regarded it as a sell-out and they were willing to use violence to achieve that aim. The main strategy that was used in order to counter-act this threat was leniency towards the limited spoiling activities of the Provisional IRA in order to prevent a dangerous split. However, Republican dissidents effectively ended any possibility of successfully spoiling the Agreement when they committed the worst atrocity of the Troubles in August 1998 when they killed 29 people at Omagh. The public outrage at the bombing and the international condemnation was enough to force the dissidents to publicly recant and call a ceasefire. Since Omagh, the activities of dissidents have been curtailed and hampered by effective co-operation between the police forces in Northern Ireland and in the Republic of Ireland.

Loyalist paramilitaries: Again, the spoiling potential of loyalist paramilitaries was eroded through the inclusion of the PUP and UDP in the talks process. They were further induced to embrace the peace process by the various provisions relating to prisoner releases and a high profile visit by the Secretary of State, Mo Mowlam, to Loyalist prisoners in the Maze to convince them to remain inside the process. Since the Agreement, however, Loyalist paramilitaries have been the most active violent actors but their activities have not been spoiling ones. Indeed, Loyalist violence of the summer of 2005 should be interpreted not as an attempt to destroy the peace process but as a call for a more equal position within it.

However, as with 1973, the group that was not thought about was the anti-Agreement non-violent Unionists. The authors of the 1998 Agreement had the same assumptions about the nature of the opposition and how it would be outmanoeuvred: the 'bedding in' thesis again dominated the thinking of those who concluded an agreement.

The barriers to non-violent spoiling / What do non-violent spoilers have to do?

It is important for peacemakers to understand the barriers which prevent effective spoiling and the strategies which have been used to overcome those barriers. There can be institutional barriers and public opinion barriers.

The 1973 arrangements and the 1998 arrangements both had the same institutional weakness in terms of spoiling activities: in a compulsory coalition, the collapse of the government also means the collapse of the constitution.[7] If one 'side' does not want to form a government or participate in government structures, then forming a government is impossible and the agreement collapses. In 1974 anti-Sunningdale Unionists were able to force Faulkner and his pro-Sunningdale Unionists to resign (and therefore bring about the collapse of the Executive) quickly, but through extra-parliamentary means. It is possible that Faulkner could have weathered the parliamentary opposition but in the event that this had happened, the likely result would have been collapse at the next election, scheduled for 1977, if anti-Agreement Unionists had held a similar level of support as they had in February 1974. In 1998 anti-Agreement Unionists had to play this waiting game, as the context in which this opposition occurred was not amenable to extra-parliamentary action. Indeed, the 1998 arrangements posed more difficulties for spoiling strategy than those of 1973. As we shall see later, the 1973 arrangements made strategy simple for spoiling – opposition was the only sensible position and this could be achieved unambiguously. In 1998, anti-Agreement Unionists had to choose whether they should participate in the Executive, the North/South Ministerial Council (N/SMC) and the Assembly committees and what position they should take in relation to Assembly debates and ministers from the pro-Agreement parties. The DUP decided to participate, although they refused to attend meetings of the Executive and the N/SMC, and acted as an opposition in the Assembly to pro-Agreement ministers. The UKUP split over the issue of participation in committees, demonstrating the difficult strategic decisions that they faced. Thus, the institutions pulled the opposition into the system in a way which the 1973 institutions did not. This was understood by a key civil servant in the NIO in the early 1970s who suggested that the Executive should declare that there were 'vacant seats at the table' for the anti-Agreement Unionists for presentation reasons, if nothing else.[8] However, the limits to such institutional arrangements are obvious from 2003, where the strategy of anti-Agreement Unionists was made easier in so far as it was endorsed by the electorate and they were returned with a sizeable mandate, thus giving them a veto over Executive formation.

Thus, the second barrier to non-violent spoiling is public opinion. Non-violent spoilers *have* to reply on public opinion, in a way that violent spoilers do not have to. In our two cases here

public opinion had to be changed by the spoilers, as it was supportive of an agreement. This change can occur quite quickly. An opinion poll taken between the 30th March and the 7th April 1974 (just over a month before the Ulster Workers' Council Strike) demonstrated that the picture which was given by the results of the February election and the subsequent strike was ambiguous. Although only a quarter of Protestants thought the Council of Ireland was a good idea in principle, there was widespread support for power sharing in general and the Executive in particular. 59% of Protestants though the Executive should be given a chance to govern (24% disagreeing) and 64% of Protestants approved of power sharing (only 22% disapproving) (Kerr, 2006, 55 – 8). These figures obviously left the opposition to Sunningdale with much work to do to bring about the collapse of the Executive. A similar scenario can be seen with the Belfast Agreement of 1998. The parties to this agreement were in a more privileged position than their counterparts (or in some instances themselves) in 1973. During the negotiations the Joseph Rowntree Trust funded a number of public opinion polls to aid in the negotiations. These opinion polls were written by all the parties through an intermediary (Irwin, 2002). They were therefore not going into the implementation phase blind, they knew there was support among their constituency for the proposals which they had signed up to. The corollary of this is that potential spoilers also knew that there was diminished support for their position. This is a crucial difficulty because support for the important elements of the Belfast Agreement – power sharing and an Irish dimension – is sustained throughout the difficulties of implementation (MacGinty, 2004). *Figure One* demonstrates that support for the Agreement, and shows that among Protestants there was an initial drop but has remained steady.

Given this position of disadvantage, how did the spoilers bring about a situation where they were supported by public opinion? This is difficult to answer and any answer should begin with the substantial caveat that they were supported by a significant *section* of public opinion, which was by no means even a majority. In 1973, they were able to change public opinion through a general strike, which, by the second week, was able to control access to key services, goods and provisions. However, it would not have been successful if two factors had not been present. First, the reluctance of the Labour Government to use the military to break the strike is of considerable importance. There is evidence that the Labour Government did not want to be seen as 'strike breakers' but also that the UWC were expecting military action and were surprised when this did not materialise. Secondly, the strike would not have been successful if it had not had public support. Further attempts to replicate the UWC success failed because these two factors were not replicated.

In 1998 the non-violent spoilers were assisted by a number of important factors. Firstly, the IRA was reticent over decommissioning (making it a limited spoiler) which undermined the position of David Trimble within Unionism, who had made his acceptance of the Agreement conditional on decommissioning occurring quickly. Secondly, the democratic infrastructure of Northern Ireland offered multiple opportunities *after* the initial referendum and election in 1998 to gather support for a spoiling position. There were elections in 1999, 2001, 2003, 2004 and 2005. The DUP used these opportunities to gradually increase their support at each election (as shown in *Figure Two*) and it did so by positioning itself to attract as many voters as possible. This involved adopting a position of qualified opposition. Pro-Agreement Unionists were unable to counter this effectively because they were unsure of the optimal position that they should take in defence. When the DUP had gathered enough support to be in a position to completely spoil the Agreement (as it was after the 2003 election), it was able to drop the qualified nature of its opposition (Farrington, 2006).

The strategy of exclusion

The exclusion of parties from negotiations which have the potential to obstruct or destroy the process has been the persistent 'strategy' of governments and negotiating parties in Northern Ireland. The contemporary record from both 1973 and 1998 shows that the exclusion of 'obstructionist' parties from the negotiations was a strategy which was pursued with the express intention of overcoming the 'content' hurdle. British Prime Minister Heath told the Irish Taoiseach in 1973 that "if the Conference was held before the Executive it would be necessary to invite leaders of all Parties and this would include Paisley and Craig. With these two at a conference table, all hope of a sensible solution would be gone."[9] In his memoirs on the negotiation of the Belfast Agreement, the chairman George Mitchell remarked: 'Reaching agreement without their [DUP and UKUP] presence was extremely difficult; it would have been impossible with them in the room' (Mitchell, 1999, 110). Therefore, negotiators have taken the football cliché 'one game at a time' as a strategy for peace processes. This has been a serious error.

It also has a record of complete failure. There is evidence there were qualms about the exclusion from negotiations of elected parties which did not utilise violence.[10] However, it has been justified on the grounds that exclusion should be seen to be self-imposed: if the parties do not want to be a part of the process, then they should not be able to complain afterwards. However, the difference between self- and outside- imposed exclusion is of little practical difference. Exclusion only offers one position for those outside the agreement to take: opposition. As non-violent spoilers have to rely on democratic processes, to take a position of support or qualified support would be electorally stupid; it would not offer any advantage as they could not claim any credit and there would be insufficient policy space between them and the successful negotiator. Let us be more specific about this: exclusion *determines* that non-violent opposition to the peace agreement will occur because it offers no other options for pre-existing political parties seeking to maximise their public support. Therefore the only option is a position of total opposition (as in 1973) or qualified opposition presented as total opposition (as in 1998). Moreover, as these non-violent spoilers use democratic methods, opposition carries great rewards and few costs.

If exclusion leads automatically to opposition, then inclusion produces rather more ambiguous results. There have been three cases where those parties which have a record of opposing peace agreements have been included in discussions or negotiations on the political future of Northern Ireland. The first occurred after the collapse of the Sunningdale experiment, the second occurred during the Brooke and Mayhew talks of 1992 – 3 and the third was after the 2003 Assembly elections. Critics will point to another record of failure. However, a more careful reading indicates that on all three of these occasions, inclusion produced moderation and constructive proposals. After the collapse of the Executive in 1974, Ian Paisley met the Secretary of State. The British account of these meeting, which described Paisley as in "boisterous good spirits", recorded Paisley as remarking:

> that the term "power-sharing" was too closely linked with the Constitution Act of 1973 to have any continuing validity now that the Act was dead. But power-sharing as a concept was perfectly possible, though not with Republicans who favoured a United Ireland. Developing this thought at later stages in the conversation Dr Paisley said that it was possible to have minority participation through a democratic parliamentary framework which would take account of the special situation in Northern Ireland. It would be like the Dutch system. There could be a system of powerful committee which would initiate legislation and some of whose Chairman could be drawn from opposition parties. This could lead to a sense of Community responsibility. But, he repeated, the involvement of the minority must be in this strengthened parliamentary framework and

> not in the Executive or Government. The Catholics, he said, had no right to rule the country; they were only a minority. He contested the view that they had suffered any real discrimination in the past.[11]

This passage is quoted at length for several reasons. Firstly, this is the first indication of moderation on these issues which Paisley displayed. There is no other evidence of public or private countenance of minority participation in *any* kind of governmental structure prior to this. It is not insignificant that this occurs at a time when Paisley is being seriously involved in discussions on future political arrangements. Secondly, this suggestion becomes the standard DUP proposal on devolved structures for Northern Ireland and, again, it is not insignificant that it only emerges at times when the DUP are being asked for proposals for an agreement. It emerges in 1993 as part of their proposals to the Brooke – Mayhew talks (DUP, 1992). It also emerges in 2004 as part of their *Devolution Now* proposals (DUP, 2004).

It is obvious that the British and Irish Governments have prioritised agreements on content on the basis that this is the most difficult stage of a peace process. However, there is enough evidence to suggest that appreciating the options and strategies of those parties which they consider most likely to obstruct that agreement could lead to more imaginative solutions than simply exclusion. Unfortunately, we have no empirical examples of an agreement of content which has included these types of political parties.

Conclusion

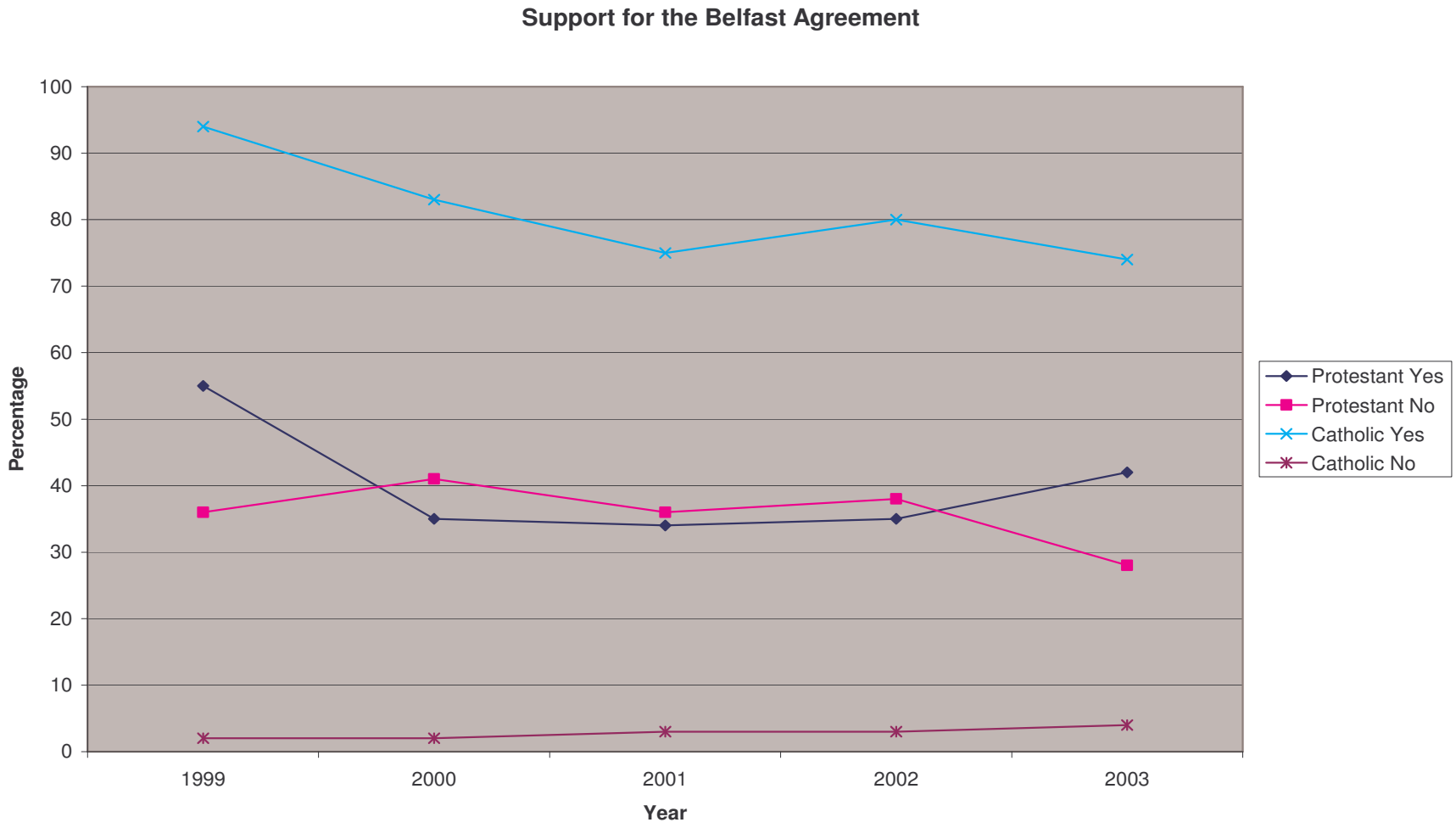
What can we conclude about Northern Ireland's experiences of peace and negotiation processes and its experiences with spoilers? It is evident that the parties to each agreement had a strategy to deal with violence and thus, by extension, violent spoilers. These strategies were less Machiavellian than Stedman's proposals in that they usually involved undermining the rationale and ideology of those groups who were using violence by addressing the perceived causes of violence. By and large these strategies have remained untested because a more serious problem for Northern Ireland's peace agreements has been the presence of spoilers who have used the democratic process instead of violence. The democratic infrastructure, including continued government, elections, a vibrant local media etc., of Northern Ireland has been important in creating the opportunities for non-violent spoilers and the strategies of those concluding peace agreements have also encouraged their activities. It is more difficult to delegitimise such spoilers and most of Northern Ireland's peace agreements have failed because of their presence and success.

Northern Ireland can provide some lessons on how *not* to deal with this particular type of opposition to a peace agreement. The decision to adopt a non-violent spoiling position is not solely due to content of the peace agreement. Non-violent spoilers may choose to mobilise around aspects of the content but there are more important institutional factors in play which affect spoiling strategy. In particular, the exclusion of potential non-violent spoilers from negotiations on the basis that reaching agreement on content would be more difficult is a strategy which needs to be followed in full knowledge of the position in which this places those potential spoilers. It means that those outside the negotiating process have no interest in maintaining the durability or credibility of the peace agreement. They also need to compete for public legitimacy and cannot therefore realistically support the agreement and have to mobilise against it. This brings difficulties for the agreement which need not necessarily occur. The alternative strategy is to find a method by which these potential spoilers agree to the content of the agreement and have a vested interest in its survival. Such an agreement is likely to be more robust.

Table One: Political Initiatives in Northern Ireland

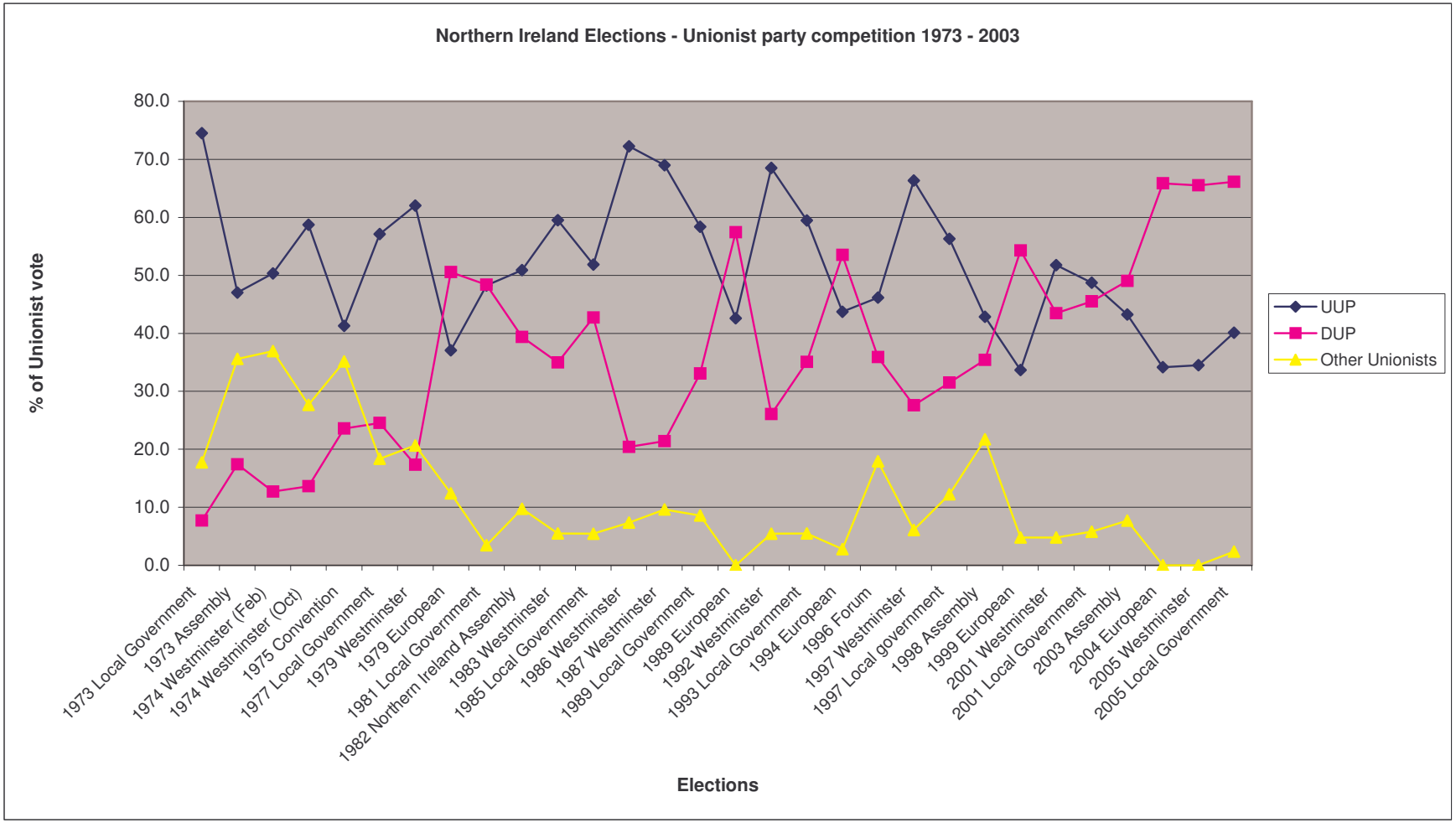
Initiative	Years	Parties	Type of initiative	Content	Reason for collapse
Sunningdale	1973 – 4	Ulster Unionists SDLP APNI British Government Irish Government	Negotiation	Power sharing Irish dimension Law and order Recognition	Spoiler
Constitutional Convention	1975	Northern Ireland parties	Public deliberative forum		Content
Rolling Devolution	1982 – 6	Northern Ireland parties except SDLP	Gradualist power sharing initiative through elected forum	Power sharing devolution	Spoiler
Anglo-Irish Agreement	1985	British Government Irish Government	Inter-governmental	Change and formalisation of relationships between the British and Irish governments	Spoiler
Brooke-Mayhew Talks	1992 – 3	Northern Ireland parties British Government Irish Government	Negotiation	Power sharing Irish dimension Inter-governmental dimension	Content
All-party talks	1996 - 8	Northern Ireland parties except DUP, UKUP British Government Irish Government	Negotiation	Power-sharing Irish dimension East – West dimension Equality and human rights provisions Reform of police	Spoiler

Figure One: Support for the Belfast Agreement of 1998



Source: Derived from Northern Ireland Life and Times Survey, www.ark.ac.uk

Figure Two: Unionist Party competition



Source: Derived from data at www.ark.ac.uk/elections

[1] SAMENI is a term coined by Lung, Lust-Okar and Shapiro (2005) to describe conflict resolution processes in South Africa, the Middle East and Northern Ireland.
[2] See documents in National Archives (UK) CJ4/331 and CJ4/332.
[3] The UUP had an ambiguous manifesto position, which stated that "Unionists are not prepared to participate in government with those whose *primary* objective is to break the Union with Great Britain." (My emphasis) (UUP, 1973)
[4] Note of a meeting between the Secretary of State and Mr Craig, Dr Paisley and Mr West 7th November 1973. National Archives (UK) CJ4/520.
[5] Record of a conversation between the Secretary of State for Northern Ireland and Dr Garret FitzGerald, Foreign Minister of the Republic of Ireland 17th January 1974. National Archives (UK), CJ4/511.
[6] This was confirmed by Irish Government participants in the Sunningdale negotiations at a witness seminar in University College Dublin, 7th September 2005.
[7] This was pointed out by Ken Bloomfield in an interview on 22nd November 2005.
[8] Interview with Ken Bloomfield 22nd September 2005.
[9] Note of a meeting between the British Prime Minister and the Irish Taoiseach, Casement Airport, 17th September 1973. Garret FitzGerald papers, University College Dublin Archives.
[10] Note of meeting between Secretary of State, the Ulster Unionist Party, the Social Democratic and Labour Party and the Alliance Party, 21st November 1973, National Archives (UK) CJ4/488.
[11] Record of a conversation between the Secretary of State and the Rev Dr Ian Paisley on Wednesday 3rd July 1974. National Archives (UK) CJ4/520.

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