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Together in the middle: back channel negotiation in the Irish peace process

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Abstract

This article examines the development of cooperative relationships in back-channel communication and their impact on intra-party negotiation. It draws on extensive newly available evidence on back-channel communication in the Irish peace process to expand the range of detailed case studies on a topic which is shrouded in secrecy and resistant to academic inquiry. The article analyses the operation of a secret back channel that linked the Irish Republican Army to the British government over a period of twenty years, drawing on unique material from the private papers of the intermediary, Brendan Duddy and a range of other primary sources. The article finds that interaction through this back channel increased predictability and laid a foundation of extremely limited trust by providing information and increasing mutual understanding. Strong cooperative relationships developed at the intersection between the two sides, based to a great extent on strong interpersonal relationships and continuity in personnel. This in turn produced direct pressure for changes in the position of parties as negotiators acted as advocates of movement in intra-party negotiations. The article finds that this back channel was characterised by a short chain, the direct involvement of principals and the establishment of a single primary channel of communication and that these features combined with secrecy to generate the distinctive co-operative dynamics identified in this article. It concludes that the potential for the development of strong cooperative relationships is particularly strong in back channel negotiation for two reasons; the joint project of secrecy creates an ongoing shared task that builds trust and mutual understanding regardless of progress in the negotiations. Secondly, as a shared project based on the explicit aim of bypassing spoilers, the process creates structural pressures for cooperation to manage internal opponents on both sides, pressures intensified by the secrecy of the process.

Introduction

Back-channel communication is an ubiquitous feature of negotiation and conflict resolution processes (Pruitt, 2008: 230, 298-9). It takes widely varying forms but all back channels are united by one key feature: their covert character. The resultant exclusion of audiences is aimed at preventing those audiences from shaping the character of that communication, from disrupting such communication or from using it to attack and damage the parties to communication. The secrecy that defines back-channel communication presents major methodological challenges, particularly because it can remain cloaked in secrecy for decades afterwards. This secrecy is a major obstacle to the development of our understanding of its value in conflict resolution efforts and is an important part of the explanation for the paucity of literature on the topic.

This article draws on extensive newly available evidence on back-channel communication in the Irish Peace Process to advance the literature by extending the range of detailed case studies. It draws on the recently available papers of Brendan Duddy, the intermediary who acted as a link between the British government and the IRA over a twenty year period, along with British and Irish Republican archival records that have become available in recent years and on interviews with key participants.

The article is structured along the following lines. It begins by outlining the theoretical discussion about the advantages and disadvantages of back-channel communication. The relative paucity of work focusing on cooperation at the intersection between parties in back channels is outlined. The empirical case of back-channel communication in Northern Ireland is then explored, outlining the development of a trusted channel between the British government and the Irish Republican Army (hereafter IRA) and focusing on the development of solidarity at the intersection between parties and its relationship to intra-party negotiation.

The article argues that back-channel communication can contribute to a strong sense of joint enterprise and a common project by creating shared interests and tasks specific to this form of communication, in particular the shared project of maintaining

secrecy. This can contribute to the building of a surprisingly robust negotiating relationship built on mutual trust, continuity of personnel and a relationship of reciprocal exchange and limited compromise. Secrecy can intensify an aspect of negotiation that has been well-noted in the literature: the development of a sense of mutual solidarity and joint action at the intersection between parties and the resultant co-operation in moving forward the positions of their respective parties (Walton & McKersie, 1991: 230, 298-9). The article ends by discussing the implications of the findings for our understanding of back-channel communication in particular and mediation in general.

Theoretical discussion

There has been a marked increase in academic attention to the use of back-channel communication in recent years (Pruitt, 2006, 2008; Putnam & Carcasson, 1997; Wanis-St. John, 2006). This has been generated to a great degree by the achievements of the Oslo Process in which public talks that excluded the PLO were superseded by an agreement between Israel and the PLO reached through a secret back channel (Bercovitch, 1997; Kriesberg, 2001; Pruitt, Bercovitch & Zartman, 1997). The contribution of covert communication to negotiated peace agreements in South Africa and Ireland in the early-1990s is also frequently highlighted (Lieberfeld, 1999, 2002; Pruitt, 2008). These contemporaneous processes suggested to many that back-channel communication might have particular advantages for the resolution of intractable conflicts, 'facilitat[ing] early breakthrough agreements' and could possibly provide a useful model for conflict resolution negotiations in other settings (Wanis-St. John, 2006: 20).

Advantages and disadvantages of back-channel communication

The literature identifies a number of features that explain why parties use back-channel communication. The key advantage is the exclusion of a variety of audiences. In the first place, it removes the talks from the sight of the press and therefore a wider public. Public attention can often force parties to take up positions aimed at generating public approval rather than focusing on the achievement of a negotiated settlement. Freed of this 'audience effect', contact in back-channel communication can be much more focused on problem solving (Wanis-St. John, 2006: 20).

Secondly, by concealing contact from political opponents it removes the possibility that they will seek to terminate this contact or gain political advantage by condemning it. This is particularly important in situations where the legitimacy of parties is contested. In the third place, it bypasses internal opponents of negotiated compromise on both sides who might apply pressure for an uncompromising approach or the termination of contact. In South Africa, Israel/Palestine and Northern Ireland back-channel contacts were kept secret not only from the public and from political opponents but also from senior security force figures and even from government ministers (Putnam & Carcasson, 1997: 265; Wanis-St. John, 2006: 123-4).

Crucially, back-channel contact permits negotiation on the question of legitimacy without conceding legitimacy. Thus, a central purpose of back-channel communication is what is sometimes referred to as 'pre-negotiation', talks on the conditions for entry to front-channel talks (Wanis-St. John, 2006: 123).

Wanis St. John (2006: 125) argues that back channels allow parties to manage four distinct kinds of uncertainties, two of which have been discussed above: uncertainties about spoilers and the cost of entry to talks. It also permits the management of uncertainties about outcomes by allowing decision makers to explore the possibilities for agreement without publicly associating themselves with these efforts. Finally, it allows for an exploration of underlying interests, to explore whether parties are willing to be more flexible than they can indicate publicly.

The literature identifies major drawbacks to back-channel communication, most notably that it can produce narrowly based agreements that are difficult to implement precisely because important constituencies have been excluded. It is also argued that secrecy can create mistrust and prevent the building of broad-based public support for compromise (Pruitt, 2008: 51; Wanis-St. John, 2006: 133, 139-40). However, Pruitt (2008) argues that the Irish case demonstrates that broad-based support is not incompatible with, or precluded by, this form of communication.

Cooperative relationships and intra-party negotiation

The literature also addresses the significance of back-channel communication for the transformation of relationships. Putnam & Carcasson (1997: 252) stress that a range

of communication modes in the Oslo talks 'integrated the parties into the process' and emphasize the importance of communication itself and the building of trust through interaction. They also emphasize the development of personal relationships between negotiators and mediators and the resultant reassessment of positions at a personal level (1997: 265). They identify a 'chain pattern' of communication that 'allowed the doves on the team to convince the sceptics' (1997: 263) and emphasize the role of negotiators in urging and convincing principals to modify their positions and of mediators in encouraging negotiators to change attitudes (1997: 268). Wanis St John (2006: 127) also touches briefly on the relationship between intra-organizational negotiation and covert negotiation when he notes that negotiators need to be aware of the constraints under which their opposite number is operating and that they need to 'jointly manage opponents'.

Back channel negotiation

Back-channel communication, defined by Pruitt (2008: 37) as 'secret communication between the leadership of opposing groups' is a broad term. It does not necessarily involve negotiation or a clear pattern of message and response. Pruitt (2008) outlines how multiple back channels often operate simultaneously and can involve long chains and relatively indirect communication. Putnam & Carcasson (1997: 258) note that informal and unofficial back-channel communication can gradually become more formalised as it is given official sanction. There is a continuum between unofficial and informal back-channel communication on the one hand and officially sanctioned and formalised back-channel communication on the other, but there are also distinctive differences between these two forms and it is necessary to distinguish more clearly between them. While Pruitt analyses a broad range of back-channel communication processes Wanis St John (2006) focuses more narrowly on a form that he calls 'back channel negotiation' which he defines as 'officially sanctioned negotiations conducted in secret between the parties to a dispute', sometimes conducted by a third party or involving an intermediary. It is official, formally sanctioned at the highest levels, and it involves negotiation on specific issues even if those issues are initially limited to the procedures for contact (Wanis-St. John, 2006). Our focus here is on back-channel negotiation which we argue has quite distinctive features and effects.

Modifications to previous theory and our argument

The significance of the process of back-channel communication for the transformation of relationships is noted in the literature, particularly by Putnam & Carcasson (1997). Nonetheless, there has been relatively little exploration of the factors shaping the development of these relationships. Nor has there been detailed study of the way in which these relationships in turn change the dynamics of intra-party negotiation and in particular of the distinctive contribution of secrecy to both of these phenomena.

All forms of communication have the potential to allow parties to develop a cooperative relationship and to build mutual trust and reduce uncertainty through the shared experience of communication and coordination but back-channel communication has the additional feature of creating a shared project of secrecy. This shared project creates direct experience of joint cooperation on a shared interest, generating increased trust and mutual dependency. The consequent development of a limited sense of solidarity at the intersection can intensify an aspect of negotiation that has been well-noted in the literature: the development of a sense of mutual solidarity between negotiators from opposing sides and their cooperation in moving forward the positions of their respective parties (Walton & McKersie, 1991). This is facilitated by the presence of an intermediary with whom both parties can legitimately build a relationship of solidarity, thus generating a sense of solidarity that stretches across the divide. This process is all the more striking when we consider that a principal motivation for the use of back channels is the fact that the gulf between parties is so great that one party denies the legitimacy of the other.

Back channel negotiation in the Irish Peace Process

The violent conflict that broke out in Northern Ireland in 1969 and that lasted until the mid-1990s claimed more than 3,500 lives (Dixon, 2001; Tonge, 2006). It was exceptional in the post war West-European context and illustrated that long established democratic institutions and norms are no guarantee against violent ethnonationalist conflict. Irish Republicans in the IRA and Sinn Féin, the political party with which it was associated, aimed to reunite Ireland as an independent sovereign republic by bringing an end to British sovereign control of Northern Ireland

by violence. The unionist majority in Northern Ireland sought to remain within the United Kingdom and loyalist paramilitary groups used illegal violence to supplement state efforts to defeat the IRA. The conflict was ultimately ended through a negotiated settlement in 1998 that drew in armed militants from both republican and loyalist organisations (Hancock, 2008; MacGinty & Darby, 2002). The channel dealt with in this case study was a key component in this peace process, providing a means of communication between the British Government and the IRA between 1990 and 1993 and generating a secret ceasefire offer that was a prelude to the IRA's public cessation of violence in 1994. The Irish case has been repeatedly invoked in recent years as an argument for negotiation with armed militants, a process that almost inevitably involves back channel negotiation. Negotiations between the British government and the IRA were nested in and structured by a range of other important political relationships and influenced by the actions and positions of other key actors, including unionist and moderate nationalist political parties, loyalist paramilitaries and the Irish government.

Back channel negotiation in the Irish case dates back to the early-1970s when Brendan Duddy, a Derry businessman with strong and extensive political connections, began to act as an intermediary between Ruairí Ó Brádaigh, the President of Sinn Féin, and Michael Oatley, a senior MI6¹ agent (Ó Dochartaigh, 2009; Taylor, 1998, 2001). In early 1975 this communication moved on to a new plane and British representatives began a series of officially sanctioned secret meetings with Republican representatives who were reporting directly to the IRA Army Council, the central decision making body of the IRA. It is the only time in the conflict that a series of such direct meetings has taken place. The centrality of the intermediary to this initiative is illustrated by the fact that both sides permitted him to take charge of practical arrangements and that his home was the venue for these meetings. Contact

¹ MI6, the United Kingdom's Secret Intelligence Service, is part of the Foreign and Commonwealth Office and is responsible for international intelligence operations (Dorrill, 2002). MI5, the 'Security Service' is responsible for domestic intelligence operations (Andrew, 2010). Both agencies were active in Northern Ireland because the conflict there had both an international and domestic character but by the mid to late-1970s MI5 had become the dominant agency there.

was reopened in 1980 for negotiations aimed at ending the Republican hunger strikes in which ten IRA and INLA² prisoners subsequently died. It was revived again in 1990/91 and used for negotiations on the conditions for entry to talks. This culminated in 1993 in a secret IRA ceasefire offer to the British government (Mallie & McKittrick, 1996, 2001; Powell, 2008; Taylor, 1998, 2001). A number of other back channels operated during these periods (Moloney, 2002; O'Connell, 1989) but none of them constituted a sustained primary channel for negotiation between the British Government and the IRA. By the time the IRA eventually declared a ceasefire in 1994 and contact between Sinn Féin and the British government moved into the open, both parties had three years of recent experience of contact and an intermittent negotiating relationship that stretched back over two decades. This provided an important base for the subsequent building of a negotiated peace settlement in which the British Government and Sinn Féin ultimately built a close cooperative relationship (Mowlam, 2002; Powell, 2008).

Methodology

Secrecy is the central defining feature of back-channel communication while communication between governments and armed opponents whose legitimacy they deny is one of the most sensitive activities a state can engage in. As a consequence of both of these elements, back channel negotiation is a particularly difficult subject to investigate. Not only are crucial data deliberately withheld and concealed by participants on all sides, during and after negotiations; they also actively seek to shape the narratives and the available data on the subject for decades afterwards. Thirty five years on, key official British government records on this channel of communication remain closed while references to this channel have been removed from multiple files in the UK national archives.

Nonetheless, the struggles to shape understandings of these channels can become far less charged and intense with the passage of time and it is easier to admit to a history of secret contact and exchange when there is broad consensus that the outcome justifies the means. The passage of time has also ensured that a wide range of official

² Irish National Liberation Army, a relatively small Marxist Republican armed group that was particularly active during the 1980s.

British government records on this channel have become available under the thirty year rule over the past few years, along with other primary sources. As a consequence, the Irish experience of back channel negotiation is much more susceptible to research than many other recent equivalents. The record remains fractured however and key elements remain concealed. Given the fractured character of the data and the small number of cases of back channel negotiation for which detailed information is available, a case study combining critical analysis with historical methodologies provides an appropriate approach to developing our understanding of this kind of communication (Flyvbjerg, 2006; Howell & Prevenier, 2001).

Primary sources are central to the methodology. The most important new source is the papers of Brendan Duddy. The channel's existence was publicly revealed in 1993 and its operation was described in a series of books published in the late-1990s (Taylor, 1998, 2001). The identity of the intermediary remained secret for several more years however. He received widespread publicity with a 2008 BBC documentary 'The Secret Peacemaker', that examined his role. The Brendan Duddy papers, deposited at the National University of Ireland, Galway in 2009, include personal diaries kept during intense periods of negotiation, documents exchanged between the British Government and the IRA, and a variety of other primary documents.³ This article draws on the diary of contact kept by Duddy throughout 1975 and for much of 1976 and on the diary kept for several months in 1993 when communication was at its most intense. Both diaries were coded to disguise the identities of individuals and to obscure the topic of discussion. They provide a unique insight into this channel from the perspective of an individual who operated at the intersection of the two sides. This data source is triangulated with primary sources from both the Republican movement and the British government.

Republicans also kept a written record of their 1975 negotiations with the British government, splitting the typing work between three individuals so that none of them would build up a complete picture of the talks (personal interview with Rúairí Ó

³ POL35, The Brendan Duddy Papers at the Archives, James Hardiman Library, National University of Ireland, Galway.

Brádaigh).⁴ In relation to negotiations surrounding the Hunger Strikes of 1980 and 1981, Sinn Féin released a limited record of their contacts with the British government, while the British government has recently released selected documentation on these negotiations in response to a Freedom of Information request (Beresford, 1987; Clarke, 2009). In addition, Sinn Féin and the British Government published extensive records of their communications between 1990 and 1993 which differ only in detail (1993; McKittrick & McCrystal, 1993; Sinn Féin, 1994). Thus, despite the gaps in our knowledge, extensive primary sources generated by the British government, the Republicans and the intermediary can be checked against each other to build a useful picture of these back channel negotiations.

These sources are supplemented by extensive semi structured interviews with the intermediary conducted and recorded on several occasions in 2009. In addition, it draws on interviews with key participants on both the Republican and British government side in this back channel.⁵ Finally, a number of those involved in these negotiations have spoken about their involvement or written autobiographies in which they discuss this channel (Major, 1999; Rees, 1985; Taylor, 1998, 2001).

All of these accounts and records and interviews must be analysed as interpretations seeking to shape perceptions rather than as transparent evidence, as accounts situated in, and shaped by, a particular time and political context. The struggle to shape interpretations of this contact may not be as intense as it was, but it remains a site of struggle.

⁴ POL 28, The Rúairí Ó Brádaigh Papers at the Archives, James Hardiman Library, National University of Ireland, Galway.

⁵ Details of interviews: Brendan Duddy, Derry, 11-13 May, 27-29 July, 13-16 October, and 26-27 November 2009. The two interviews in November 2009 each lasted approximately seven hours and were filmed. An extract is online at <http://www.youtube.com/watch?v=PwOcGDmZg38>; Rúairí Ó Brádaigh, former President of Provisional Sinn Féin, Roscommon, 2 December 2009; unattributable interview with former British official, 7 October 2008; Sir John Chilcot, former Permanent Under-Secretary of State for Northern Ireland, London, 8 December 2010.

Building a foundation for cooperation

The cooperative contact that generated an IRA ceasefire offer in 1993 was made possible because it was built on a long-term, if intermittent negotiating relationship. The experience of repeated contact provided information to both sides about the opposing party that increased the predictability of interaction. Increased predictability in turn provided the basis for the building of a very limited degree of trust. Cooperative relationships were established on the basis of a gradually increasing certainty about the intentions and patterns of behaviour of opponents. A striking continuity in personnel and the related development of strong and deep personal relationships in which there were high degrees of mutual trust, were crucial to this increasing predictability.

Continuity, personnel and personal relationships

Continuity of personnel is a defining characteristic of this channel and must be considered a key element in facilitating the development of a cooperative relationship. The same individual acted as intermediary at the nexus of this communication over a period of twenty years. The fact that both sides accepted the same individual in this role in repeated engagements ensured that a key infrastructural element for the renewal of contact at key moments was in place. The position of the intermediary as a primary official channel of communication between the British government and the IRA had been gradually established in the course of 1973 and 1974. Brendan Duddy was a businessman from Derry who had deeply-rooted and extensive connections across the political and religious divides in the city. His connections to senior Republicans in the city dated back to personal friendships and dense social connections forged in the 1950s and 1960s. He had been active in the civil rights movement in the city in the late-1960s and as violence escalated in the early-1970s he sought out a way to make a significant contribution to ending the conflict. Duddy believed that a negotiated agreement between the British government and the IRA was the only way to end the conflict and that such an agreement was attainable (personal interviews with Brendan Duddy, 2009). Crucial to the acceptance of Duddy as an intermediary were the strong personal relationships that he had developed with two key figures. On the one hand he had a strong relationship of trust and cooperation with the local chief of police in Derry who was at the reformist edge of the security forces and was opposed to key repressive measures taken by the state. This police

chief in turn enjoyed close contacts with senior British intelligence agents (Ó Dochartaigh, 2005). Duddy also developed a strong relationship with Rúairí Ó Brádaigh, President of Sinn Féin, that began when they met in the US in 1972 (personal interview with Rúairí Ó Brádaigh). Ó Brádaigh was a key advocate within the Republican movement for the strengthening of the movement's political dimension. Once Duddy's role as a primary authorised intermediary had been established, contact could be established quickly on subsequent occasions. As the literature indicates, the previous record of an intermediary is very important in determining whether parties to a dispute accept their involvement and the degree of confidence that he or she enjoys (Bercovitch & Houston, 1993; Richmond, 1998).

It is also arguably crucial to shaping the degree and character of cooperation through back channels. The more trusted and well established the intermediary, the more the parties can rely on the channel and the more they can cooperate. Two key elements were important in the decision to rely on an intermediary: discretion and accurate conveying of intentions. As Pruitt (2008) notes, one of the principal dangers in back-channel communication is that information may be distorted by intermediaries. In this case, the parties believed that the intermediary was generally accurately conveying the thoughts of the other side, something they did not believe in relation to many others. After meeting a prominent Irish public figure who sought to act as an intermediary in late 1974, for example, the British ambassador in Dublin wrote that the proposal this intermediary was conveying from the IRA '...struck me as being essentially an idea that he had dreamed up himself' (Arthur Galsworthy to GW Harding 18 Dec 1974, Prem 16/514, UK National Archives).

And as the British government finalised arrangements for secret talks with the IRA in late 1974 a senior Irish official told a British official in a private meeting that another man then acting as an intermediary '...was openly claiming that HMG had agreed to a meeting somewhere outside Ireland at which three Provisional [IRA] representatives would meet three 'British representatives' and had even named two of the three Republican representatives who would later take part in these talks ('To immediate FCO telegram number 8', 'PIRA ceasefire', 7 Jan 1975, Prem 16/515, UK National Archives). Given that the Irish government was a key party from which the British sought to conceal talks, these kinds of leaks were potentially extremely damaging.

Both of these intermediaries who were regarded as unreliable, and a third figure who was active at the time, received prominent press coverage of their roles at the time. By contrast, Duddy's role during this period did not emerge until a quarter century had elapsed. Both sides could be confident that Duddy would maintain close discretion about the contacts he was involved in.

Continuity of personnel also permitted the development of long-term relationships. As noted in the literature, communication in negotiation is enhanced through the building of personal relationships (Friedman, 1994). In the case of the Oslo process Putnam & Carcasson (1997: 266) argue that the development of '...interpersonal relationships not only enhanced trust between opponents, but these efforts made it possible to build a foundation of mutuality on which both sides could stand, even when the negotiators rotated'. Pruitt (2000) similarly stresses the importance of 'friendly interpersonal relations' and the development of a 'solidarity of purpose' in the Oslo process.

Such relationships were also crucial in the Irish case. The initial development of this channel was built on strong personal relationships that stretched back over many years, as was the case in the Oslo process (Waage, 2004). When contact was renewed in 1980 and 1990 after long intervals it involved individuals on both sides who had been involved in previous rounds of contact (personal interviews with Brendan Duddy, 2009). Personality and personal compatibility were also consciously deployed in order to make this channel work. Thus, when a British agent was appointed to this channel in 1991 to replace Michael Oatley, whose personal relationship with the intermediary went back almost twenty years, he was an individual who got on extremely well with the intermediary. Duddy explains: 'at this level they choose a person that would be compatible with my personality...they knew me with a thousand telephone calls' (personal interview, 14 Oct. 2009). The higher levels of trust required in secret contact may well intensify the need for strong personal relationships if contact is to be sustained. Back channels gain an added intensity by binding individuals together through their shared secrets. Negotiators on both sides are very susceptible to criticism from those on their own side because of the strong opposition to the very act of 'talking to the enemy'. As a consequence, their professional and personal reputations are extremely dependent on the discretion of their opposite numbers for many years after these contacts have ended.

This continuity in personnel, and in particular the central role of a single individual as intermediary, gave the channel high levels of validity, a crucial element in determining whether it would be used for cooperative communication. One of the most difficult issues in back-channel communication is establishing the legitimacy of a channel; that is, establishing that your interlocutors have the authority to ‘speak for and exert influence over’ the principals on their side (Putnam & Carcasson, 1997: 253). This problem is particularly intense in back channel diplomacy precisely because of the high levels of secrecy. Principals can not make their relationship to agents publicly clear. The use of this channel for a series of reciprocal gestures in the course of 1973 and 1974 established the legitimacy of this channel. These gestures included the release of hostages by the IRA and British statements promising to transfer IRA prisoners to Northern Ireland from British jails (Taylor, 1998).

The experience of establishing the legitimacy of this channel in the early-1970s meant that there was not the same need for extensive preliminary probing and testing when time came to renew contact in 1980 and again in 1990. The way in which contact was re-established in 1990 provides a further illustration of the high level of legitimacy attached to this channel. The British Government and the IRA were making minor public gestures and statements in 1989 and early 1990 indicating their possible flexibility if negotiations began. At that point Martin McGuinness, in charge of republican relations with the British, and reputed to be a senior IRA leader, suggested in a public speech that the British should reopen contact through this channel:

If ‘...they do not want to do it publicly... we are saying they should tell us privately. They have a means for doing that. They have had it for twenty years. The British government can contact us within an hour’
(undated newspaper clipping by George Jackson in Duddy papers, 8/218)

Sir John Chilcot, the top civil servant at the Northern Ireland Office at the time, recalled this statement immediately when asked about it twenty years later. He characterised it as ‘a confirmation that dialogue was possible from their side’ (personal interview). The statement gave the seal of approval of the Republican leadership to this channel, reinforcing its legitimacy from the British point of view.

Information and trust

In a situation of armed conflict where one side publicly rejects the legitimacy of the other, the conditions for establishing a relationship of even limited trust are very difficult. Without contact you can't have a series of interactions and interchanges that build up predictability and confidence in the relationship. Back channel negotiation is crucial not only for the substance of negotiations but also because it reduces uncertainties that can only be reduced through contact. Both sides need to establish not only the legitimacy of the channel, but also that the principals on the other side have authority, that they can deliver on the commitments they make. In the early-1970s British officials rejected contact with the IRA leadership on the basis that '...there was not any one man or group in the IRA who were both willing and able to deliver an effective and lasting ceasefire' (Frank Steele, 'IRA and Peace: From UKREP Belfast to priority Dublin TELNO 028', 28 November 1972, Prem15/1016, UK National Archives). By testing their authority on minor issues, such as securing the release of hostages or the transfer of prisoners, they can establish whether they enjoy this authority. The series of exchanges in 1973 and 1974 in relation to prisoners and hostages, established for both sides that the other party had the authority to deliver.

This process also established that opponents would generally follow through on the commitments they gave, even if it wasn't always to the satisfaction of the other side. That is, they did not directly lie and deceive, as a general rule. For Rúairí Ó Brádaigh it was important that the British government be able to believe what the IRA was saying to them:

Dúirt sé uair amháin liom gur thuig na Sasanaigh, maidir linne, rud ar bith gur aontaigh muid leis go raibh siad sasta go gcómhlíonadh muid sin agus rud eile, nach raibheamar ag déanamh bréag leo

[The intermediary] said to me once that the English understood about us that we would implement anything that we had agreed to and another thing, that we were not lying to them

(personal interview)

Ó Brádaigh delivered proof at one meeting that an IRA denial of responsibility for the killing of a policeman was correct. His intention was to demonstrate to the British representatives that ‘we are not liars’ (personal interview).

The dialogue on policy that took place through this channel was a further source of information that could reduce uncertainty through the development of a broader mutual understanding. When the parties made public statements the other side always had to interpret them in the light of the varied potential audiences they were addressed to. As noted in the literature (Walton & McKersie, 1991) the public posturing that parties often engage in in front of various audiences can severely distort communication. As Duddy puts it ‘you halved everything you read in the media or you took it as the exact opposite’ (personal interview, 15 Oct. 2009). Tacit communication and secret communication provide two related methods of overcoming this problem (Schelling, 1980; Walton & McKersie, 1991). Back-channel communication had the advantage that parties knew that there was no external audience shaping the message. This information had a clarity that derived from the fact that it was conveyed privately and directly from the leadership of one party to the leadership of the other, via the intermediary or in face to face talks, as in 1975.

Finally, the channel contributed to the building of trust by providing information about the reliability of the opposing party in relation to procedures for contact. Both sides learned that the other side would not take advantage of meetings to kill, arrest or kidnap representatives. This does not mean that they could relax completely. British representatives at the 1975 talks were always accompanied by an armed agent while the intermediary believed that there was always a ‘third man’ present to ensure security during meetings in public locations with the British representative in 1981 (personal interview with Brendan Duddy). After a few initial meetings at Duddy’s home in 1991, the British representative requested that they meet in a safer venue, explaining that if he was kidnapped, ‘I have so much knowledge I’m a danger to my government’ (personal interview with Brendan Duddy). Both sides learned that contact was valuable enough to the other side that it would probably not be exploited for immediate advantage. As Duddy puts it:

Continuously the British had to trust me even though they had their own third or fourth or fifth man. I had to equally trust them. In turn there was a code of trust within the IRA if I [was] meeting in a Belfast hotel or... wherever it was. Never was I asked where or how...so there was all that trust but that trust also had to have boundary walls of guardianship.

(Personal interview, 27 Nov. 2009)

Those 'walls of guardianship' maintained a distinct separation between interaction between the parties aimed at a negotiated settlement on the one hand and the violent interaction between parties aimed at securing military advantage that sometimes took place in parallel. Thus, in this restricted realm of the practicalities of contact, the British government and the IRA developed relatively high levels of mutual trust.

The experience of contact also established that the other side would maintain the secrecy and confidentiality of this channel, to a certain limited degree. Thus, neither side, as a rule, leaked information about negotiations through this channel. The Republicans maintained secrecy about the 1975 talks for many years afterwards. Information about the 1990-93 talks was leaked when they broke down but confidentiality was maintained for the three years when the channel was active. Duddy recalls that Martin McGuinness rejected suggestions in May 1993 that the Republicans should let the Irish Government and moderate nationalists know about these contacts primarily because of McGuinness's:

...total distaste of breaking the secrecy position they had kept for years. He repeated again and again that he had great difficulty with leaking any correspondence or reveal meeting with Fred [British representative]

(Brendan Duddy papers, POL35 9/264)

This trust was extremely limited and coexisted with deep distrust of the long-term intentions of the other side. Nonetheless it provided an important building block for the development of a negotiating relationship, and an important component in this communication infrastructure.

When the British government was deciding whether to intensify the secret contact with republicans after receiving a message in 1993 indicating that the IRA sought to end the conflict, they had to ask themselves:

Was this a trap? Was this a way of trying to draw us into direct contact with the IRA which they would then publicise and use it to try and embarrass the Government.

Interview with Lord Butler of Brockwell, 9 Nov. 2000 (O'Kane, 2004: 86)

The limited and uneasy trust that had been established during previous interactions over the years provided an important foundation for taking the decision to intensify contact at that point.

Increased information, reduced uncertainty and the consequential increase in levels of (limited) trust are one of the most significant advantages of back-channel communication in a situation where parties can't openly engage. It provides a means of building a relationship through interchange that provides information that is essential for the building of trust.

Together in the middle: solidarity and cooperation at the intersection

Crucial to the progress of these negotiations was the building of strong if always ambiguous cooperative relationships between those working at the intersection, based partly on the development of shared understandings through dialogue. As a 'joint decision making' process (Zartman, 1977) negotiation is an inherently cooperative process. One of the most important benefits of back channel negotiation is to create a joint project of secrecy which requires ongoing cooperation. Walton & McKersie (1991: 230) note that 'an awareness of a common experience or fate...produces positive feelings between participants' and back-channel communication creates a particularly intense common experience. It is particularly conducive to the development of a sense of joint mission, solidarity and cooperation at the intersection between the two sides.

Intense internal divisions provided much of the impetus for a sense of shared enterprise. In the 1970s and again in the 1990s key MI5 figures strongly opposed these contacts (Dorril, 2002; Rimington, 2002) and British agents involved in direct negotiation repeatedly found themselves applying pressure for further engagement by their own side. Similarly on the Republican side, key members of the IRA army council in the 1970s were strongly opposed to continuing these negotiations. Walton & McKersie (1991: 281-2) emphasize that organizations are often internally divided and argue that ‘...the negotiation process itself may offer one element of the organization an opportunity to induce another element to adopt the first’s point of view’. Cooperation between negotiators in back channel negotiation, and their tendency to act as advocates for contact and compromise against internal opponents has sometimes been identified in the literature as a problem, a form of ‘groupthink’. But, as Putnam & Carcasson note, ‘groupthink might be a necessary danger in a back channel process’ (1997: 274) and may be both inevitable and valuable. Walton & McKersie (1991: 298-9) argue that it is almost inevitable that ‘...the negotiator comes into conflict with his own organisation because he cannot, or prefers not to, ignore the demands and expectations of his opponent’. The development of solidarity at the intersection, intensified by the shared project of secrecy, is arguably one of the greatest benefits of back-channel communication.

In the Irish case, representatives at the intersection repeatedly, if intermittently, aligned themselves with the intermediary, and to a degree with their opposite numbers, against recalcitrant forces on both sides. This joint action served to push the process forward.

One example from Duddy’s diary of the 1975 talks (Duddy papers, NUI Galway, POL 35 4/62) provides a hint of the intensity of these internal struggles, and the extent to which they generated a sense of solidarity at the negotiating intersection:

Mon. 24/2/75

[at a lunch meeting in Belfast]... [wife of Michael Oatley] told me of the struggles Michael had to get the B[ritish] to agree to my suggestions for peace.

She was very tired.

Both needed rest.

In an entry several weeks later Duddy describes another British representative expressing frustration with the recalcitrance of his own side. At this point the IRA ceasefire was in danger but the British government had begun to show signs that it was backing away from this initiative.

Mon. 31/3/75 (Easter Monday)

R [British representative] phoned very depressed. No progress and not likely to get any. I said War and he said Yes. He roundly condemns the whole British position. Said it was madness and that he was simply 'Blue in the face.' No one would listen.

(Duddy papers, NUI Galway, POL 35 4/62)

Such expressions of frustration might of course be manufactured to deceive, but it seems plausible that this was genuine. The structural position of this negotiator, charged with maintaining an IRA ceasefire but unable to secure the movement that was necessary to achieve this, placed him in a position where some of the most intense struggles were fought out with those on his own side. This contributed to a sense of joint purpose with his opposite number at this intersection.

This frustration in 1975 is echoed almost exactly by the comments of a British representative recorded in Duddy's 1993 diary. In this case, the two British representatives involved in the contact were seeking permission from their superiors to meet directly with Republican leaders in order to secure an IRA ceasefire.

The information is coded. Fred is the MI5 agent, Robert McLarnon, the British representative in these contacts. James is his superior, John Deverell, the Director and Controller of Intelligence Northern Ireland. They were pressing in this case to be allowed to meet two republican representatives face to face in order to maintain progress towards an IRA ceasefire. According to this account, they were facing opposition from Q, a senior civil servant who feared the consequences for his superior, the Secretary of State for Northern Ireland, Sir Patrick Mayhew.

30/4/93

According to Fred, James got extremely angry as Q dug in to protect the Chairman ... Fred rang at 9:00pm from James' house, saying that they were both disgusted and expressed regret and a great deal of anger both with the Chairman, M, and their colleague Q but the final result was that they would not travel.

(Duddy papers, NUI Galway, POL 35 9/264)

On both of these occasions British representatives took positions that aligned them with the intermediary and against dominant opinion on their own side, if we take these accounts as accurate. In this latter case, after a series of intense contacts with the intermediary, the British representative went ahead and attended this meeting despite being refused official permission to do so. This was subsequently the subject of intense controversy.

It is difficult to assess precisely the direct effect of the arguments made by British and Republican negotiators to those on their own side for movement that would keep the process going. Nonetheless it is clear that they regularly made such arguments and that during all of these periods of negotiation both sides moved their positions significantly in the direction urged by negotiators. This happened despite intense internal opposition.

This sense of common purpose in a struggle against internal opponents was also reflected in reference to internal divisions within the IRA. By spring 1975 there was intense pressure to end the ceasefire. The intermediary sent a message urging the British to make concessions that would strengthen the position of moderate IRA leaders, in this case, Billy McKee, Commander of the Belfast IRA:

Sun 1/6/75

Be generous, give McKee a chance. Consider his position, he needs help... He isn't a miracle worker...Pull out some mar[ine] comm[andos]. Release his buddy from Purdysburn. Release 19 internees on Tuesday, give the names to McKee.... We're all in this together.

(Duddy papers, NUI Galway, POL 35 4/62)

In this case Duddy's appeal was not successful.

The invoking of the contact as a kind of joint enterprise in which they were united – albeit in a very limited way against those on their own side was evident again during the 1981 hunger strikes

Once again, the message is coded. The management in this case is the British government while the shop stewards are the republican leadership.

4:00 am 11th July 1981

A section of the management still believes that the shop stewards are the best long-term hope but this section of management has lost ground. If face is to be saved for this section of management, they would need assistance. Only the shop stewards can do this.

(Duddy papers, NUI Galway, POL 35 6/166)

The British official is appealing here to the republican leadership to cooperate against internal opponents on the British side. Although this appeal did not generate a positive response, internal divisions pushed together those operating at the intersection, increasing a limited sense of common purpose. On a few occasions this led to direct cooperation to keep the process going.

Thus in 1993 the IRA offered a ceasefire to facilitate talks but the British did not respond positively. The British representative, Robert McLarnon, sent a message in May to the intermediary:

...We are appalled at the present mess. We are trying to think of questions that you could put that will give you all the assurance of our goodwill and good intentions that you need. Suggest you ask, for instance, for clear answer on timing, which only Chairman can answer.

(Duddy papers, NUI Galway, POL 35 9/279)

The 'Chairman' here refers again to the Secretary of State for Northern Ireland.

'Timing' refers to the issue of how long would have to elapse after the declaration of

a ceasefire before the British were prepared to meet face-to-face with Sinn Féin. In this case, the British representative was suggesting that the IRA send a message that would help him to generate further action on the British side, essentially asking for assistance in his internal struggle. Walton & McKersie (1991: 248) note that 'private meetings enable a negotiator to differentiate himself from the actions or ideas of his organization with a minimum of risk of negative sanctions from his own group. These private encounters increase the flexibility of Party in giving aid and assistance or otherwise associating himself with something Opponent likes...'

This example provides a clear illustration of this flexibility and shows the extent to which this point of contact had generated active cooperation that united those at the interface and pitted them, albeit to a very limited extent, against others on their own side. It confirms Walton & McKersie's (1991: 299) observation that in many negotiation situations '...the opponent becomes an ally of sorts'. This was just one of several occasions on which those at the intersection worked together to generate action and to move the process forward.

Analysis

A key advantage of back channel negotiation is to facilitate the development of a cooperative relationship driven by a shared project of maintaining secrecy and bypassing spoilers. Exchange of information through participation in this shared project contributes to increased predictability. In this case, initial back channel contact confirmed for both sides that the opposing side had both authority and credibility and was capable of delivering on commitments. It confirmed that the opposing side would respect the secrecy of the channel, within limits, and not abuse it as an occasion for kidnap or arrest. This development of trust in very limited realms provided a basis for cooperative action at the intersection between the two sides.

Back channel negotiation creates a shared project that is distinctive to this form of negotiation; the maintenance of secrecy as both parties work together to conceal the existence of contact from close colleagues and supporters as well as internal opponents. All negotiations create pressures for the emergence of a cooperative dynamic at the intersection to one degree or another. But the shared project of secrecy and the exclusion of internal opponents creates distinctively strong co-operative

dynamics at the intersection between parties to back channel negotiation. This is especially striking when it occurs in situations where one party denies the legitimacy of the other. Back channel negotiation provides a unique opportunity for violently opposed parties to work on a shared project, building mutual trust and a shared experience of cooperation. This trust and cooperation was always tentative however, and this channel was also marked by repeated and acrimonious failures and breakdowns. Robust structures for communication and negotiation were established despite the immensely powerful structural pressures.

In the course of this contact those operating at the intersection developed a cooperative relationship and a limited sense of involvement in a joint enterprise that helped to move both parties forward significantly. It was through this channel that the British government and the IRA negotiated their way to a secret IRA ceasefire offer in 1993, a major development even if that offer was not subsequently pinned down through this channel. This channel collapsed in public acrimony in late 1993 but it had established the foundations for much that came afterwards. The argument within the IRA for a ceasefire to facilitate talks had been won. The argument within the British state for an attempt to negotiate a settlement with Republicans had been significantly advanced. This was no trivial achievement at a time when powerful forces in the British state continued to oppose contact.

Conclusion

Secrecy is the defining feature of back-channel communication and must be at the heart of any explanation of the distinctive dynamics of this form of communication. The establishment of a joint project of secrecy requires ongoing cooperation and coordination and creates a greater mutual dependence than front-channel contact. This joint project contributes to the building of trust and predictability in limited domains of activity and the reduction of uncertainty. It constitutes an intensive shared experience that can facilitate the development of strong personal relationships of trust at the intersection between the parties, although it is by no means inevitable that strong personal relationships will develop.

The development of increased mutual understanding, combined with the practical experience of a shared project of secrecy promotes a shift to a more integrative

approach at the intersection between parties. The involvement of an intermediary can play a crucial role in these processes. Negotiators in a situation where legitimacy is contested can much more readily develop a sense of joint purpose with an intermediary than with a negotiator representing the 'illegitimate' party. The sense of joint purpose shared by the intermediary with representatives of both parties creates a sense of shared purpose that spans the divide between parties. The phenomena of co-operation between negotiators and their related role as advocates of change in intra-party negotiations are well recognised in the literature. Walton & McKersie (1991: 286), for example, argue that '...on balance ... the negotiator acts as a subduing influence; and certainly during the crucial stages when an agreement is being hammered out, his part is usually that of moderating the views of his own organization'. These phenomena are intensified in back channel negotiation through secrecy and this intensification can accelerate progress and provides part of the explanation for how backchannel communication can produce early breakthrough agreements.

The dynamics identified in this article apply specifically to back channel *negotiation*. By contrast with other forms of back-channel communication, back channel negotiation chains are short, an authoritative primary back channel is established, principals are closely involved and negotiation takes place, if only on the costs of entry to front-channel negotiation. It is these distinctive features of back-channel negotiation that combine with secrecy to generate the co-operative dynamics identified in this article. We conclude that back-channel communication is most likely to generate significant shifts in policy when a single authoritative channel closely involving principals and using a short chain for communication is established. This will often require the deliberate closing, downgrading or marginalisation of other back channels.

One of the central criticisms of back channel negotiation is that it can produce narrowly-based agreements that are difficult to implement (Wanis-St. John, Anthony 2006). In cases where legitimacy is contested the choice is often not between front-channels and back channels but between back channels and no negotiation at all. Back channels permit negotiation on legitimacy without conceding on legitimacy. Consequently, one of the principal items for negotiation is the cost of entry to front-

channel talks. By building mutual trust in limited domains of activity and building increased understanding of the constraints within which the other party operates, one of the most important ways in which back channel negotiation facilitates agreement is by changing attitudes towards the legitimacy of the other party thus facilitating a shift to an integrative approach to bargaining. This happens first at the intersection between negotiators as they begin to conceive the intermediary and their opposite numbers as partners in a joint enterprise. Through the involvement of negotiators and intermediaries in intra-party negotiations it subsequently produces further pressures for key decision-makers in both parties to begin to think of the other party as a legitimate political actor.

One of the key advantages of back channel negotiation is to intensify through secrecy the conditions under which such a sense of joint enterprise can develop. Those at the intersection become to a certain limited degree a third party, a party promoting a more integrative approach, a party all the more influential because it is internal to both sides. It creates the conditions for a distinctive and particularly intense form of negotiator solidarity and cooperation, all the more remarkable when the parties involved are locked in struggles over legitimacy.

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