

Northern Ireland and Israel-Palestine: Spoilers and the Politics of Inclusion

A comparative analysis of peace processes

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Abstract

This paper examines the extent to which lessons from the Northern Ireland peace process can be applied to Israel-Palestine. It argues that one of the principle reasons for the Northern Ireland peace process was the decision taken by the British government, in partnership with the Republic of Ireland, to include militant groups in negotiations, on the condition of ceasefire and the adoption of the Mitchell Principles. While noting that there are many unique structural aspects of the Northern Ireland case it is argued that the adoption of a similarly inclusive process may reignite the peace process in the Middle East. The analysis is organised through the framework of 'spoilers' and the extent to which the concept is useful in understanding the dynamics of peace processes.

Keywords: Northern Ireland – Israel-Palestine – Spoilers – Peace Processes – Inclusion

It is an observable phenomenon in Northern Ireland, and elsewhere, that tension and violence tend to rise when compromise is in the air.
Bertie Ahern, former Irish Taoiseach, 1998¹

If we stop military operations today, how will the [Palestinian] Authority exercise pressure on Israel so that it would abide by what it is required to do? In Cairo [in the lead up to the 1996 elections], when the Authority asked us to stop military activity we told them: okay, now you are negotiating with the enemy, what [leverage] will you have to force Israel to give you statehood and abide by its commitments...? ...When you negotiate for the final settlement, what cards will you have? If you stop resistance, there will be no pressure on Israel, and Israel without pressure does not give.
Mish'al, Hamas, 2002²

We want peace, but not at the price of our security.
Benjamin Netanyahu³

The above quotations from three key actors in the conflicts of Northern Ireland and Israel-Palestine highlight the dialectic inherent in any attempt to establish peace in societies engaged in protracted conflict. That is to say, attempts to establish peace often paradoxically create new opportunities for violence. Particularly in asymmetric conflicts

¹ Quoted in Darby & Mac Ginty (2000, 230).

² Quoted in Gunning (2007a, 203).

³ Quoted in The Jerusalem Post, 19 April 2010.

like Northern Ireland and Israel-Palestine, violence may be understood as a source of leverage by violent non-state actors and justification for opprobrium and disengagement by those in power during peace negotiations. Therefore, the effective management of violence 'when compromise is in the air' may be considered a central component of any successful peace process; the management of spoilers and the use of violence in the Northern Ireland and Israel-Palestine peace processes will be the primary focus of this study.

The use of the Northern Ireland peace process as a model for conflict resolution, and particularly its relevance to the Middle East, is questioned by some (see, Trimble 2007; Bew & Frampton 2008). Nonetheless, this paper will argue that two relevant lessons may be drawn from the peace process in Northern Ireland. First, the case of Northern Ireland illustrates the importance of creating an inclusive peace process. Mac Ginty (2006, 153) notes that the inclusion of paramilitaries in negotiations, the so-called powerful veto-holders of the conflict, was an important contributory factor that led to the success of the Good Friday Agreement, a factor that had been absent from previous peace initiatives. Similarly, Darby (2001, 188) has argued that while it is impossible to include all factions in a peace process, success is impossible unless those with the power to bring down the process with violence are actively included. Therefore, it will be argued that if a peace agreement is to be successfully implemented in Israel-Palestine, then powerful veto-holders, specifically Harakah al-Muqawamah al Islamiyyah (Hamas), need to be included in the process (see also Milton-Edwards & Crooke 2004). Secondly, Darby and Mac Ginty (2000, 8) have identified the importance of addressing the 'central issues in dispute' of any conflict as a core requirement for the successful navigation of a peace process. As will be shown below, both in the case of Northern Ireland and Israel-Palestine, 'spoiler' violence has prevented these core issues from being addressed. By exploring the specific experience of the Northern Ireland peace process, the extent to which a robust framework to manage violence during negotiations can be recreated in Israel-Palestine will be examined.

Stedman's (1997) definition and typology of spoilers will be used as a starting point for this analysis. In his seminal work on the subject, Stedman defined spoilers 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' (1997, 5). As actors differ in their goals and commitment to advance or act against the peace process, Stedman created a typology of limited, greedy and total spoilers (1997, 10). In creating such a typology, Stedman aimed to enable external 'custodians of peace' to adopt suitable strategies to minimise the threat of spoilers, advocating policies of inducement, socialisation and coercion according to type (1997, 12). Stedman's typology has been criticised for being insufficiently capable of identifying 'the spoiler type ex ante' (Zahar 2008, 160) and for failing to be sufficiently flexible to facilitate the fact that actors may move from a total to a limited spoiler as the process develops (Darby 2001, 47).

However, another potential limitation to the concept of spoilers is the very pejorative connotations implicit in the verb 'to spoil'. It will be argued, like Newman and Richmond (2006), that because of these negative connotations, certain normative values are implicit in the application of the label 'spoiler'. This normative element may point to some limitations in its usefulness as an analytical framework for understanding the dynamics of peace processes. The action of labelling a group a spoiler, may at times be a political act, rather than an impartial exercise, that uncritically lays the blame for the failures of a peace process at the door of the spoiler and leaves the potential limitations of the process unexamined (Gunning 2007b, 125). Arguably, one of the successes of the Northern Ireland peace process was to

challenge the uncritical application of the term 'spoilers' to militants through the requirement of adherence to the Mitchell Principles. The Principles demanded peaceful pursuit of political objectives as a prerequisite for inclusion in talks; thus creating a normative framework acceptable to all parties for the expression of political voices during the peace process. The extent to which this may be recreated in Israel-Palestine will be examined.

The paper will begin by briefly outlining the history of each conflict. Parallels will be drawn between each region, paying particular attention to elements that facilitate the creation of an inclusive peace process, in order to establish the extent to which lessons from one peace process may be extrapolated to the other. The analysis will conclude by arguing that, notwithstanding the significant differences between the case of Northern Ireland and the Middle East, if the international community is serious about re-igniting the Israel-Palestine peace process a framework for managing spoilers and the inclusion of Hamas may prove a key ingredient for the successful negotiation and future implementation of peace accords. However, such a framework must go beyond a definition of spoilers that is limited to violent behaviour and include non-violent spoiler activity in order to establish consequences for non-implementation of both Israeli and Palestinian commitments.

The focus on the issue of spoilers is not to preclude the importance of addressing other elements necessary for sustainable peace such as inter alia the structural causes of conflict, demilitarisation, economic development, trust-building across communities, or constitutional reform, but to suggest that by putting a robust framework in place which can absorb spoiler activity, a space may be created in which these central issues can be addressed.

NORTHERN IRELAND

Northern Ireland was born out of the Government of Ireland Act 1920 which partitioned Ireland in the midst of the Irish War of Independence in order to satisfy unionist demands to remain part of Britain. Following partition, the history of Northern Ireland can be broadly divided into three periods; The Stormont Era 1921-1972, Direct Rule from Westminster, and the peace process (Knox & Quirk 2000, 30). The Stormont government, as a devolved executive, had legislative responsibility for most functions of the state excluding trade policy and foreign affairs which remained with Westminster. During this period, the unionist (predominantly Protestant) majority dominated state institutions. Members of the nationalist communities widely believed that Stormont employed discriminatory practices against the minority nationalist (mainly Catholic) population in areas such as electoral policy, justice and policing, employment and social housing policy (Knox & Quirk 2000, 30). In the late 1960s, peaceful civil rights marches aimed at highlighting these grievances became a catalyst for widespread communal violence along sectarian lines and marches frequently ended in clashes with the Royal Ulster Constabulary (RUC). Despite some attempts to reform the legitimate grievances highlighted by the civil rights movement, riots continued throughout the final years of the 1960s and into the 1970s. With violence reaching uncontrollable levels in 1969, British troops were deployed to Northern Ireland to aid the RUC.⁴ While initially welcomed by the Catholic community, the so-called 'honeymoon' period between the British army and the Catholic population was short-lived. The souring of relations is blamed on the role the army played in escorting Orange Marches alongside Catholic areas and an active policy pursued by republicans to alienate the army from the

⁴ See the Conflict Archive on the Internet (CAIN): <http://cain.ulst.ac.uk/events/troops/sum.htm>.

population (O'Dochartaigh 1997). Relations were irrevocably soured by the controversial events of Bloody Sunday on the 30 January 1972 when British troops shot and killed 13 unarmed civilians marching in Derry.⁵

The Provisional Irish Republican Army (IRA) emerged as a splinter group from the official Irish Republican Army in 1969 to protect their nationalist communities from communal violence. They led a campaign of violence in Northern Ireland, mainland United Kingdom (UK) and the Republic of Ireland throughout the following three decades.⁶ Corresponding loyalist paramilitaries such as the Ulster Volunteer Force (UVF) and the Ulster Defence Association (UDA) emerged in 1966 and 1971 respectively.⁷ The British army, republican and loyalist paramilitaries, thus, made up the constituent parts of the triangulated conflict that spanned three decades. As the Stormont government continued to lose control of law and order, Direct Rule was imposed by Westminster in 1973 (Knox & Quirk 2000, 31). Despite attempts by the British government to address the conflict through negotiated settlement throughout the 1970s and 1980s, the Troubles were marked by the militarisation of society. This process was reflected in the relationship of paramilitaries to their communities, who, particularly in republican areas, took on specific extra-judicial policing roles (see Cavanaugh 1997; Knox 2002), and through the militarisation of state institutions. Militarisation of the state included the use of emergency legislation that increased the surveillance powers of the security services, internment, diplock courts, heavily armed military checkpoints and increased stop and search and detention powers (Breen Smyth 2004, 549). Northern Ireland is currently governed by a devolved government, the Northern Ireland Assembly, a power-sharing executive created by the ratification of the Good Friday Agreement by two separate referenda in the Republic of Ireland and Northern Ireland in 1998.

ISRAEL-PALESTINE

The creation of the state of Israel (1947) had two important consequences that require note: the effect on the region as a whole and the displacement of the Arab population. Israel was established against the backdrop of violence between Arabs in the British Mandate of Palestine and a growing Jewish immigrant population which began to arrive in the territory from the 18th century onwards to escape anti-Semitism.⁸ The establishment of Israel, by the adoption of a United Nations (UN) resolution proposing partition of the British Mandate between Arabs and, Jews, sparked a general war in the region. By the end of this war Israel controlled approximately 77% of the relinquished British Mandate, while Jordan and Egypt controlled East Jerusalem, the West Bank and the Gaza Strip.⁹ The decades following the establishment of Israel witnessed considerable instability in the region. Regional conflicts involving Israel include the Suez Canal Crisis (1956), the Six Day War (1967), the Yom Kippur War (1973) and several military engagements with Lebanon in 1978 and 1982, Israeli occupation of South Lebanon from 1982-2000 and another Lebanese-Israeli war in 2006

⁵ See the Conflict Archive on the Internet (CAIN): <http://cain.ulst.ac.uk/events/bsunday/sum.htm>.

⁶ See the Conflict Archive on the Internet (CAIN): <http://cain.ulst.ac.uk/othelem/organ/iorgan.htm#ira>.

⁷ See the Conflict Archive on the Internet (CAIN): <http://cain.ulst.ac.uk/issues/violence/paramilitary.htm>.

⁸ See the Middle East Research and Information Project:
http://www.merip.org/palestine-israel_primer/toc-pal-isr-primer.html.

⁹ *ibidem*.

(Milton-Edwards 2009, 62). Thus, the Israel-Palestine issue has had a highly destabilising effect on the region as a whole.

Second, while the original UN partition plan proposed that 56% of British Mandated Palestine would become the state of Israel, at the time Jewish landownership accounted for only 8% of the land in question. Despite the designation of the territory to include areas already densely populated by Jewish communities, under this plan, the existing Arab population in the territory would have accounted for 45% of the population of the proposed Jewish state. It was believed this demographic imbalance would be readdressed over time in anticipation of more Jews fleeing post-Holocaust Europe (Milton-Edwards 2009, 172). While scholarship is divided on the extent to which Israel pursued an active policy of expulsion of Palestinians from its territory, nonetheless between 1947 and 1949, approximately 700,000 Palestinian Arabs were exiled and became refugees in neighbouring Arab states (Milton-Edwards 2009, 70). The issue of the right of return of these refugees and their descendants is a key concern in the contemporary conflict (Ranstorp 2006, 242).

The Six Day War marked a watershed in the Israel-Palestine conflict. The Arab states lost control of the West Bank, the Gaza Strip, Arab East Jerusalem, the Golan Heights and the Sinai Peninsula to Israel, and, most significantly, it marked the beginning of Israeli military occupation of the Palestinian territories which has dominated their history since (Milton-Edwards 2009, 121). The aftermath of the Six Day War led to what some have termed the 'Palestinisation' of the conflict (Knox & Quirk 2000, 88). That is to say, with the defeat of neighbouring Arab states, the Palestinian Liberation Organisation (PLO), established in 1964 under the guidance of the surrounding Arab states, emerged as a significant and independent actor in the conflict in their own right (Robinson 2010). The PLO, an association of diverse Palestinian organisations dominated by Fatah, became the locus of national Palestinian identity under occupation, a platform for the advocacy of Palestinian self-determination and rights and functioned as a government in exile. It provided social welfare, health and education provision to Palestinians in the Occupied Territories (Milton-Edwards 2009, 133). The PLO, and, in particular, the Fatah, emphasised the need for armed resistance against Israeli occupation, which has been a feature of the conflict since the Six Day War (Ranstorp 2006, 246). The PLO and subsequently Hamas, Islamic Jihad and others, have all engaged in violent campaigns against the Israeli Defence Forces (IDF) and Israel's civilian population. This in turn has provoked harsh military responses from Israel with two notable escalations of violence: the First Intifada (1987-1993) and the al-Asqa Intifada (2000-2005).

Following the Six Day War, Jewish settlement in the occupied territories has been a key source of contention. Civilian settlement of occupied territories is deemed to be in contravention of the Fourth Geneva Convention regulating the behaviour and obligations of an occupying power (Milton-Edwards 2009, 128). However, by rejecting the term 'occupied territories' in preference for the term 'disputed territories', Israel has freed itself from its legal obligations to the Palestinians within the territories (Milton-Edwards 2009, 122). Security concerns are the key Israeli justification for these settlements (Hermann & Newman 2000, 134). Despite widespread optimism in 1993 that a formula for peace had been found in the Oslo Accords, the peace process in the Middle East has so far failed to produce and implement a sustainable peace agreement. After the outbreak of the al-Asqa Intifada, the Mitchell Report (2001) noted that, despite their long shared history and close proximity, some Israelis and Palestinians have failed to fully appreciate each other's legitimate concerns. Israel fails to understand the humiliation and frustration caused by its military occupation and Palestinians fail to see the genuine security concerns of Israel confronted by a sustained

violent campaign against its civilian population (Ranstorp 2006, 242). Furthermore, the material and ideological significance that the physical control of territory plays in the conflict encourages it to be interpreted in zero-sum terms and has made the implementation of peace agreements difficult (Hermann & Newman 2000, 108).

CONFIGURING THE CONFLICTS

This paper contends that the Israel-Palestine peace process may benefit from adopting a policy of inclusion of violent groups, such as Hamas, and a framework to absorb spoiler behaviour that characterised the Northern Ireland peace process. However, the question must be posed: how similar are these conflicts? What factors unique to Northern Ireland created an inclusive peace process and limited spoiler activity, and can these factors be recreated in Israel-Palestine? The invocation of Northern Ireland as a model for conflict resolution has become popular since the implementation of the Good Friday Agreement. For example, senior British politicians, such as former Secretary of State for Northern Ireland Peter Hain, have advocated that the lessons of Northern Ireland be applied to the Middle East peace process, placing particular emphasis on the importance of dialogue without pre-condition with militant groups (Hain 2007). While the concept of borrowing from one process to another is becoming increasingly commonplace, (see Darby 2008), the appropriateness of the Northern Ireland model to the Middle East will be examined in light of two key interrelated factors: the structure of each conflict and the role external parties play.

It is important to note, however, that while the Northern Ireland peace process is regarded as relatively successful, it is not without its weaknesses. Institutional progress has been sporadic and intermittent, stumbling frequently on the long drawn out issue of paramilitary decommissioning; sectarian segregation remains high and communal violence, while certainly considerably diminished, continues to be a feature of Northern Ireland society (Breen Smyth 2008, 1-4). Furthermore, the process has been criticised for allowing 'an acceptable' level of violence to develop, the repercussions of which, such as paramilitary extra-judicial justice, continue to be felt across communities long after the signing of the Good Friday Agreement (Knox 2002, 171-172; Mac Ginty 2006, 167). Nonetheless, despite these weaknesses, an agreement has been implemented; the most significant paramilitaries of both sides have decommissioned and, for the most part, committed themselves to democratic politics.¹⁰ With this caveat in mind, what factors contributed to the creation of the dynamics of the Northern Ireland peace process?

First, as a semi-autonomous region of the UK, when the Stormont government failed to maintain law and order, Northern Ireland's failing regional institutions were superseded by a more powerful central government that was physically removed from the conflict. Therefore, even though violence pervaded society, important political institutions were sufficiently removed from the locus of violence to ensure a level of institutional continuity such as the provision of amenities, collection of taxes, healthcare and education. In other words, the conflict did not lead to state collapse. Notwithstanding the IRA bombing campaigns in mainland Britain, Westminster was at once spatially removed from the daily realities of the conflict and legally responsible for its resolution. Failed attempts at peace initiatives such as

¹⁰ See the Conflict Archive on the Internet (CAIN): <http://cain.ulst.ac.uk/issues/violence/paramilitary.htm>.

the Sunningdale Agreement in 1974, which was unequivocally rejected by unionists,¹¹ illustrated how elite-level decision making and Westminster's distance from the conflict at times worked against its capacity to find a resolution. Similarly, negotiations leading up to the Good Friday Agreement were negatively affected by John Major's hung parliament, whose dependency on unionists in Westminster restricted his freedom to act when stalled multi-party talks threatened the peace process (Knox & Quirk 2000, 41). However, arguably, the presence of the UK government and its relative distance from the region played a positive role in negotiations leading up to the Good Friday Agreement, particularly once Tony Blair became Prime Minister of a strong majority government in 1997 (Breen Smyth 2008, 19). Furthermore, O'Kane notes that beyond Northern Ireland, the issues at hand have little electoral saliency for British politics; thus, the engagement with the peace process by Westminster is said to be characterised by a high level of bipartisanship, further improving the potential for it to play a positive role in the peace process (O' Kane 2010, 252). Arguably, this level of bipartisanship would be difficult to recreate elsewhere.

Second, through the cultivation of a cooperative relationship with the Republic of Ireland government, formally institutionalised by the Anglo-Irish Agreement in 1985, the British and Irish governments emerged as natural proxies for the nationalist claims of unionists and republicans respectively. Stedman has noted that the corporate interests of external custodians of peace may lead them to undertake actions that are in line with their own interests rather than in the interests of the peace process itself (1997, 16). With the British and Irish governments as the primary custodians of the peace, the peace process in Northern Ireland was, for the most part, saved from this particular pitfall. As O' Kane notes, neither the British nor Irish governments were likely to go to war with one another over Northern Ireland and could, therefore, cultivate a partnership with regards to the region (2010, 252). This is most explicitly evidenced by the principle of consent agreed between the governments in the Declaration of Principles 1993. The referendum held in the Republic of Ireland, rescinding its irredentist claims on Northern Ireland as part of the Good Friday Agreement, and Westminster's agreement to respect any future majority decision within Northern Ireland to leave the Union institutionalised this principle of consent.

Third, the relationship of the British and Irish governments to Northern Ireland, and the absence of any material interest in the region, created a superstructure with an unusual degree of neutrality in which the peace process could operate. Mac Ginty (2006, 167) has noted that the use of penalties to manage violence during the peace process was largely a function of the cooperation between the British and Irish governments, as they were able to establish credible parameters for the peace process. This relationship was important in creating an environment that could limit and absorb spoiler violence. Indeed, the importance of the function of the British and Irish governments was evident again in February of 2010 when Prime Minister Gordon Brown and Taoiseach Brian Cowen travelled to Northern Ireland as the Northern Ireland Assembly threatened collapse over the delicate issue of the devolution of policing and justice powers.¹²

David Trimble (2007), former leader of the Ulster Unionist Party (UUP), has criticised those who advocate the view that the inclusion of militant groups in negotiations without pre-conditions is a key lesson to be learned from Northern Ireland. He argues this view is

¹¹ See the Conflict Archive on the Internet (CAIN): <http://cain.ulst.ac.uk/events/sunningdale/chron.htm>.

¹² See: McKevitt, G. 2010. "As it Happened: the Northern Deal" *BBC News Channel* April 26. http://news.bbc.co.uk/1/hi/northern_ireland/8499926.stm.

predicated on three misconceptions: the successes of the peace process lay in its inclusivity alone, such inclusivity was only possible due to the absence of pre-conditions, and the process was an unqualified success (2007, 6). Trimble argues that circumstances in the 1990s were such that the IRA was sufficiently weakened militarily to encourage a strategic shift away from armed struggle and towards dialogue within its ranks, rather than a fundamental shift occurring in British policy (2007, 7). Thus, he emphasises the importance of considering the historical context of the lessons of one peace process before relating them to another. Bew and Frampton (2008) have also cautioned against blithe proposals to accept dialogue with militant groups as a panacea to deeply rooted conflict without reference to their military and political strength, arguing that the IRA of the 1990s was very different to the Hamas of today. Furthermore, as shown above, three structural elements of the Northern Ireland conflict contributed to the dynamics of the peace process and its ability to absorb spoiler violence; the status of Northern Ireland within Britain, the relationship between the UK and the Republic of Ireland and the lack of any material or strategic interest of Britain and the Republic of Ireland in the region.

How do these conditions compare with the Israel-Palestine peace process? Arguably, regional dynamics, the role of international actors and the legal status of Palestinians have impeded similar progress of the peace process.

First, as previously noted, the Israel-Palestine conflict has spread beyond the borders of Israel several times. As the only non-Islamic state in the region, Israel has persistently portrayed itself as a marginalised state surrounded by hostile neighbours (Hermann & Newman 2000, 124) and a national security discourse has developed within Israel which informs the acceptable parameters of any peace agreement (Hermann & Newman 2000, 122). This discourse is readily accessible on the Israel Ministry of Foreign Affairs website.¹³ Here, comparisons of the size of Israel with other states can be found to illustrate its small size relative to other powers across the world. Similarly, maps can be found that illustrate the threat 'tiny' Israel faces

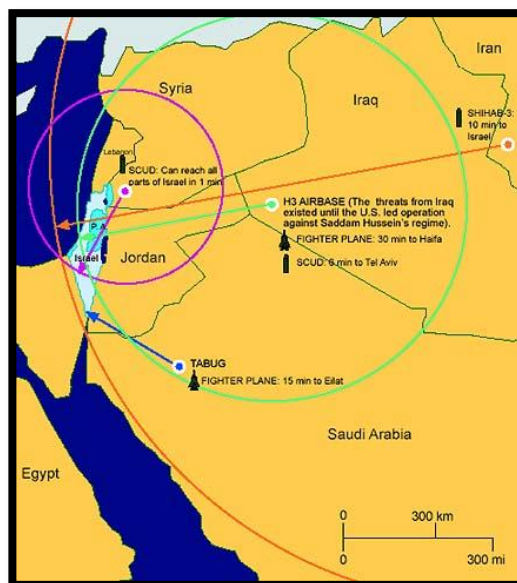


Figure 1 'Regional Threats to Israel' from *Israel in Maps*. Source: Israel Ministry of Foreign Affairs, <http://www.mfa.gov.il/MFA/Facts+About+Israel/Israel+in+Maps/Regional+Threats+to+Israel.htm>.

from its neighbours (see Fig. 1¹⁴). This security discourse has created an Israeli position that links any Israel-Palestine resolution to wider regional concerns. For example, Israel has recently demanded that any new peace agreement be conditional on the United States (US) preventing Iran from gaining nuclear weapons capabilities (Asseburg & Perthes 2009, 21). Bew and Frampton (2008) argue the cooperation and the commitment of the Irish and British governments to achieving peace and stability in Northern Ireland considerably weakened terrorist organisations and ultimately led to a re-evaluation by IRA of the strategic value of armed struggle. Conversely, they point to Syria and Iran actively encouraging the

¹³ See "Israel size comparisons" available at: <http://www.mfa.gov.il/MFA/Facts+About+Israel/Israel+in+Maps/Israel+Size+Comparisons.htm>.

¹⁴ See also Hermann and Newman (2000, 123).

violence of Hamas, supplying arms, training activists and providing political refuge for its leaders. While consecutive British and Irish governments were able to forge working relationships in favour of peace, and provide natural proxies for each side of the conflict, it seems unlikely a similar relationship will naturally emerge between Israel and its neighbours that would provide a comparable level of stability.

Furthermore, a particular difficulty in negotiating settlement between state and non-state actors in deeply divided societies is that the state, having a legal identity, often acts as both 'participant and umpire', determining the rules of the game in which militant non-state actors petition a grievance during the negotiations (Kierke 2005, 131). Even when the international community may recognise 'the long history of government repression' as part of the problem, the legitimacy of the state often prevails. Unlike Britain and Ireland, Israeli negotiators must contend with the acute saliency of the conflict to domestic politics and the sense that the conflict and its protagonists pose an existential threat to the state (Bew & Frampton 2008). As umpire and participant, Israel is in a weak position to engineer parameters of peace that are likely to be acceptable to all sides, including its own population.

Second, the role of external mediators, particularly the role of the US, is more complicated in the Middle East than in Northern Ireland. The US has played an important role in each conflict and even share Former Senator George Mitchell as an external mediator. However, the particular relationship of the US to the Middle East arguably impacts negatively upon its effectiveness as a custodian of peace. While perceived as sympathetic to its security concerns and, thus, acceptable to Israel, Milton-Edwards (2009, 166) argues that the material interests of the US in the region, the need to consider domestic reactions to peace negotiations and its geopolitical concerns limits the capacity of the US to act in the best interests of the peace process. As the US is widely perceived as the only state with any significant influence on Israel, given the enormous aid packages Israel received from the US, its reluctance to use that influence, in the face of the continued creation of settlements and violations of peace accords, has tarnished the reputation of US in the eyes of the Palestinians as an unbiased peace broker in the region (Milton-Edwards 2009, 166).

Stedman has noted that the 'biggest potential liability in managing a spoiler are member states that are patrons of the spoiler' (Stedman 1997, 16). While noting that these patrons may exert either a positive or a negative influence on the peace process, depending on their commitment to forging a peace deal, Stedman argues that often domestic groups are present within those patron states that support these spoilers and, thus, maintains that "pressures from these groups, as well as prior policy commitments to the spoiler, can lead the patron to continue to support the spoiler, even in the face of outrageous behaviour" (Stedman 1997, 16-17).

If we extend the definition of spoilers beyond the use of violence, as Mac Ginty (2006) advocates, then the role of the US as a peace-broker in the region becomes complicated. Given the domestic concerns, its ideological commitment to the spread of democracy and the strategic importance of Israel as an ally in the Middle East, the freedom with which the US can broker a peace deal is severely limited. Thus, a failure to create credible and visible consequences for Israeli non-compliance with peace agreements may contribute to a sense that violence rather than dialogue creates the necessary leverage with which to obtain political gains in organisations like Hamas. As noted at the opening of this paper, this sentiment is captured by Mish'al arguing: "if you stop resistance, there will be no pressure on

Israel, and Israel without pressure does not give".¹⁵ The specific context of the peace process in Northern Ireland created credible parameters for non-violent dialogue, which was significantly aided by what Bew and Frampton (2008) have called the stabilising effect of British and Irish cooperation. The relationship of regional actors to the conflict, and that of external mediators such as the US, has no such stabilising effect. Therefore, from the perspective of actors like Hamas, in this context, violence rather than dialogue may seem like a logical expression of political voice.

Finally, the difference in the legal status of the minorities within each conflict needs to be addressed. While the Stormont (1921-1972) government certainly did engage in discriminatory practises such as gerrymandering and the allocation of council housing (see Cameron 1969), and while there is considerable evidence to suggest that emergency legislation was often used prejudicially against Catholic communities (see Hillyard 1993), throughout the Troubles in Northern Ireland the Catholic minority, on paper at least, had the same rights as the Protestant majority within a state structure. As highlighted above, republican and loyalist paramilitaries often provided 'rough justice' in response to petty crime and collusion with the enemy (be it security services or enemy communities) in their constituent communities, which, for republicans at least, reflected the absence of a legitimate source of law and order (O'Leary 2007, 205). However, this points to a crisis of state legitimacy rather than the absence of the state as is the case for Palestinians.

As noted above, in the absence of statehood the PLO functioned as a government in exile for the Palestinian population. However, the PLO has not enjoyed sustained support from either the international community or regional states; plane hijacking and assassinations turned the PLO into terrorists in the minds of those outside the region (Milton-Edwards 2009, 168). Similarly, PLO involvement in the internal politics of both Jordan and the Lebanon led to the development of complex regional relationships (Milton-Edwards 2009, 134). Furthermore, following expulsion from Lebanon after the Israeli invasion, the PLO leadership was exiled to Tunis and the PLA was spread across North Africa. The spatial distance of the leadership of the PLO served to alienate them from those it claimed to represent in the West Bank and Gaza Strip, whose experience of Israeli occupation they did not share (Milton-Edwards 2009, 135). This is significant because an important element of peace negotiations is the function leaders perform in persuading their followers to endorse a peace deal (Darby 2001, 120). This is made harder if direct interaction between leader and grassroots is disrupted and makes the emergence of splinter groups more likely.

These issues are further exacerbated by the task of correctly identifying credible representatives for the Palestinians. The PLO was not recognised as a legitimate representative of the Palestinian cause by the US until 1988, following the outbreak of the first Intifada (1987) and the international media attention it attracted that highlighted the realities of Israeli occupation in the daily lives of Palestinians (Milton-Edwards 2009, 168). By this stage, and increasingly as the Oslo Accords began to fall short of expectations, the PLO began to be perceived by Palestinians as an organisation of elites, characterised by a culture of corruption and personal patronage centred on its leader, Arafat (Milton-Edwards 2009, 134). Currently, the legitimacy of the PLO, or more specifically Fatah, as the sole legitimate representative of the Palestinians has been severely challenged by the rise of Hamas, who emerged in part in response to the culture of such nepotism and corruption within the PLO elite (Gunning 2007b, 126). The defeat of Fatah by Hamas in PA elections in

¹⁵ Quoted in Gunning (2007a, 203).

the Gaza Strip and the West Bank in 2006 led to a crisis in Palestinian politics. In 2007 the Gaza Strip descended into internecine violence between the militant wings of each group. The Hamas victory in the Gaza Strip was followed by revenge attacks against Hamas supporters and institutions in the West Bank by the al-Asqa Martyrs' Brigade, the militant wing of Fatah. Both sides have been accused of human rights violations in light of this violence.¹⁶ Therefore, while Fatah enjoys international recognition and legitimacy, part of the Palestinian population at least disputes this view.

The legal status of Palestinians, in part, creates an environment in which internecine violence and a divided political front are highly likely. The marginalisation of Hamas, despite its electoral success, shows that even with the institutional development that the Oslo Accords brought in the form of the Palestinian Authority, Palestinian political movements still require external legitimisation by the international community before being admitted to the peace process. This potentially makes the identification of possible participants in peace negotiations (and consequently the identification of spoilers) a political exercise. As such, it greatly increases the likelihood of spoiler violence during the peace process. In addition, following 9/11, the stateless nature of Palestinian political parties and the presence of militant groups allowed Israel to begin to employ global War on Terror rhetoric and to equate its responses to Palestinian violence with the US response to al-Qaeda, thus justifying its military response (Milton-Edwards 2009, 168).¹⁷ The use of coercion to manage spoilers is one that Stedman advocates for total spoilers (Stedman 1997, 15); as we shall see below, many question the understanding of Hamas as a total spoiler. This will be the subject of the following section.

HAMAS - BLOCKING THE PATH TO PEACE?

The structural differences between the conflict in Northern Ireland and Israel-Palestine create difficulties for the peace process, particularly in terms of the attitude adopted by the international community towards Hamas. However, the attitude toward Hamas is not unlike that held by unionists towards the IRA and Sinn Fein prior to and during the Northern Ireland peace process. The Democratic Unionist Party (DUP) campaigned against the Good Friday Agreement referendum on the grounds that the inclusion of Sinn Fein in negotiations was 'incompatible with non-violent democratic politics' (Mac Ginty 2006, 164). Similarly, the UUP support and engagement with the peace process has been described as a realpolitik decision. Mac Ginty has argued that the UUP engaged in the peace process out of a tactical desire to influence it rather than to support it *per se*, faced as it was with republicans, the British government and the Irish government all aligned in a political process that was to have profound consequences for the region's future (Mac Ginty 2006, 165). Many have argued for the inclusion of violent veto holders in peace processes in order to reach a sustainable settlement (Darby 2001, 118; Heiberg, O'Leary, & Tirman 2007, 416; Mac Ginty 2006, 153; Ricigliano 2005). However, one of the difficulties with such an endeavour is that to include militants in any peace process is to go against the 'surround sound' chorus of condemnation that governments generally employ against non-state actors using violent

¹⁶ See B'Tselem (The Israeli Information Center for Human Rights in the Occupied Territories). "Violations of Human Rights of Palestinians by Palestinians" B'Tselem website. http://www.btselem.org/English/Inter_Palestinian_Violations/Index.asp.

¹⁷ Milton-Edwards (2009, 169) and Gerges (2010) have noted that Hamas has rejected the transnational agenda of Al-Qaeda.

means (Mac Ginty 2006, 156). The Mitchell Principles were the framework devised to circumvent this 'surround sound' in the Northern Ireland peace process. In response to unionist fears that the IRA and Sinn Féin were untrustworthy partners for peace, adherence to the Mitchell Principles became a requirement for inclusion in peace negotiations, and, thus, established the normative parameters of the Northern Ireland peace process. By agreeing to the Mitchell Principles, a significant willingness to submit to the rule of law was signalled through a commitment to 'exclusively democratic and peaceful political actions to resolve conflict and negotiations', to 'total' and 'verifiable disarmament', 'to abide by the terms of any agreement' and to use 'exclusively peaceful methods' to alter any aspect of the agreement'.¹⁸

However, despite the significance of the Mitchell Principles, it should be noted that they did not engender a great deal of trust between the parties. The saliency of the decommissioning issue throughout the peace process illustrates this most clearly. For republicans to disarm before a settlement was agreed was tantamount to surrender and, thus, unacceptable, while for unionists to accept IRA decommissioning post-settlement was to concede defeat on the long-held IRA 'troops out' campaign and confirmed the suspicion that the IRA ceasefire was a tactical one (McInnes 2006, 154). As argued above, one element that facilitated negotiations was the relationship of the British and Irish governments to the conflict and their ability to create credible parameters for the process. While neither this framework nor the Mitchell Principles created trust between the parties, they did create consequences for spoiling and opportunity for militant groups to formally express their commitment to the process and to submit themselves to it.

Despite the structural differences between each conflict the international community may have a role to play in creating similar credible parameters for negotiation. The position of Hamas in the peace process is particularly problematic. The ideological position of Hamas has led most to identify it as total spoiler. Following Stedman's typology, a total spoiler is an actor who holds 'immutable preferences' (1997, 10). The Charter of Hamas explicitly calls for the liberation of the whole historic Palestine on the basis that it is an Islamic *waqf*, a territory entrusted by God to all Muslims, and thus seeks the destruction of Israel (Gunning 2007b, 123). This has led to an international policy of isolation towards Hamas (Scham & Abu-Irshaid 2009, 1). However, as Scham and Abu-Irshaid (2009) convincingly argue, Hamas's actual behaviour has shown political flexibility and considerable willingness to co-exist with Israel, although, as this has been expressed in Islamic terms it has been disregarded by the international community (2009, 7). By proposing *hudna* with Israel, a long but impermanent Islamic exit strategy from debilitating wars, Scham and Abu-Irshaid (2006, 10) argue that Hamas has shown its willingness to accept the political reality of Israel and the necessity of co-existence in a manner that preserves its ideological position and support base (2009, 8).¹⁹ Therefore, Hamas may be better understood as a limited spoiler, i.e. spoilers who have limited rather than absolutist goals (Stedman 1997, 10); according to Stedman's typology, strategies of inducement or socialisation rather than coercion are more appropriate to this spoiler type (1997, 16). Gunning (2007a, 202-203; 2007b, 125) has argued this point quite convincingly, carefully showing that on close examination of the political context in which the controversial use of suicide bombing occurs, political considerations, rather than absolutist

¹⁸ The Mitchell Principles of 1996, quoted in Cox, Guelke & Stephen (2006, 508).

¹⁹ Arguably, *hudna* and the principle of consent, institutionalised in the Good Friday Agreement, reflect similar attempts to reconcile an unpalatable political reality with opposing ideological positions of the parties in conflict, with republicans letting the question of a united Ireland to future generations.

religious doctrine, are to the forefront of Hamas's decision making. In addition, Araj (2008) has found that, across the Palestinian groups employing suicide bombing against Israel, there is a close relationship between the occurrence of harsh Israeli military repression and the popularity and frequency of suicide attacks, suggesting the use of violence is reactive to context, and thus perhaps amenable to change in the correct environment.

Ranstorp (2006) describes how successive relapses in violence on both sides and the unabated creation of 'new facts on the ground' re-expose underlying fears and suspicions about the true nature of the others' intentions in Israel-Palestine (2006, 247). Whereas Israel perceives 'the concept of compromise' to be absent from Arab discourse (Ranstorp 2006, 248), Palestinians fear coercive policies are designed to break their spirit, and the Israeli policy of 'systematically creating irreversible facts on the ground' puts into question Israel's genuine interest in peace (Ranstorp 2006, 250-251). In such a situation it is unlikely that the primary political actors alone will be able to overcome the 'surround sound' of condemnation to which Mac Ginty alluded. Thus, the role of credible external custodians of peace may prove particularly important in this regard.

As was shown in the case of Northern Ireland, the presence of credible proxies for the opposing sides of the conflict helped to create an environment conducive to negotiation, while their commitment to the process provided a structure through which the process could withstand (to an extent) deadlock in negotiations. Given the regional dynamics of the Israel-Palestine conflict, it is unlikely two such natural proxies will emerge within the region; therefore, this role will most likely fall on international actors. The international Quartet of Peace Mediators for the Middle East (the European Union, the US, the UN and Russia) have demanded that Hamas renounce violence, recognise Israel and commit to all agreements signed by the PLO before admitting it into the peace process. In response to its refusal to do so, the Quartet has adopted a 'West Bank first' approach (Asseburg and Perthes 2009, 20). However, this position is risky as it does not take Hamas's constituency or strength into account, and thus excludes an important 'veto holder' from the process. Furthermore, by identifying Hamas as a spoiler, an opportunity to critically explore the potentially legitimate grievances of Hamas with the peace process is missed. Most importantly, a coercive policy towards Hamas seems to have failed. Despite international isolation, direct military attack during Operation Cast Lead and a blockade on the Gaza Strip, the popularity of Hamas has grown, even in the traditionally Fatah dominated West Bank (Asseburg and Perthes 2009, 19). Thus, perhaps a new approach would be expedient. Notwithstanding the difficulties of such an approach in the Middle East, the process of creating credible space in which an alternative path to violence is understood as a viable option may prove key to real progress in the Middle East peace process.

A useful step forward for the process may be to establish a credible counter-balance to Israel's position of relative strength that engages with the complexities of Palestinian politics and facilitates the creation of a unified political front. Asseburg and Perthes (2009, 22) argue that the EU may successfully fill this position by taking a more robust role in the peace process. If the international community is serious in successfully mediating the Israel-Palestine peace process, a framework for managing spoilers, and specifically the inclusion of Hamas, may prove key ingredients to the end. The uncritical use of spoiler rhetoric has thus far prevented this from happening. Perhaps, if, as in Northern Ireland, the rhetoric was challenged, some concrete progress in Israel-Palestine may be achieved.

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