

**INSTITUTIONAL CHANGE AND CONFLICT
REGULATION: THE ANGLO-IRISH AGREEMENT (1985)
AND THE MECHANISMS OF CHANGE IN NORTHERN
IRELAND**

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**IBIS Discussion Paper
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No. 4 in the Discussion Series: *Breaking the Patterns of Conflict*

**Institute for British-Irish Studies
University College Dublin**

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ABSTRACT

INSTITUTIONAL CHANGE AND CONFLICT REGULATION: THE ANGLO-IRISH AGREEMENT (1985) AND THE MECHANISMS OF CHANGE IN NORTHERN IRELAND

The mechanisms of institutional change identified in comparative studies of industrial policy and welfare state development are also to be found in processes of intergovernmental ethnic conflict regulation. This article shows how the 1985 Anglo-Irish Agreement set in place a very thin layer of intergovernmental institutions which started an institutional momentum, opening new political opportunities, changing political expectations, and thus paving the way for the much more radical political and institutional changes that were to follow. It uses new data to show how the elites who initiated the process conceived of it and to identify the mechanisms producing change.

Keywords : Institutional change, Northern Ireland, Anglo-Irish Agreement, conflict regulation.

Publication Information

Acknowledgements to research funding from the Irish Research Council for the Social Sciences for the thematic project 'Breaking the Patterns of Conflict in Northern Ireland', 2007-10, conducted with Christopher Farrington and John Coakley, with research assistance from Jennifer Jackson, Michael Anderson, Anne Fournier and Edwin Kelly. The transcripts of interviews and witness seminars are held in the John Whyte Archive in University College Dublin: pending approval by respondents and editing for public use phrases in quotation should be seen as close paraphrases rather than direct quotes and are not attributed. An earlier version of this paper was delivered at the Council for European Studies. John Coakley, Niamh Hardiman, and Joseph Ruane gave helpful comments on an earlier draft.

Draft paper, not for citation without author's permission.

BIOGRAPHICAL INFORMATION

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INTRODUCTION

This paper looks at a case of slow but far-reaching institutional change, showing how it manifests the informal, incremental mechanisms of change emphasised in recent literature (Thelen, 2003; Streeck and Thelen, 2005; Hall and Thelen, 2009). The novelty of the argument lies in showing that mechanisms well-known in the field of socio-economic institutions also work in the very different context of intergovernmental ethnic conflict regulation. In the latter as in the former field, institutional change is out of the control of any individual and thin institution-building can broaden out to a much wider sphere.

The case studied is the change brought in Northern Ireland by the Anglo-Irish Agreement (AIA) of 1985, which institutionalised British-Irish cooperation on Northern Ireland affairs.¹ The governance of Northern Ireland between 1972 and 1998 involved a very wide range of British actors—the Secretary of State for Northern Ireland and his junior ministers, served by the Northern Ireland Office and the Northern Ireland Civil Service, responsible to the Cabinet, with specific responsibilities for the Prime Minister, the Defence Ministry, the Foreign Office and the judiciary (see Cunningham, 2001 for details). The AIA super-imposed upon this structure of governance a formally powerless and thin intergovernmental institutional layer, directly involving only a small number of key officials and politicians, with strong symbolic significance. In the next fifteen years, there was an accelerating and broadening process of institutional reform which proceeded alongside, but independent of, attempts to start political negotiations between the Northern Ireland parties. Whether or to what extent this institutional change was an effect of the AIA is in dispute. To clarify the causal processes involved and to assess empirically whether and how the AIA effected change, demands a model that focuses on informal mechanisms of institutional change. At the same time, looking at institutional change in this conflict situation may reveal mechanisms that are present but less noticeable in peaceful polities.

The approach adopted here is inductive and empirical: the case is sufficiently complex to repay empirical study before subsuming it under theories of intergovernmentalism or conflict resolution. In what follows, I sketch a model of

¹ For the best single outline of the provisions of the Agreement, see Hadden and Boyle, 1989.

institutional change, show that it allows empirical assessment of the scholarly debates about the AIA, and use new empirical research to see which—if any—mechanisms of institutional change were initiated by the AIA. This is far from a complete assessment of the effects of the AIA: the public records necessary for such an assessment—the notes of the negotiators, the 50 page “catechism” written by officials so that politicians would have an agreed answer to questions, the detailed logs of the Irish and British members of the Anglo-Irish Secretariat—are not yet available. It does, however, show that the AIA was effective in changing institutions and policies and as such set in motion a path of institutional change that was to cohere with, and later to be accelerated by, other processes of public and paramilitary change.

INSTITUTIONS AND INSTITUTIONAL CHANGE

Thelen (2003: 211) has argued for a concept of institutions and institutional change which makes sense both of institutional continuity through political regime change and of incremental processes of institutional change without political upheaval. She focuses on endogenous sources of change, seeing institutions as strategic resources for the actors within them, subject to ongoing political contestation and with their functioning contingent on the ways in which they are used (Thelen, 2003: 212-3). From this perspective, formal institutions can be seen as “regimes”, sets of rules with formal sanctions, allowing for continuous interaction and negotiation between rule-makers and rule-takers (Streeck and Thelen, 2005 : 9-16). Institutional equilibria depend, in part, on “...common knowledge [which] extends to conceptions of social justice, about what one can reasonably expect from others....” (Hall and Thelen, 2009 : 28).

This approach relocates the study of institutions within the field of contention and conflict. It is explicitly a response to the difficulties of institutional analysis in a period where radical post-89 changes have led to the reemergence of continuities in institutional development, and where a seeming consensus on capitalist forms conceals quite radical variation among and change within these forms (Thelen, 2003 : 210-11). It shows how the effects of top-down change are mediated by the actors within the institutions, and how incremental, unnoticed small shifts are pervasive, creating processes which no single actor controls (Streeck and Thelen, 2005 : 16). Although developed as a critique of the determinism of “path dependence” approaches, there is convergence with such approaches in the search for mechanisms which turn small change into wider change, or which (for path dependence theorists) prevent such effects (Mahoney, 2000 : 508-9).

Streeck and Thelen (2005 : 4-16, 19-30) argue that institutional change takes place through a limited variety of mechanisms of which they detail five. Here I focus on three of particular importance for the case studied:

Layering: i.e. working “around those elements of an institution that have become unchangeable”, allowing for “differential growth”. (Streeck and Thelen, 2003 : 23). So, for example, private pension schemes instituted alongside public may over time undermine the viability of the public system (Streeck and Thelen : 23).

Displacement. This “happens as new models emerge and diffuse which call into question existing, previously taken-for-granted organizational forms and practices”. (Streeck and Thelen, 2003 : 19). The process can call on recessive repertoires within existing institutions (so Margaret Thatcher’s liberal-monetarism called on British traditions left recessive by successive post-war governments) or it can import new repertoires (EU rules on women’s rights were imported into Ireland).

Conversion. Here institutions are “redirected to new goals, functions or purposes”, either as a result of top-down redirection or of the participation of new actors. (Streeck and Thelen, 2003 : 26). An example is the use of neo-corporatist social partnership practices to further privatisation policies in Ireland of the 1990s.²

A further mechanism might be described as a wedge. To introduce a “wedge” into an institution involves introducing a new element—a contingency or redundancy—which can change the logic of institutional functioning. Crouch and Farrell (2008 : 18) point out that each institutional configuration already contains many redundancies—part of the institution but not essential to its functioning—which can be taken up by actors who want to redirect it. One mechanism of change is to insert such a redundancy and to wait for the opportunity to use it. The left has traditionally inserted such wedges: debates in the 1980s were over how far and how wedges such as trades unions’ rights might aid or hinder the struggle for socialism (Panitch, 1981; Higgins and Apple, 1983).

The comparative case-studies which stimulated and which exemplify this perspective are typically in the realm of political economy: social partnership, financial institutions, industrial policy-making, welfare state, social policy within the “varieties of capitalism” in Europe and the US. Here change is stimulated by the changing self-interests of numerous actors in a rapidly changing economic environment, framed by culturally varying norms about the acceptable limits of pursuit of self-interest.

In ethnic conflicts, different sets of expectations, norms and interests come into play. Solidarity is a key power resource; violence a key disincentive to change, and norms and expectations can become ends in themselves, symbolic assertions of “identity-politics”. The formal characteristics of political institutions often give little indication of their practical functioning, and there are many examples of formally democratic institutions becoming ethnically instrumentalised (McGarry and O’Leary, 1993 : 108-110). In some cases—and Northern Ireland is a good example—top-down institutional reform is frequent while new institutions function alarmingly like

² The privatisation of the telecommunications company—Eircom—was achieved consensually by giving major financial and work-package benefits to union members.

the old in the crucial respect of communal power relations.³ Yet, this does not mark off ethnic situations as different in kind from others: as we have seen, institutional functioning always depends on expectations, coordination patterns, and shared interpretations. Moreover, incremental institutional change takes place in ethnically divided, as in other states, sometimes with unexpectedly radical effects: the expansion of the Keynesian Welfare State in the 1960s and Northern Ireland Prime Minister Terence O'Neill's project of political-economic "modernisation" brought new actors onto the political stage (a Catholic public confronted by the state at every turn, internal unionist divisions) leading to the collapse of state control (Bew, Gibbon and Patterson, 1995 : 111-144). How exactly to understand the relation between incremental endogenous change, exogenous "top-down" political intervention and the seemingly locked-in character of key social relations is a matter of debate in the ethnic conflict as in the institutional change literature (see Ruane and Todd, 2007).

THE ANGLO IRISH AGREEMENT OF 1985 AND THE SCHOLARLY DEBATES

To summarise a complex history, in 1983, after fourteen years of violence and successive crises and failures of government initiatives in Northern Ireland, the Irish and British governments began new negotiations. The Irish government had long tried to persuade the British to adopt an inter-governmental approach and now it intensified its efforts (Lynch, 1972; Fitzgerald, 1991 : 494-550). Meanwhile Mrs Thatcher had entered her second term of office keen to do something about Northern Ireland, in particular the security problem. Key civil servants from both governments entered dialogue and eventually the British officials convinced Mrs Thatcher of the need for a new inter-governmental political initiative (Bew, Gibbon, Patterson, 1995 : 210-215). After a year and a half of negotiation and intensive diplomacy—and with intermittent public drama⁴—the Anglo-Irish Agreement (AIA) was signed in November 1985.

Institutionally and formally, the AIA was considerably less than the joint authority for which the Irish government had initially argued and in return for which they would have recommended constitutional change to remove the territorial claim to Northern Ireland (Fitzgerald, 1991 : 497-8). It reiterated the principle that Northern Ireland's constitutional status was dependent on the will of a majority in Northern Ireland, while granting the Irish government a role in policy-making in the Anglo-Irish Inter-Governmental Conference (AIGC) and a permanent presence in Northern Ireland in the form of an Anglo-Irish Secretariat. No formal powers were conceded to the Irish government, which would (in various formulations in the document) "put forward views and proposals" within the remit of the conference (Article 2) and put forward views on proposals for major legislation and on major policy issues" on matters "where the interests of the minority community are significantly or

³ For example, on security legislation, reform and its impact from 1969 to the 2000s, see Cunningham, 2001: pp 6-7, 20-30, 52-62, 80-83, 102-107, and Mulcahy, 2006.

⁴ For accounts of Mrs Thatcher's very public dismissal of Irish government preferences, see Thatcher, 1995: 400; Fitzgerald, 1991: 522-525.

especially affected" (article 5.c). The actual Irish influence would depend on British decision. Moreover the remit of the AIGC would decline as an agreed devolved administration was set in place in Northern Ireland (Hadden and Boyle, 1989 : 22-25). Yet both governments committed themselves to "determined efforts" to resolve any disagreements (Article 2), a phrase which—according to British and Irish negotiators—signalled that this was to be much more than mere consultation (Witness seminar, December 11, 2006). The 50-page "catechism" written by officials which informed both heads of government in their subsequent dealings with the press described the conference as "a unique mechanism" without executive functions and without derogation from sovereignty but "more than consultative" with an "obligation on both sides" to resolve any differences (Witness seminar, December 11, 2006 ; O'Leary and McGarry, 1993 : 226)

The AIA produced radically contradictory responses among the political parties. For moderate nationalists in the SDLP it was a confirmation and legitimation of their position, a "Rolls Royce in the garage" (Ruane and Todd, 1996 : 136). For unionists, it was an undemocratic "diktat" that put them "on the window-ledge of the union" (for discussion, see Aughey, 1989 : 59-86). For republicans, it provoked unionist reaction and loyalist violence for no purpose, since British power and British institutions remained unchanged. In the event, the AIA gave both republicans and unionists incentives for negotiations: for unionists to help shape the direction of change and to remove the Irish government influence: for republicans to escape marginalisation and to increase Irish government influence. But were the parties influenced more by symbolism than by substance? Did the Irish Rolls Royce have a working engine?

Scholarly debate centres on the effects of the AIA on institutions and policies. Sceptics argue that the Irish government role was neither new nor important, that British power remained and when the British government did develop an effective reform programme this was in continuity with its long-term strategy and Irish influence was far from decisive (Dixon, 2001 : 363; Dixon, 2008 : 198). For some, the so-called Irish role then and later was "necessary nonsense" (a phrase unionist leader Brian Faulkner had used of the formally powerless Council of Ireland agreed at Sunningdale in December 1973), of merely symbolic value, a sweetener for nationalists in the context of continued British sovereignty. As Mrs Thatcher put it (1995 : 402) "It was for us, not the Irish, to make the decisions". Bew, Gibbon and Patterson (1995 : 217) describe Irish responsibility without power as "direct rule with a green tinge". Metaphors of constitutional shifts abounded, and were believed by the public in Northern Ireland, but where was their legal or institutional basis? Other scholars (Ruane and Todd, 1996 : 227-8; O'Leary and McGarry, 1993 : 220, 276) argue that the AIA signalled a change in British strategy that gave the Irish government for the first time real influence on policy. The public perception that a shift in power relations had taken place was accurate. Moreover this institutional change was key to other changes: it gave the Northern Ireland political parties

incentives to negotiate and it gave both governments reason to cooperate more resolutely (to defend joint policy, to preclude embarrassing criticism from the other).

The new models of institutional change sketched above allow us to subject the differing interpretations to empirical assessment. It is true—but unsurprising—that there are no direct examples of newfound Irish power to change (British) policy in Northern Ireland against express British will. Nor are there publicly-documented cases of Irish influence on British strategy since neither government could afford to be transparent for fear of antagonising one or other party with whom they wished to initiate negotiations towards devolution (Fitzgerald, 1991 : 575). One official noted “we did, very consciously, play down the achievements of the Secretariat” (interview, Jan 16 2009). However, working from the typology outlined above, we can outline some plausible mechanisms by which the formally powerless AllGC and Secretariat might have had long-term effects in creating an institutional momentum to reform.

Layering: (Streeck and Thelen, 2003 : 23). It is plausible—and some unionists feared - that the AllGC and Secretariat might bypass the existing civil service institutions (the Northern Ireland Office and the Northern Ireland Civil Service) at the limit becoming an institutional arena of joint British-Irish authority. The empirical question is how far such a process took place.

Displacement. (Streeck and Thelen, 2003: 19). The relevant new model was of governance institutions which included Irish government representatives, thus breaking with traditional notions of British sovereignty. The empirical question is how far such a model was diffused in other institutions of governance, and in what institutions.

Conversion: (Streeck and Thelen, 2003: 26). The AIA and AllGC brought new actors (Irish government, Northern nationalist) into the political arena. The empirical question is whether and how far their presence radically changed the direction of functioning of any institutions in Northern Ireland.

The AIA as “wedge”: As we will see, Irish officials consciously introduced phrases into Anglo-Irish relations as place-holders, “footholds”, which which would keep issues on the political agenda even they did not resolve them, and which might later (in unpredictable ways) open the possibility of further change. The empirical questions are whether or not the AIA was so intended, if it so functioned, and if so how and when.

Through any or all of these mechanisms, it is possible that long-term, cumulative processes of change were initiated in 1985, contributing to the post-1998 radical changes in loci of decision-making, in the security services, employment law, and the judiciary. The empirical question is whether change in institutions and government practices introduced with the AIA of 1985 were causally linked to

subsequent changes and how this worked, by what sequences or combinations of mechanisms.

CHANGING BRITISH-IRISH RELATIONS FROM THE POINT OF VIEW OF THE ACTORS

British-Irish agreements were the direct responsibility and decision of British Prime Minister and Irish Taoiseach. They were negotiated, formulated and initially implemented by a small number of senior civil servants. On the British side, senior officials moved to and from Irish affairs in their careers, and some developed a life-long interest in them. Northern Ireland was a major Irish foreign and domestic policy issue and a set of Irish civil servants remained focussed on it through most of their working lives, even if they were moved intermittently to London, Washington or Brussels. They commented that they had “lived” Northern Ireland. There were perhaps a dozen Irish officials centrally involved from the late 70s into the 1990s, with rather more change-over in Britain, with others brought in for specific aspects and negotiations. After 1998, hundreds rather than dozens of people became involved in institution-building and implementation of the Agreement.

The officials and politicians who were involved in the negotiation of the 1985 Agreement had clear perceptions of the mechanisms of change, which they discussed in interviews and witness seminars.⁵ Of course elites may not have (or be willing to reveal) insight into their own past motivations, let alone into the mechanisms of change, and they may give a biased view. However the research reported here allowed a robust questioning of the respondents, and cross-checking of declared intent and experience between different respondents. In witness seminars the participants routinely corrected each other’s memories and questioned each other’s interpretations, and were occasionally forthrightly critical of the inaccuracies and biases of published works.

Several general points are evident from the accounts of those involved in the 1985 Agreement. The policy makers had a vivid sense of history. One British official noted that one “couldn’t sit round the cabinet table in London and talk about Irish business without thinking of all the people who had done that before you over the last two hundred years. And here was our opportunity to add something to that story, something better than had gone before” (witness seminar, December 11, 2006). The Irish were very aware of damage done by the form of partition in 1921. The seminal 1972 Foreign Affairs article attributed to the then Taoiseach (Jack Lynch) was described by its author (a civil servant) as showing with “clarity that the 1921 settlement [was] wrong because it insulated Northern Ireland from Ireland” (witness seminar, September 7th, 2005). Note also the distinction: the Irish wanted to undo a historical pattern, the British to “add something” to it.

⁵ About fifty of the key British and Irish actors have been interviewed or participated in witness seminars, including most of those involved in the 1980s (see acknowledgements).

Words, “footholds”, precedents and processes were taken as of great importance by the Irish negotiators. From the early 1970s, they attempted to introduce words and phrases into the public and international arena and into British-Irish discourse: “You invent a phrase which has possibly ambivalence in it and this is enough to hold the line for a time and ‘unity by consent’ was thought to be a good phrase” (witness seminar, September 7, 2005). These phrases became precedents, markers for later discussion. From 1973, the idea of process, iteration, open futures was emphasised, as distinct from a final settlement: this follows from the notion of small wedges or precedents which have long-term effects, and is clearly modelled on EU processes with which the main Irish actors were very familiar.

What then were these footholds as the policy-makers understood them? In the early 1970s, they were primarily verbal: the idea of the “Irish dimension”, initially undefined but understood by government officials as necessary to get nationalists out from under the thumb of unionists. Later—in the New Ireland Forum Report of 1984 (paras, 4.2, 4.15, 4.16)—it was given a different, liberal nationalist reading, one that justified it as necessary for the equal recognition and institutionalisation of nationalist and unionist identities and traditions. Paradoxically, just as the “Irish dimension” was being given a primarily symbolic justification in the Forum Report, Irish negotiators were working to create institutional (rather than symbolic) wedges which would open Northern Ireland to Irish government input, thereby resolving the urgent issue of nationalist alienation (in particular from the security forces). They described the key idea as “Irish in rather than Brits out” (the IRA called for “Brits out”). An early and still informal Irish suggestion (in 1983) was for an Irish presence in policing Northern Ireland: the officials involved saw this as a breach of the principle of British sovereignty in a practical way, which would require further Irish input, up to joint authority. A senior British official described how these ideas were “completely strange” to him and were “received with some scepticism in London” but they were ideas with which they found it valuable to engage (witness seminar, December 11, 2006). The British followed up with a proposal for joint policing in parts of Northern Ireland and in the border areas of the Irish state, which was immediately vetoed by Irish politicians (Fitzgerald, 1991 : 494-5), but the general idea of “Irish in” was followed in subsequent negotiations.

The interstate discussions in 1983-5 moved, for the main actors, from negotiation to problem-solving mode: the problem was to find ways to formulate British-Irish relations that would meet the differing interests of both states. Negotiation was as much within the British state (and Mrs Thatcher was the key figure to be convinced of the need for new intergovernmental arrangements) as between British and Irish representatives. Bew, Gibbon and Patterson (1995 : 213-7) describe this as a battle between “maximalists”—who saw no central contradiction between Irish perspectives and wider British interests—and British sovereigntists in the cabinet, and finally the maximalists won the argument. There was agreed an Irish institutional presence in the AII GC and—physically—in the Anglo-Irish Secretariat in Maryfield, Belfast.

The Irish makers of the AIA described it as remedying an imbalance of power by giving an avenue of influence for nationalists through the AIIGC. It implicitly changed the meaning of sovereignty by taking the Irish government as a partner in conflict management, and moving Northern Ireland out of the domestic paradigm of British governance. It brought the Irish government into the governance of Northern Ireland without getting the British government out, setting in place a new, formally powerless (and very thin) intergovernmental “layer” of institutions.

For the British negotiators the AIA was also a breakthrough, which they interpreted in accordance with their own sense of history. The two hundred years at the British cabinet table between 1783-1983 of which these officials were conscious went back before the Act of Union and spanned the expansion and contraction of empire: it encompassed a very wide range of options for British-Irish, North-South, Protestant-Catholic, unionist-nationalist relations. For the officials, the long historical view gave significantly greater “flexibility” and negotiating scope than did the sovereigntist perspective exemplified in more recent British policy (for example Prime Minister Edward Heath’s 1972 statement to Irish Taoiseach Liam Cosgrove that Northern Ireland was none of the Irish government’s business). If Irish politicians and policy makers came to see the radical significance of incremental change, British policy makers and politicians were open to such change by seeing Northern Irish policy in a long historical perspective. They described the process very differently, but the convergence was enough for agreement to be reached, and that Agreement quite radically changed the conditions of interaction for the most senior officials and politicians. British-Irish relations in the later 1970s were described by one official as “poisonous”, with a lack of British response to even the highest-level Irish input. This was irrevocably changed after 1985.

The new generation of Irish officials and politicians who began work after the AIA have a different sense of sequence. They vividly describe their sense of uphill struggle to make any impact on British government policy on policing or marches in Northern Ireland after 1985: some describe “stand-offs”, “no meeting of minds”, “polar opposites” in discussions on security in the latter half of the 1980s (Interview, January 8, 2009). For them, the “quantum leap forward” takes place in 1998, when British officials (under direct instruction when necessary from Tony Blair or his aide de camp Jonathan Powell) cooperated with them in problem-solving ways to create new institutions and make them work, or—in areas of security and criminal justice—negotiated acceptable reforms which would ensure that communal dominance would never again be reproduced. Questioned hard, the officials say that the difference lay in the depth of change: yes, at the most senior level and on the high-politics of British-Irish relations, there was “huge” change in 1985 but this did not immediately percolate down to policy making and implementation.

MECHANISMS OF INSTITUTIONAL CHANGE

Records are not yet open and the detailed studies of different institutions of governance do not yet exist which would allow a rigorous test of the impact of the AIA. Instead I take the mechanisms of institutional change outlined above as hypotheses about the impact of the AIA and ask if and how such mechanisms worked in this case. I go on to sketch in broad strokes the sequencing whereby the initial process of change was strengthened and widened.

Layering

Did the new intergovernmental institutional layer set in place in 1985 become a major locus of policy making? Three areas of nationalist grievance were discussed in meetings of the AIGC and reforms followed.

Quite quickly, even before negotiations were complete, curbs began to be put on Orange marches through nationalist areas, and the police stood firm against Orange pressure. The process continued for more than a decade. This repositioning of the police (conceived by them as a “professionalisation”) was evidenced in the fact that for the first time they began to be regularly attacked by Protestants and had to leave their homes in Protestant estates.

There was a swift repeal of the Flags and Emblems Act , in response to Irish demands (Fitzgerald, 1991 : 573).

The Irish government added its weight to pressure for a stronger Fair Employment Act (eventually enacted in 1989) although it was but one of several pressures and not the driving force in proposing legislation (Jay and Wilford, 1991 : 20-29).

These changes were significant, and O’Leary and McGarry (1993 : 261) list further reforms facilitated by the AIA. They were, however, outweighed for the Irish actors, by the failure to achieve change in areas to which they gave even greater priority:

Joint British-Irish courts were proposed in the AIGC and were immediately vetoed by British judges at the highest level. Policing reform had been promised in the AIA (article 7c defines the objective of “making the security forces more readily accepted by the nationalist community”). Yet the reforms suggested did not take place. For example, the promised accompaniment of Ulster Defence Regiment (UDR) personnel by police in their relations with the public was never consistently implemented. These issues were raised repeatedly in the AIGC. The Irish members of the Secretariat made a log of each proposal made by them, the date and recorded everything that happened in respect to it. They had long discussions with British army and police chiefs, who are reported to have blamed each other for the deadlock. Even when a very senior British official argued for a down-sizing of the UDR, the response from the prime minister was “I thought you were supposed to be on our side”. Senior Irish politicians and officials are evidently and visibly still angry about this lack of response: mild, diplomatic senior officials in the presence of British counterparts used phrases such as “extremely disappointed”, “extremely

important to the Irish side”, “puzzled”, “disillusioning” (witness seminar, December 11, 2006).

Later, after the 1994 paramilitary cease-fires, there were ongoing disagreements between Irish and British governments about the inclusion of Sinn Féin in negotiations prior to decommissioning which were very slow to be resolved, not least because the British Conservative government was increasingly dependent on unionist support in Westminster.

In short, while a new layer of institutions was put in place, and took on a momentum that went beyond the control of its makers, it did not come to bypass other loci of decision-making. “Layering”, in the technical sense of an increasing policy-making role for the new institutional layer, did not take place to any significant extent. Reforms suggested in the AIGC were blocked by the judiciary, the security services, the Ministry of Defence, and the Secretary of State for Northern Ireland, none of whom were willing to change their own judgements and working-strategies to accommodate Irish interests. One senior British policy maker described the Irish side pushing towards joint authority and his own resistance, partly for legal and constitutional reasons, partly to accommodate unionist concerns (interview, 27 November, 2008). In John Major’s premiership, when the Conservative government was dependent on unionist votes in Westminster, Irish proposals were also blocked by party-political concerns. The new layer of institutions changed the issues that came onto the political agenda (policing, equality, marching, symbols, courts) and the frequency with which they appeared on this agenda, but it did not typically change the outcomes or the loci where decisions were made.

Displacement

A more significant policy effect of the AIA occurred through “displacement”, defined as the “diffusion” of new models “which call into question existing, previously taken for granted organizational forms and practices” (Streeck and Thelen, 2005 : 19). The very presence of the Irish government in the AIGC and Secretariat meant that

you got a sovereign government, the government of the United Kingdom, agreeing to have within its institutions a group of people from another jurisdiction to advise it on how to rule part of its own territory, and....under Treaty obligations, to make determined efforts to resolve differences (interview, Irish official Jan. 16th, 2009).

Irish officials made detailed recommendations on policy areas including “the ‘modalities’ of devolution, the role and composition of important public bodies, security and legal matters, and practical social and economic affairs” (Bloomfield, 2007 : 62). This practice was diffused to other areas, so that “Irish in” became the norm in all areas to do with conflict regulation in Northern Ireland. The Irish government played a proactive role in the 3-stranded (Northern Ireland, North-South, British-Irish) Brooke and Mayhew talks of 1991-3 (see Bloomfield, 1998 : 2001). A senior Irish official who had worked on Northern Ireland from the early

1970s to the mid 1990s described the difference between the early period when the Taoiseach's input was disregarded and his attempted communications refused and the later period with frequent informal phone calls and consultations between Prime Minister and Taoiseach.

Displacement also took place in the sense that senior British policy-makers became significantly more willing to open Northern Ireland to international influence. The existence of a legitimate Irish role in policy making, formalised by an international agreement, meant that the Irish government could appeal for US help when they could not reach agreement with the British. US interventions became increasingly important in the next decade. Lord David Owen (2002 : 22) notes that the eventual British acceptance of the validity of US mediation in the conflict (albeit minor and guided by the two states) marked a major change in British policy. Other geopolitical interests post 1989 favoured such a change (see Guelke, 2002 : 127, 135) but the AIA eased the process, having removed key British objections to external influence on Northern Ireland.

Displacement involved the importation of new elements and actors into existing practices. It did not take place on a rolling institutional basis (because there were not widespread "residual" "Irish" elements in Northern Irish institutions which could be brought into play). The displacement of AIA models involved only small numbers of high-ranking politicians and officials. Even after 1998, when the range of North-South as well as British-Irish institutions had increased, some respondents pointed out that each new area of North-South institution-building did not seem to learn from previous, but involved "starting all over again" with each new set of actors (witness seminar 18 November 2009).

Conversion

Equally important was the "conversion" effect of the AIA. If we take the "public sphere" of debate and contestation in media, public meetings and government consultations as a rule-governed quasi-institutional arena, then this was an area where quite radical change occurred in the late 1980s, partly by the systematic inclusion of (moderate) nationalists in all debates (see Ruane and Todd, 1996 : 187-92), partly by the participation of high-status Irish government actors. Their inclusion changed the arguments that could sensibly be put forward in the public sphere. Nationalist alienation, nationalist rights, nationalist equality, paths to a united Ireland, parity of esteem were now concepts that became part of public debate in Northern Ireland before they were voiced only by "extremists". Now liberal nationalism—equal institutionalisation of nationalist and unionist identities—could be used as an argument, not a winning one but a plausible one which sometimes won. Thus a new logic was introduced into public political debate. The fact of present and past British sovereignty was no longer an argumentative trump card in the hands of unionists. By this means, the impact of the AIA was enormously widened and the relative impact of different interest and lobby-groups changed,

feeding back into governmental decisionmaking and party-political negotiating strategies.

Wedges

All of these processes began by the Irish policy makers inserting a “wedge” into British institutions of governance in Northern Ireland, thus opening the possibility of contest over the rules and logic of institutional practices and further change in the future. Irish policy makers—even the most mildly nationalist of them—were convinced that the deeply entrenched role of the British state in Northern Ireland was conflict-generating. They were equally aware of the power differentials between Britain and Ireland and the lack of Irish military capacity to control conflict if the British were to withdraw. Their immediate aim was therefore to change the effects of the British presence, and they did so by introducing new elements which would change the logic of state decision-making. British policy makers, on the other hand, were able to facilitate such change by changing the historical depth of their view of Northern Ireland.

The AIA constituted a “wedge” in at least two senses. First it gave an institutional forum (the AIIGC) in which to raise issues. It is not that this got steadily more important over time: in fact its importance waxed and waned, at times overtaken by urgent personal communications between the prime ministers. But that it existed as a legitimate channel for raising issues allowed further lobbying (including in the US) when it did not satisfactorily resolve issues. Second, its very existence, whatever its weight or success, meant that older arguments about the right of the British government to govern Northern Ireland as it did the rest of the United Kingdom were no longer decisive. It gave official (British and Irish) certification to liberal nationalist concepts of “parity of esteem” and “institutional recognition” of the different “traditions” on the island of Ireland. The meaning of these terms was neither clear nor necessarily coherent, but they served important political purposes for nationalists.

In summary, the institutions set up by the AIA quickly went beyond the control of their makers, but the momentum remained in a small coterie of high-ranking officials and politicians, who developed increasingly close working relationships. It percolated beyond the AIIGC and Secretariat through the “displacement” of its model of decision-making to other strategic thinking on Northern Ireland. In periods of intense negotiations, the Anglo-Irish institutions were bypassed in favour of informal prime ministerial contacts, with joint British-Irish initiatives and a strong Irish role encouraged by the US. The presence of new Irish and nationalist actors “converted” the norms of public debate in Northern Ireland. With this, incentives for political parties to negotiate increased, and the emerging peace and settlement processes brought in significantly greater numbers of British and Irish officials. The mechanisms of displacement and conversion thus strengthened a process of intergovernmental decisionmaking in which Irish and nationalist input increased over time. After 1998, consociational and North-South institutions were also

created: the new configuration was significantly more egalitarian and “binational” than in the direct rule period, and significantly more wide-ranging than the small but important AIGC and Secretariat.

After 1998, a top-down, British-initiated reform process accelerated, often against unionist protest. By 2009 positions long advocated by the Irish government had been achieved in policing and criminal justice, in respect to marches, public culture, equality and to a lesser extent in respect to rights in Northern Ireland. While a momentum of institutional change internal to Northern Irish institutions has yet to take place, the momentum of change in British governance of Northern Ireland is evident. Policing reform (as unionists were painfully aware (Godson, 2004 : 472-9) signalled a change in the internal logic of British policy making, of the arguments that were taken to be decisive, of the frame within which politics in Northern Ireland was viewed by the state elite. This change began with the AIA, and the “flexibility” which the 1985 British negotiators found with their long historical view came to be more fully generalised in the British system. The sequences by which this happened are complex. The new institutional rules (of the British-Irish relationship, and the role of the states in Northern Ireland) were fought out in practice, and it took additional intersecting processes (paramilitary cease-fires, changing geo-political interests, the possibility of a settlement) to tip the balance within the British state. The process was helped by Secretaries of State with a long sense of history who furthered the “flexible” approach, by John Major who was willing quite radically to revise strategy on Northern Ireland (Patterson, 2001 : 166), and finally by the landslide victory of a British prime minister—Tony Blair—without ideological or historical “baggage” (Powell, 2008 : 94). But the limits of the possible within which Blair helped broker a settlement had been stretched by the AIA and the role of the Irish government which it legitimated.

CONCLUSION

The distinction between endogenous incremental change and exogenous shocks common in the scholarly literature on institutional change applies only roughly to this case study, where British state institutions and practices are at once “internal” and “external” to Northern Ireland. With this proviso, the model of institutional change discussed above helps disentangle the causal sequences in the Northern Ireland peace process. The conflict-resolution process in Northern Ireland has been and still is managed by the governments, but this is far from top-down control of the process of change. From 1985 it has involved oversight of institutional processes with their own momentum and often unexpected consequences, and policy makers consciously build on the “blocks” already put in place (witness seminar, September 7, 2005). Intergovernmental conflict management has proceeded not simply nor even primarily by high level negotiation or formal treaties or set-piece all-party talks but also by incremental institutional shift strikingly similar to that described in the institutional literature. That shift was seen differently by the British and Irish policy-makers. The Irish imported new elements, putting in the “wedge” before they worried about what they would do with it. The British were stimulated into a new

flexibility and they revised their practices of governance in terms of possibilities they found in their long-term institutional tradition. Radically different descriptions of the same process were given by the two sets of policy-makers, and the significance of these different perspectives is still being worked out in practice.

The process outlined here is invisible if one takes a legalistic and formal view of institutions and institutional change. A different concept of institutions and institutional change allows us to show processes which inter-relate elite negotiations, inter-state institutional layers, new policy-making avenues, new issues on the political agenda and new popular expectations which drive these changes further. This is a recognisably similar sort of process to that which Thelen and others have shown in economic institutions. Ethnic conflict regulation and institutional change in conflict regions is not different in kind from other sorts of social processes and institutional changes. Where it differs in detail is in the manner of reshaping institutions: in this case, subtle, seemingly metaphorical, shifts in constitutional frames and inter-state expectations surrounded an institutionalisation of cooperation at the highest level. The path by which this translated into wider institutional reform was long, passing through international (US) influence and entangled with new sets of all-party negotiations. The internal momentum of change was limited: there were indeed numerous recessive repertoires in British and Northern Irish institutions but they had proven through the period of direct rule to be as open to communal bias as the dominant repertoires (see Ruane and Todd, 1996 : 224-231). It required new elements to interrupt these patterns, and this was what the AIA provided. The new institutional layer brought in new actors—Irish and later international—who helped change public and party political incentive structures, all of which fed back to strengthen British resolve to widen the process of change.

I have described the AIA as a “wedge” whose significance for wider institutional change was not pre-determined. Thelen and Streeck (2005 : 20) describe how recessive elements within institutions can be used by new actors to redirect those institutions. They tend to take these elements as historically given, rather than intentionally introduced. This case study shows the purposive, strategic importation of such elements. This practice is common in other areas of political life: it is the stock-in-trade of the power-less, part of the repertoire of the left. Its longer-term effectiveness in securing the desired direction of change, to judge by this case, depends on actor continuity over time (the strategic continuity of Irish policy since the early 1970s was of immense significance in allowing new opportunities to be recognised and seized) as well as on shifting power resources and opportunities.

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