



Zero-sum politics in contested spaces: The unintended consequences of legislative peacebuilding in Northern Ireland



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ABSTRACT

Studies of ethno-nationalist conflict have repeatedly underlined the significance of policy interventions that seek to de-territorialise contested space after armed conflict and create more plural societies. Creating 'shared' space in divided societies is often critically important and inextricably linked to peacebuilding. However much of this scholarship has tended to focus on the relative success or failure of such policies. This paper conversely explores the 'unintended consequences' (Merton, 1936) of legislating around fragile public space in Northern Ireland and considers its potential to undermine, rather than reinforce efforts to transition to peace. Drawing on a body of work around unintended consequences, territorial socialisation and peacebuilding, we argue that such legislation in ethno-nationalist societies emerging from conflict is a double-edged sword which can be utilised both explicitly and implicitly to reactivate tribal spatial politics and exacerbate divisions in deeply divided societies.

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1. Introduction

In societies emerging from conflict, place and its territorial significance represents an acute challenge to successful conflict transformation endeavours (Graham & Nash, 2006; Ryan, 2016; Vallacher, Coleman, Nowak, & Bui-Wrzosinska, 2010). The development of legislation around space-sharing and symbolic attribution is one common device used to underpin a volatile political transition and to protect citizens' rights as a peace process unfolds (Loncar, 2016; MacGinty & Richmond, 2013). Such regulation is often bound up in efforts to alter the ways in which citizens navigate, interpret and experience specific places and to create a more plural, tolerant society where territory is still contested (see Bekoe, 2016; Sriram, 2016; Svensson, 2013). However, even legislative frameworks, which are unambiguously grounded in attempts to promote and protect rights in a peacebuilding context, can, we argue, be used as devices to perpetuate the very conflict they seek to ameliorate.

We suggest that within divided societies, peacebuilding legislation can at particular points and in particular places, reactivate

and maintain conflict between and across warring parties or actors, placing additional stresses on public bodies who are often tasked with managing disputes (Bollens, 2012; Calame & Charlesworth, 2011; Fagan & Sircar, 2015; Morrissey & Gaffikin, 2006). Such legislation can come to represent another conflict theatre, constituting almost a 'war by other means' where the conflict continues to play out on a number of different scales. This creates a significant threat to nascent peace processes, underlining Koopman's (2017, 1) assertion that 'war is inside peace, and peace is inside war'. More broadly, contemporary scholarship on peacebuilding has focused on the unintended impacts of interventions, with the bulk of this debate centring on critically engaging with liberal peace approaches and practices (Daase & Friesendorf, 2010; Lekha Sriram, 2007; MacGinty & Richmond, 2007). Less attention has been paid to legislation that is specifically designed to build peace and better relations, but is used by ethno-nationalist actors to exacerbate conflict dynamics through claiming and contesting territory. Employing a case study approach drawing on patterns of conflict in Northern Ireland, we unpack the complex relationship between legislating for peace and spatial contestation, extending theoretical constructs around unintended consequences to the new realm of peacebuilding and public space.

The nuanced and complex relationship between peace and

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space has according to the Megoran (2011), enjoyed decidedly less focus and attention than the geographies of conflict and violence, despite important efforts by Mamadouh (2005), Flint (2005) and Kobayashi (2009) to open up a conversation. Since 2011, a number of geographers have been instrumental in calling for a much more critical appraisal of spatial practices within the field of peacebuilding, urging scholars to more fully theorise peace using a spatial lens and to consider what peace means and how it takes place across a range of scales (Koopman, 2011; Loyd, 2012; Megoran, 2011; Williams & McConnell, 2011). Thinking about space within the context of peacebuilding and about what 'peace equates to for different stakeholders' (Brickell, 2015, 321) has become acutely important in advancing our understanding of conflict dynamics as key edited volumes from McConnell et al. (2014) and Björkdahl and Buckley-Zistley (2016) attest. Interrogating spatial practices in the wake of violence is critically important 'for the interpretation of peace. What looks like peacemaking from one perspective and scale, is more problematic from other perspectives' (Richmond, 2014; xvii).

Accepting that peace processes operate along a continuum and may progress and regress across time and space, we like others, conceptualise peace as something that is not necessarily static and finite. We concur with the likes of Ross (2011), Koopman (2017), Shimada (2014) and Williams (2015) that peace, like war, can occur at different scales, places and times. This is certainly true of our case study, Northern Ireland. Writing in 2007 almost a decade following the signing of the 1998 Belfast/Good Friday Agreement which sought to draw a line under three decades of armed conflict, Shirlow and Murtagh (2006) suggested that its largest city Belfast was moving at a 'twin speed'. While many of its citizens were enjoying a liberal peace and economic prosperity, others lived in the shadows of peacewalls built post-agreement to manage sectarian hostilities between ethno-nationalist communities feeling disempowered and removed from the political process. There can be little doubt that peacebuilding has advanced peace in relation to some structural inequalities (such as fair employment, security sector reform and the provision of services) and the work undertaken within and across the community sector has made tremendous progress in transforming difficult and hostile relationships in some places. Despite this, Northern Ireland remains a deeply divided and segregated society where zero-sum politics can resurface, threatening to undermine a fragile peace.

For the purposes of this paper, we examine the implementation of Section 75 of the Northern Ireland Act 1998 – the so called 'Equality and Good Relations' duties. We suggest that while legislation was developed and designed to *underpin* peace and produce a plural society, it has also been utilised to *undermine* peacebuilding efforts, specifically where the territorial socialisation of place remains crucially important to the proponents of single-identities. In doing so, we extend the conceptual framework around 'unintended consequences' from general debates about policy intervention (Talberg, 2002), to the new realm of peacebuilding and peacebuilding legislation around territory and space. The paper begins by establishing a theoretical framework around spatial contestation, unintended consequences and peacebuilding, before outlining the context, case selection and methodology. It goes on to discuss the Northern Ireland cases, before drawing conclusions about the significance of the Northern Ireland experience to other contested environments.

1.1. Territorial socialisation, zero-sum conflict and legislative peacebuilding

Within ethno-nationalist societies, divergent interpretations of place often form the crux of intractable conflict (Diehl, 1999;

Grosby, 1995; Newman, 2006; Paasi, 1999). Place is critically important because ethno-nationalist identities are inexorably bound to a specific territory of either discursive or material value. While hard lines and physical borders demarcate the territorial boundaries of many nationalist doctrines it is the symbolic properties of place that give it meaning and contribute to a sense of ownership among its members. Grosby (1995, p. 60) for example suggests that a territory is not simply a space where physical actions take place or are performed; it is rather a "structural, symbolic condition which has significance for those who act within it and towards it". Walter (cited in Gebrewold, 2009, 16) agrees, attesting 'territorial attachment and people's willingness to fight for territory have much less to do with the material value of land and much more to do with the symbolic role it plays in constituting people's identities and providing a sense of security and belonging'.

Ethno-nationalist groups engage in a process of 'territorial socialisation' (see Duchacek, 1970; Newman, 2006; Newman & Paasi, 1998) which involves deliberately cultivating an emotive attachment to a specific territory among members. This can be done through enacting or incorporating forms of 'banal nationalism' (Billig, 1995) in the everyday, such as flying flags, wearing emblems, singing 'national' songs and engaging in sporting events. Alternatively, it may involve more direct or aggressive acts of territoriality such as street-naming (Azaryahu, 1996; Alderman, 2003), building monuments or memorials (Johnson, 1995; Till, 2003), parading (Cohen, 2007), the use of architecture (Pullan & Gwiazda, 2009) or the construction of walls or borders (Blackman, 2006). Such activities all involve an implicit or explicit emphasis on the territory's historical or mythical importance to the group. For Diehl (1999), they represent a form of 'territorial indoctrination' that embed (a specific group of) people within the spaces they inhabit. Territorial socialisation can be hugely controversial and occasion conflict; as a boundary making practice (Newman, 1999) it is designed not only to delineate boundaries for the group within, but to very clearly articulate boundaries for those on the outside.

In ethno-nationalist societies like Northern Ireland where competing interpretations of place provide the backdrop for persistent conflict, post-agreement wrangling over territory and the right to belong often continue to present formidable challenges to peacebuilding and can subvert macro politics (McDowell & Braniff, 2014). These challenges, which often revolve around the symbolic importance of territory, become particularly acute whenever legislation designed to minimise conflict is employed in localised territorial struggles under the guise of human or equal rights. While there is a burgeoning literature on the multi-layered processes of de/territorialising place within transitional ethno-nationalist societies (Basch, , Schiller, and Blanc, & eds, 2003; Hess & Korf, 2014; Klem, 2014; Tzfadia, 2008), there is a notable absence of academic interrogation of the very complex role that peacebuilding legislation plays in facilitating territorial game-playing or point-scoring in a post-conflict context, and enabling the conflict to continue by other means.

In ethno-political conflicts, peace agreements and political settlements are often used to minimise and transform the antagonism between rival ethno-nationalist groupings and to de-territorialise the conflict (Graham & Nash, 2006). However, the nature of zero-sum politics in some societies means that peace agreements rarely deliver the demands or political aspirations of warring ethno-nationalist groups (Bell & O'Rourke, 2010). Nurturing a continued narrative of attachment to a place designated as symbolic of a group's territory whenever there is a pressure to 'share' and/or de-territorialise space is, we argue, fundamentally important to those who already feel they are sacrificing or at least compromising their political objectives as part of a peace

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