TO WHAT EXTENT HAVE NORTHERN IRELAND'S DEVOLVED INSTITUTIONS MOVED AWAY FROM A CONSOCIATIONAL MODEL?

Dissertation submitted in partial fulfillment of the requirement for the MSc in Government, Policy and Politics.

CONTENTS

INTRODUCTION

In the 13 years since the Good Friday Agreement, Northern Ireland has become the showcase for consociational power sharing. The apparent success of this approach in managing what had seemed the most intractable of conflicts has further secured its place as one of the dominant methods for regulating conflict in divided societies. The reason for this is clear. Despite the occasional outburst of sectarian violence and renewed concerns over dissident republicanism, the period of "the Troubles" now seems consigned to history. That this is the result of the Agreement's consociational framework is widely accepted; few commentators doubt the influence of consociational theory on the Agreement, although many question the appropriateness of its application in Northern Ireland.

Consociationalism's key contention is that conflict in divided societies is best managed by accommodating the political elites of competing groups in a form of executive power sharing in which minority group interests are protected and some form of group autonomy is provided. Its prescriptions are informed by a belief that the identities of competing groups, where they appear inflexible and durable, should be explicitly recognised and accommodated.[1]

At the heart of the Agreement was the commitment to devolve power from Westminster to Stormont, and it is chiefly through the institutions established to fulfil this commitment that consociational power sharing was to be realised. The institutions, however, have not remained static since they were established in 1999. They have been subject to several procedural revisions and adjustments made necessary by complex power sharing and the adaptive pressures of a changing political environment. Like all institutions, they have developed their own dynamics.

The objective of this dissertation is to determine whether these revisions and developments amount to a deviation from the consociational model set out in the Agreement. It offers an analysis of how the institutions have changed, framed by the academic debate on the implementation of consociationalism in Northern Ireland. It

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[1] J. Garry (2009) 'Consociationalism and its Critics: Evidence from the historic Northern Ireland Assembly election 2007', *Electoral Studies* 28(3), pp.458-466 (p.458).

finds that the institutions have not moved away from a consociational model, despite the fact that many of the adjustments appear to address the weaknesses of that model. It suggests that these changes show Northern Ireland's unique consociational arrangements maturing, but with their underlying character remaining consistently consociational. Furthermore, most of these revisions and developments are shown to have been come about through elite-level bargaining, a key mechanism of consociational power sharing.

It will be suggested that too narrow an interpretation of how consociational theory is applied fails to account for the complexity of the constitutional engineering at work in the institutions. The Agreement was informed by consociational theory, but it was also tailored to the specific context of the conflict. Far from being an off-the-peg model for power sharing in divided societies, Northern Ireland's consociational framework was a tailored solution that built upon the legacy of previous attempts at power sharing in the province.[2] The alleged ambiguity of consociationalism may limit its explanatory power as an empirical theory, but an inflexible view of how it can be applied in practice is likely to lead to the overall coherence of such a settlement being underestimated.

Of particular relevance to this study are the procedural changes made by the St Andrews Agreement, which paved the way for the restoration of devolution in 2007, and the provisions of the 2010 Hillsborough Castle Agreement, which allowed the eventual devolution of policing and justice powers. The recent 2011 Assembly election provides an opportunity to assess the changing electoral landscape in Northern Ireland and developments in the approach of elites to Executive formation. More broadly, the pressures for improved decision making and effective policy co-ordination will be considered. Evidence of changes in the consociational character of the institutions should be sought not only in their formal institutional architecture and procedures, but in elite behaviour.[3] Both dimensions will therefore be examined.

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[2] M. Kerr (2009) 'A culture of power sharing', in R. Taylor (ed.) (2009) *Consociational Theory: McGarry and O'Leary and the Northern Ireland* conflict (London: Routledge), pp. 206-220 (p.209).
[3] N.-C. Bormann (2011) 'Conditional Consociationalism: Electoral Systems and Grand Coalitions', (unpublished paper presented at ECPR workshop, *Political Violence and Institutions,* April 2011). Online at: http://www.unige.ch/ses/spo/static/simonhug/ecpr/Bormann-Conditional_consociationalism-Mar2011.pdf [Accessed 12 August 2011].

Any analysis of politics in Northern Ireland must be restricted in scope. A full account of the Good Friday Agreement or the fitful peace process that preceded it would warrant separate studies. This dissertation is concerned primarily with the devolved institutions established to realise power sharing, as it is in them that the influence of consociational theory can be most readily identified and assessed. Indeed, it has been suggested that the political process in Northern Ireland has largely become detached from the wider peace process.[4] For the purposes of this study, however, it is important to note the legacy of protracted negotiations between political elites in Northern Ireland and the co-ordinated involvement of external elites.

The dissertation is structured as follows. Chapter 1 provides an account of consociational theory, its key characteristics and the criticisms levelled against it. Chapter 2 examines the devolved institutions established in 1999 and the influence of consociational theory on their design. Chapter 3 analyses how the institutions have been changed since then and why these changes became necessary. Chapter 4 takes a slightly different perspective by considering the importance of electoral behaviour in consociational democracy. It seeks to determine how the electoral landscape and Northern Ireland's "ethnic party system" are changing and the implications for the power-sharing institutions. A concluding chapter summarises the findings.

The question posed in this dissertation is significant because it touches on what consociationalism in Northern Ireland might lead to in the long run. Critics assert that it is insufficiently capable of resolving conflict, both in general and in the context of Northern Ireland, because by accommodating rival group identities it institutionalises the underlying conflict cleavage. John McGarry and Brendan O'Leary, two of consociationalism's most prominent proponents, have suggested that it is best to allow consociations to decay organically and be replaced by "normal" politics.[5] However distant this prospect might appear for Northern Ireland, it is worth looking for signs of its approach.

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[4] A. Guelke (2009) 'Consociationalism and the wider peace process', in R. Taylor (ed.) (2009) *Consociational Theory: McGarry and O'Leary and the Northern Ireland conflict* (London: Routledge), pp.99-109 (p.104).
[5] J. McGarry and B. O'Leary (2009) 'Power shared after the deaths of thousands', in R. Taylor (ed.) (2009) *Consociational Theory: McGarry and O'Leary and the Northern Ireland conflict* (London: Routledge), pp.15-84 (p.69).

CHAPTER 1

CONSOCIATIONALISM

This chapter offers an outline of consociational theory, starting with its classic formulation by Arend Lijphart, its development from an empirical to a normative theory and its emergence as one of the dominant approaches to conflict management in divided societies. The key characteristics and mechanisms of consociation are explained and the social and political conditions conducive to its successful implementation are explored. Finally, some of the key criticisms of its practical application are examined.

The Development of Consociational Theory

Consociationalism is most closely associated with its principal proponent, the Dutch political scientist Arend Lijphart, whose influence on the theory is acknowledged by admirers and critics alike. Lijphart initially developed a theory of consociational democracy to explain the political stability of several small but culturally divided European states—Switzerland, Austria, Belgium and the Netherlands. In an influential article published in 1969, he offered a reworking of Gabriel Almond's classic typology of political systems, arguing that the typology, although empirically useful, failed to account for the stability of these four "deviant" cases.[1]

Almond's typology had linked political stability on the one hand with political culture and social structure on the other.[2] Drawing upon group theory, he had suggested that democratic stability in fragmented societies is the result of individuals having overlapping memberships of different groups.[3] The resulting cross-cutting social cleavages produce psychological cross-pressures that encourage moderate attitudes to

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[1] A. Lijphart (1969) 'Consociational Democracy', *World Politics* 21(2), pp. 207-225.
[2] G. Almond (1956) 'Comparative Political Systems', *Journal of Politics* 18(3), pp.391-409.
[3] Lijphart (1969), p.208.

other groups.[4] Lijphart, however, argued that this could not explain the stability of fragmented societies in which such cross-cutting cleavages are largely absent.

Lijphart suggested that the two criteria Almond had specified for assigning political systems to each of his three 'types'—*rôle structure*, meaning the degree of subsystem autonomy, and *political culture*—in fact resulted in a dichotomous typology that could not explain the "deviant" cases.[5] He identified a third variable underpinning the stability of such societies: the behaviour of the political elites.[6] The willingness of the political leaders of competing segments to co-operate in counteracting the centrifugal forces at play in such societies, he suggested, was the key variable allowing stability.[7] Fragmented societies that are stabilised in this way he termed "consociational democracies".

For Lijphart, however, consociational theory offered more than simply the refinement of an influential typology. He contended that it could serve not only as an empirical model to account for stability, but as a normative model for preventing group conflict and creating stable, power-sharing democracies in societies afflicted by deep ethnic or cultural cleavages. In *Democracy in Plural Societies* (1977), his classic text on the theory, he argued that political leaders in fragmented societies worldwide should become "consociational engineers" in order to stabilise their democratic institutions.[8] Beyond the four 'classic' cases described in 1969, consociational arrangements were soon identified and studied in numerous other states, including Cyprus, Fiji, Lebanon, Suriname and Malaysia. He and others have since propounded the theory's normative value and practical application as a means of managing conflict.

The influence of consociational theory is apparent in many of the peace settlements brokered through internationally intervention since the 1990s, such as the Dayton Accords that ended the war in Bosnia-Herzegovina and the constitutional arrangements devised for post-war Iraq and Afghanistan. Consociationalism is now one of the dominant theoretical approaches to managing ethnic and religious conflict

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[4] Lijphart (1969), p.208.
[5] *Ibid.*, p.210.
[6] *Ibid.*, p.211.
[7] *Ibid.*, p.213.
[8] A. Lijphart (1977) *Democracy in Plural Societies: A comparative exploration* (New Haven: Yale University Press), p.223.

and structuring the optimal governing institutions for allowing peaceful coexistence between competing groups. As a theory and as a set of political prescriptions, it has evolved considerably.

The key mechanism driving consociational democracy is elite-level bargaining. In one of his earliest and most frequently quoted formulations of the theory, Lijphart's stated: "Consociational democracy means government by elite cartel".[9] In many cases its procedures and institutions are designed to concentrate power in the hands of elites, which is seen as necessary to allow them to retain the support of their respective groups while bargaining with leaders of rival groups. The use of party lists in elections, for example, although primarily intended to ensure proportionality, concentrates power in the hands of party leaders, strengthening their ability to carry their parties with them when negotiating.[10]

An important idea underpinning consociational theory is that mutually antagonistic group identities, where they appear resilient, should be acknowledged and accommodated.[11] As McGarry and O'Leary have put it, group identities in conflict situations "must be recognised rather than wished away".[12] Its arrangements institutionalise the existence of group difference through carefully structured constitutional procedures and safeguards.

Characteristics of Consociation

Lijphart identified four principal characteristics of consociational democracy, the first and most important of which is *government by grand coalition*.[13] No particular set of institutional arrangements is prescribed, but the essential element is participation by

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[9] Lijphart (1969), p.216.

[10] J. McGarry and B. O'Leary (2006) 'Consociational theory, Northern Ireland's conflict, and its agreement, Part 1: What critics of consociation can learn from Northern Ireland', *Government and Opposition* 41(1), pp. 43-63 (p.59).

[11] J. Garry (2009) 'Consociationalism and its Critics: Evidence from the historic Northern Ireland Assembly election 2007', *Electoral Studies* 28(3), pp.458-466 (p.458).

[12] J. McGarry and B. O'Leary (1995) *Explaining Northern Ireland: Broken Images* (London: Wiley-Blackwell), p.338.

[13] Lijphart (1977), p.31.

the leaders of all significant segments in a society.[14] The grand coalition cabinet is the most typical institutional form of this principle, as was used in Austria between 1945 and 1966 and in Switzerland from 1943.[15] Alternatively, top Executive offices can be reserved for members of particular segments in order to guarantee representation. In other arrangements, minority participation is achieved through advisory councils and committees that can exercise decisive influence on Executive decision making.[16]

The second characteristic is the *mutual veto*, normally provided through "concurrent majority" rules, according to which decisions that affect a whole society require a favourable majority in each of its constituent segments.[17] This offers an important protection for minorities by enabling them to prevent changes that would adversely affect their interests. Lijphart has claimed that it represents a form of "negative minority rule".[18]

The third characteristic is *proportionality* as the principal standard for political representation and for the allocation of civil service appointments and public funds. The choice of electoral system is important in this regard.

The fourth characteristic is *segmental autonomy*, which means rule by a minority over itself in matters of its exclusive concern. In societies where rival segments are concentrated geographically, autonomy can be achieved through federalism.[19] Where segments are geographically dispersed, autonomy can be achieved by dividing power on a non-territorial basis for matters that do not require joint decision making, such as culture and education. The underlying contention is that contact between rival segments reinforces prejudice, is likely to increase antagonism and should therefore

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[14] The term "segment" is retained here as it is part of Lijphart's classic formulation, although, as McGarry and O'Leary have noted, Lijphart later favoured "ethnic group" as a more appropriate term for describing mobilized nationalities; J. McGarry and B. O'Leary (2009) 'Power shared after the deaths of thousands', in R. Taylor (ed.) (2009) *Consociational Theory: McGarry and O'Leary and the Northern Ireland conflict* (London: Routledge), pp. 15-84 (p.28).
[15] A. Lijphart (1982) 'Consociation: The Model and Its Application in Divided Societies', in D. Rea (ed.) *Political Co-operation in Divided Societies: A series of papers relevant to the conflict in Northern Ireland* (Dublin: Gill and Macmillan), pp.166-186 (p.169).
[16] Lijphart (1969), p.213.
[17] Lijphart (1982), p.167.
[18] Lijphart (1977), p.36.
[19] Lijphart (1982), p.173.

be limited wherever possible. The expression "Good fences make good neighbours" appears frequently in the literature in this regard.

In his more recent work, Lijphart has designated *power sharing* and *group autonomy* as consociation's two primary attributes, terms that correspond respectively with the *government by grand coalition* and *segmental autonomy* of his earlier formulation.[20] Indeed, he appears to use the terms consociation and power sharing interchangeably. The other two characteristics are retained in his reformulation, but accorded only secondary importance. The *proportionality* principle is present in most of his institutional prescriptions, for example through broad representation in legislative bodies, collegiate cabinets and the inclusion of all communal groups.[21] The *mutual veto*, although not explicitly mentioned, is present in his recommendation that constitutional change should require a weighted majority in favour.[22]

Other political scientists have redefined the characteristics or accorded some primacy over others. John Coakley, for example, has suggested that the proportionality principle may be collapsed into the grand coalition characteristic because proportionality in government implies grand coalition.[23] None the less, these four characteristics remain central in much of the thinking on consociationalism and key to both identifying and engineering its institutions.

In each of its four main characteristics, consociational democracy departs from the principles of majoritarian democracy, as typified by the "Westminster model". Rather than concentrating power in the hands of the majority, it divides it among competing parties and limits its use. In contrast to majoritarianism's winner-takes-all approach, exemplified by the single member plurality electoral system, the guiding principle of consociation is proportionality and accommodation.[24] Power-sharing Governments contrast with the one-party cabinets that are the norm in the Westminster model and

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[20] A. Lijphart (2004) 'Constitutional Design for Divided Societies', *Journal of Democracy* 15(2), pp.96-109 (p.97).
[21] *Ibid.*, p.105.
[22] *Ibid.*, p.106.
[23] J. Coakley (2009) 'Implementing consociation in Northern Ireland', in R. Taylor (ed.) (2009) *Consociational Theory: McGarry and O'Leary and the Northern Ireland conflict* (London: Routledge), pp. 123-145 (p.123).
[24] Lijphart (1982), p.168.

the minority veto prevents majority rule in important matters. Federalism and regional autonomy also depart from the centralised, unitary system of the Westminster model.

An important distinction has been drawn in the recent literature on consociationalism between "corporate" and "liberal" consociations. This has parallels with Lijphart's distinction between "pre-determined" and "self-determined" group identities.[25] Corporate consociations accommodate groups according to predetermined criteria, specifying particular identities and structuring institutions accordingly, for example through separate electoral rolls for designated ethnic or religious groups.[26] The classic example is Lebanon, whose constitution stipulates that the President must be a Maronite Christian, the Prime Minister must be a Sunni Muslim, and the Speaker of the Parliament must be a Shi'a Muslim. A specified number of seats in the Lebanese Parliament are reserved for delegates from each of the country's 18 recognised religious groups. Another example is the Bosnian Federation, whose three-member presidency requires one Serb, one Muslim and one Croat representative, each of whom have mutual vetoes.[27]

Liberal consociations, by contrast, do not identify the contending groups to which they distribute power and voters are not compelled to vote for candidates drawn from their ethnic group. This means that the institutional prescriptions needn't inhibit the gradual erosion of group identities or the conflict cleavage. Liberal consociationalists, such as McGarry and O'Leary, argue that successful consociations allow the emergence of alternative, shared identities.

Conditions Favourable to Consociation

In line with Lijphart's assertion of consociational theory's normative value, political scientists working in comparative politics have stressed the utility of identifying the

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[25] A. Lijphart (1995) 'Self-determination versus pre-determination of ethnic minorities in power sharing systems', in W. Kymlicka (ed.) (1995) *The Rights of Minority Cultures* (Oxford: Oxford University Press), pp.275-287.

[26] B. O'Leary (2005) 'Debating Consociational Politics: Normative and Explanatory Arguments', in S. Noel (ed.) (2005) *From Power Sharing to Democracy: Post-Conflict Institutions in Ethnically Divided Societies* (Montreal: McGill-Queen's University Press), pp. 3-43 (p.15).

[27] J. Nagle and M.-A. Clancy (2011) 'Constructing a shared public identity in ethno nationally divided societies: comparing consociational and transformationist perspectives', *Nations and Nationalism* (doi: 10.1111/j.1469-8129.2010.00474.x), pp.1-20.

conditions that appear favourable to consociationalism's successful implementation. Empirical inquiry, they reason, can offer valuable insights into how consociational arrangements work and help identify the factors that appear to make them stable.

As before, a good starting point is Lijphart's earlier work. In *Democracy in Plural Societies* he identified seven factors favourable to successful consociation. The first is a *multiple balance of power*, meaning that there are several competing segments, rather than just two, and none of which has a majority. It is best if those segments are of approximately equal size. The second factor is a relatively small total population, as this facilitates closer working between competing elites. The third factor is the presence of a *multi-party system*, meaning that several parties should compete for the votes of each segment, but not drawing support from across segmental cleavages. The fourth factor is the relative *isolation of segments*, as segregation reduces opportunities for conflict. The fifth factor is the presence of some overarching, *society-wide loyalty* or an identity to which all segments owe allegiance. The sixth factor is a prior *tradition of political accommodation* that predisposes elites to bargaining and power sharing. The seventh factor is the presence of societal divisions that have the potential to unite members of different segments.[28]

These factors, like most aspects of consociational theory, have been subject to extensive revision, not least by Lijphart himself. Within a few years he had dropped *multi-party systems* and *isolation of segments* from the list, replacing them with: the *presence of external threats* perceived as a common danger; and the *absence of extreme socio-economic inequalities* among the segments. He emphasised, however, that these conditions were "neither necessary, nor sufficient" to guarantee success, noting that many of the empirical cases of consociation displayed "a mixture of both favourable and unfavourable background conditions."[29]

Criticisms of Consociationalism

Despite its emergence as a dominant approach to conflict management, consociationalism has not gone unchallenged. Indeed, its merit as a method of

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[28] Lijphart (1977), p.61.
[29] Lijphart (1982), p.183.

resolving conflict is keenly contested. Lijphart acknowledged the need to evaluate the weaknesses of the consociational model, because of its prescriptive character.[30] This dissertation is concerned with the criticisms that relate to the theory's practical application, rather than those that question its explanatory power in comparative politics.

The criticisms levelled against consociationalism cluster around two general causes of concern: that it is insufficiently democratic; and that it is insufficiently capable of securing stable and effective government. The charge that it is undemocratic stems from its necessarily contrived character. Power sharing within a grand coalition tends to mean the absence of an official Opposition, so overall there is less scrutiny of Government policy and decision making. Also, the importance it places on elite-level bargaining as its key driving mechanism gives it a rather top-down character. Both the design of institutions and the routine conduct of politics are structured around elite accommodation. Lijphart acknowledges that the "deferential role" assigned to most non-elite groups tended to militate against the promotion of a more participatory form of democracy.[31]

An associated criticism is that the processes required for consociation are inherently illiberal. Rupert Taylor, one of the theory's most strident critics, has asserted: "consociationalism is fundamentally and systematically mistaken in believing it can advance liberal democracy." [32] He argues that the processes required for consociational politics, such as elite-level bargaining, are inimical to liberal democracy. Perhaps most significantly, consociationalism is accused of reinforcing and politicising ethno-national group divisions, as the institutional arrangements effectively entrench the underlying conflict cleavage. This prevents the emergence of a more deliberative form of politics that could foster inclusiveness and a shared public identity.

This leads to the second cause of concern: that consociationalism is incapable of stabilising democracy and ending group conflict in the long run. Of the various

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[30] Lijphart (1977), p.47.
[31] *Ibid.*, p.49.
[32] R. Taylor (2005) 'The Belfast Agreement and the Politics of Consociationalism', *The Political Quarterly* 77(2), pp.217-226 (p.220).

criticisms levelled against the theory, this is the one Lijphart acknowledged as the most serious.[33] The argument is that consociationalism, by accommodating antagonistic group identities, institutionalises group differences, whether ethnic or cultural, and so perpetuates conflict. Consociationalism deepens ethnic cleavages, making resolution impossible in the long term. Corporate consociations, in particular, are accused of institutionalising conflict. Paul Dixon has argued that consociational theory is informed by a "pessimistic, primordial view of communal identity" that assumes that contact between groups reinforces prejudice.[34] Donald Horowitz, a pioneering scholar of ethnic conflict, has suggested that successful consociations are unattainable in deeply divided societies and are highly risky political ventures, few divided societies having managed to sustain power sharing.[35]

The creation or transformation of shared identities is an alternative approach in conflict management, and one whose underlying assumptions conflict with those of consociationalism. Broadly speaking, advocates of the transformationist, or centripetalist, approach belief that ethnic identities, because they are constructed, can be shaped into new forms.[36] They suggest that different frameworks can be used to weaken antagonistic group identities by encouraging moderation and co-operation and encouraging a shared public identity.

Underlying these concerns about consociationalism's long-term viability is the question of what consociations are intended to lead to. Two of the four classic cases had ceased to be consociational by the time Lijphart first formulated his theory. He suggested that this, far from indicating failure, revealed the success of consociation in altering the political context to such an extent that it was no longer needed. McGarry and O'Leary argue that "[s]uccessful consociations can be biodegradable."[37] Even if they do not allow the development of a shared identity, they at least provide the breathing space in which existing group identities can become less important.

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[33] Lijphart (1977), p.50.
[34] P. Dixon (2005) 'Why the Good Friday Agreement in Northern Ireland Is Not Consociational', *The Political Quarterly* 76(3), pp.357-367 (p.358).
[35] D. Horowitz (2001) 'The Northern Ireland Agreement: Clear, Consociational, and Risky', in J. McGarry (ed.) *Northern Ireland and the Divided World* (Oxford University Press), pp.89-108 (p.89).
[36] Nagle and Clancy (2011), p.6.
[37] McGarry and O'Leary (2009), p.68.

CHAPTER 2

CONSOCIATIONAL THEORY AND NORTHERN IRELAND'S DEVOLVED INSTITUTIONS

This chapter examines the devolved institutions established following the Good Friday Agreement. Their structure and operating procedures, as set out when power was devolved in 1999, will be described and analysed with reference to the key characteristics of consociationalism, drawing upon the extensive literature on its application in Northern Ireland. It reviews the debate on the appropriateness of a consociational model in the Northern Ireland conflict and specific criticisms about its implementation.

The Good Friday Agreement

An important starting point for any account of Northern Ireland's devolved institutions is the recognition that they were established as part of a wider political process. The Good Friday Agreement set out a complex package of measures designed to effect power-sharing and entrench the peace process. Among its key provisions were: the decommissioning of paramilitary weapons; an early prisoner release scheme; the reform of the criminal justice and policing systems; and a commitment to parity of esteem for both traditions.[1] Perhaps most importantly, the Agreement recognised the conflict as one of national self-determination and approached the outstanding question of Northern Ireland's constitutional future in such a way that accommodated the opposing national aspirations of both communities.[2]

An account of each of the Agreement's commitments and progress towards their fulfilment is beyond the scope of this dissertation, but it should be recognised that multi-party support for the devolved institutions was entirely dependent upon

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[1] *Agreement Reached in the Multi-Party Negotiations* [Hereafter cited as *The Agreement*], 10 April 1998. Online at: http://www.nio.gov.uk/agreement.pdf [Accessed 11 March 2011].
[2] M. Kerr (2009) 'A culture of power sharing', in R. Taylor (ed.) (2009) *Consociational Theory: McGarry and O'Leary and the Northern Ireland conflict* (London: Routledge), pp.206-220 (p.219).

progress being made on all commitments. It is important to note the essentially bargained nature of the Agreement and the role of external political elites, meaning the British, Irish and American Governments.

The devolved institutions relate to one of three institutional strands set out in the Agreement. A brief description of each is necessary, owing to the "interlocking and interdependent" nature of their arrangements.[3] Strand One provided for the democratic, power-sharing institutions that would exercise responsibility for devolved functions—the Assembly and the Executive. It also proposed the creation of a consultative Civic Forum, comprising representatives of the business, trade union and voluntary sectors. Strand Two provided an all-Ireland dimension by establishing the North-South Ministerial Council, which brings together representatives of the Irish Government and the Northern Ireland Executive to consult and co-operate on matters of mutual interest and set up cross-border "implementation bodies". Strand Three provided an east-west dimension through the British-Irish Council, intended as a confederation of the British Isles. It also provided for a regular British-Irish Intergovernmental Conference, at which non-devolved matters that are relevant to Northern Ireland may be considered.

The external institutions of Strands Two and Three, though limited in scope and power, touch on Northern Ireland's constitutional status and the competing national aspirations of both communities. They also depart from the conventional consociational prescriptions. O'Leary has suggested that these external institutional links are an example of "consociation plus".[4] The interweaving of these elements reveals the essentially bargained nature of the Agreement and the role of elite negotiation as its driving mechanism.[5] However, it is in the design of the Strand One institutions that the influence of consociational theory can be identified and evaluated most clearly.

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[3] *The Agreement,* Declaration of Support, para. 5.

[4] B. O'Leary (1999) 'The 1998 British-Irish Agreement: Consociational plus', *Scottish Affairs* 26, pp.1-22.

[5] R. Wilford (2000) 'Designing the Northern Ireland Assembly', *Parliamentary Affairs* 53(3), pp.577-590 (p.580).

The Assembly

The Assembly is Northern Ireland's devolved legislature and the principal source of authority in respect of all devolved matters. Its 108 Members (MLAs)—six from each of Northern Ireland's 18 Westminster constituencies—are elected by single transferable vote (STV), a form of proportional representation that allows voters to rank candidates in order of preference.[6] The largeness of the Assembly, relative to the size of the electorate, allows the inclusion of a wide variety of political opinion.[7] The choice of voting system is intended to maximise representation, the number of seats a party wins being highly proportionate to the overall number of first-preference votes it attracts, which is in line with consociationalism's proportionality principle.[8]

The Assembly uses simple majority voting to decide most matters, but cross-community support is required for those designated as "key", such as budget allocations or changes to the Assembly's Standing Orders. For the purposes of measuring cross-community support, MLAs are required to designate their political identity as 'unionist', 'nationalist' or 'other'. Two special voting procedures can then be used: *parallel consent*, according to which a majority vote must include majorities of 'unionist' and 'nationalist' designations; and *weighted majority*, according to which an overall majority of 60% is required, with at least 40% of the 'unionist' and 'nationalist' designations.[9] The votes of MLAs who self-designate as 'other' are discounted for 'key' decisions. Thirty MLAs, through a "Petition of Concern", may designate any vote as "key" and therefore subject to the special voting procedures. These arrangements are effectively concurrent majority rules and provide consociationalism's mutual veto. In effect, they protect the nationalist minority from unionist majority rule.

The Assembly is supported in its legislative and scrutiny roles by an impressive range of Committees. In the absence of an official Opposition, the committee system is the

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[6] A fuller discussion of STV and its use in Northern Ireland is provided in Chapter 4.

[7] J. Tonge (2003) 'Politics in Northern Ireland', in P. Dunleavy et al. (eds) (2003) *Developments in British Politics 7* (Basingstoke: Palgrave Macmillan), pp. 181-202 (p.182).

[8] D. Horowitz (2003) 'Electoral Systems: A Primer for Decision Makers,' *Journal of Democracy* 14(4), pp.115-127 (p.124).

[9] *The Agreement*, Strand One, para. 5(d).

main method by which MLAs hold the Executive to account and so enjoys considerable authority. There are 10 Statutory Committees, one for each of the 10 Departments. In addition to scrutinising the work of the Departments, the Committees advise on departmental policy formulation, consider secondary legislation and can take the committee stage of primary legislation. In these respects they may be seen as complex hybrids of Westminster's Select, Delegated Legislation, and Public Bill Committees.[10] Significantly, they also have the power to initiate primary legislation.

The Statutory Committees are complemented by six Standing Committees, which have much more specific remits. The Business Committee, for example, organises the Assembly's plenary business, and the Standards and Privileges Committee deals with matters relating to the privileges and conduct of Members. The Assembly may also appoint temporary *ad hoc* Committees to advise on specific matters, typically secondary legislation made in Westminster.

Principles of consociational theory are apparent in several aspects of the Committees' design. Their Chairs and Deputy Chairs are allocated according to the d'Hondt formula, meaning that the number a party holds is broadly proportional to its strength in the Assembly. As far as possible, Chairs and Deputy Chairs of Statutory Committees are not drawn from the same party as the Minister whose Department they scrutinise.[11] The remaining nine Committee members (each is 11-strong) are allocated according to the relative strength of the parties in the Assembly. As in the Assembly's plenary sittings, cross-community support is required for "key" matters. More broadly, consociational thinking is evident in the way the Committee system divides and shares power, particularly the power to initiate legislation, which the Statutory Committees share with the Executive. Committee work in other legislatures tends to promote collegiate working across party lines, so there was a hope that a robust committee system with genuine clout might foster cross-party co-operation and a less antagonistic politics.

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[10] R. Wilford (2010) 'Northern Ireland: The Politics of Constraint', *Parliamentary Affairs* 63(1), pp.134-155 (p.140).
[11] *Northern Ireland Assembly Standing Orders*, S.O. 46(6)(b), p.35. Online at: http://www.niassembly.gov.uk/sopdf/Standing_Orders.pdf [Accessed 2 July 2011].

The Executive

The Executive, which operates executive authority on behalf of the Assembly, is in effect a four-party, voluntary coalition comprising the UUP, DUP, SDLP and Sinn Féin.[12] It is headed by a First Minister and Deputy First Minister, who are co-equals in a joint premiership. The First Minister is nominated from the largest party of the largest community designation in the Assembly, and the Deputy First Minister is nominated from the largest party of the second largest designation, both subject to cross-community endorsement.

Ten Ministers make up the rest of the Executive Committee, each with responsibility for one of the 10 Departments created when the six that had developed under direct rule were reconfigured. The ministerial portfolios are allocated to the main parties according to d'Hondt, so roughly in proportion to party strength in the Assembly. The relatively large number of Departments, which have a wide range of devolved competencies, was also intended to maximise inclusion in the Executive. In effect it entitles parties to some Executive authority if their electoral support is above a certain threshold. At the centre of the Executive is the Office of the First Minister and Deputy First Minister, which is intended to have a co-ordinating role. The Agreement also provided for two junior Ministers in the Office of the First Minister and Deputy First Minister (OFMDFM), to be nominated by the First and Deputy First Ministers.

Although MLAs do not vote for Ministers, other than the First and Deputy First Ministers, they are able to remove them if a resolution proposed by at least 30 obtains cross-community support. Ministers who lose the Assembly's confidence in this way can be excluded from office for a minimum of 12 months. The Minister's successor would be nominated from the same party. Rather than swearing an oath of allegiance, Ministers make a pledge of office, affirming to discharge effectively and in good faith all responsibilities attached to their office.[13] This is in recognition of the competing claims of national self-determination at the heart of the conflict.

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[12] Wilford (2000), p.584.
[13] *The Agreement*, Annex A.

The Executive Committee is a clear example of consociationalism's grand coalition cabinet. A unanimity rule for key matters provides a mutual veto and the use of d'Hondt allows minority office-holding on a proportional basis.

The Consociational Design of the Devolved Institutions

All the characteristics of consociational democracy, as set out in Lijphart's classic formulation, are apparent in the institutions, with the notable exception of segmental autonomy. There is no institutional provision for either the unionist or nationalist community to exercise control over areas of their exclusive interest. John Coakley, in a play on McGarry's concept of "consociation plus", has suggested that the absence of segmental autonomy makes the Agreement an example of "consociation minus".[14] In part this can be explained by the geographical dispersal of both communities across the province, which makes territorial autonomy impossible, but there are also integrationist elements of the Agreement, such as the Civic Forum and the commitment to reconciliation and improved community relations, that contradict the principle of group autonomy. Segregation remains prevalent across Northern Ireland, most notably in education and public housing, but it is not the same as segmental autonomy and is widely perceived as a problem.[15]

Most commentators acknowledge the consociational character of the institutions. Horowitz, for example, has argued that the Agreement has a large measure of coherence and is, with a couple of exceptions, consistently consociational. [16] A notable exception to this consensus is Paul Dixon, who argues forcefully that the Agreement is not consociational. He accuses consociationalists of using an ambiguous definition of the theory in order to "claim" Northern Ireland as a successful example of democratic consociation in a deeply divided society.[17] He suggests instead that the

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[14] J. Coakley (2009) 'Implementing consociation', in R. Taylor (ed.) (2009) *Consociational Theory: McGarry and O'Leary and the Northern Ireland conflict* (London: Routledge), pp.122-145 (p.143).

[15] M. Kerr (2009), p.209.

[16] D. Horowitz (2001) 'The Agreement: Clear, consociational, and risky', in J. McGarry (ed.) *Northern Ireland and the Divided World: Post-Agreement Northern Ireland in Comparative Perspective* (Oxford: Oxford University Press), pp.89-108 (p.89).

[17] P. Dixon (2005) 'Why the Good Friday Agreement in Northern Ireland Is Not Consociational', *Political Quarterly* 76(3), pp.357-367.

Agreement owes more to an integrationist approach than to consociationalism's promotion of communal autonomy.

Of particular interest in the Northern Ireland case are the conditions considered favourable to consociation. When Lijphart first turned his attention to the conflict, he concluded that most of the factors favourable to consociation where either altogether absent in Northern Ireland or needed considerable modification if they were to be conducive.[18] However, he has also emphasised that these conditions were "neither necessary, nor sufficient" and that most empirical cases of consociation are subject to a mix of favourable and unfavourable conditions.[19]

The institutions appear to have a liberal consociational character, with few corporate features. The political designations are one such feature, although importantly the electorate are not restricted to voting for community bloc candidates. It would be possible, however unlikely, for a future First Minister to be neither unionist, nor nationalist, if the number of MLAs who self-designate as "other" was sufficient to make their designation the largest in the Assembly.

Criticisms of Consociationalism in Northern Ireland

Although few commentators doubt the consociational character of the institutions, many question consociationalism's ability to resolve the Northern Ireland conflict. Indeed, Lijphart initially suggested in 1975 that a more workable solution, although painful, might be re-partition.[20] Within a few years, however, he had revised this assessment. Most of the specific concerns relate to the two general criticisms identified in Chapter 1—that consociationalism is undemocratic and insufficiently capable of resolving conflict.

The Agreement is criticised for being undemocratic because it was brokered at elite level by party leaders and external mediators. Although, it should be remembered that

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[18] A. Lijphart (1975) 'Review Article: the Northern Ireland Problem; Cases, Theories, and Solutions,' *British Journal of Political Science* 5(1), pp.83-106 (p.99).
[19] A. Lijphart (1982), p.183.
[20] A. Lijphart (1975), p.105.

it was approved in referendums on both sides of the border and therefore enjoyed a popular mandate. The lack of collective responsibility in the Executive is another concern, as the Agreement vested devolved authority in individual Ministers, rather than the Executive as a whole. The lack of an official Opposition hinders the proper scrutiny of ministerial decisions and, in particular, the co-ordinating role of the OFMDFM.

The requirement that MLAs self-designate their political identity underpins group veto powers, but it is often argued that this locks politicians into group thinking and grants unequal rights. The votes of MLAs do not carry equal weight in the Assembly, as the votes of those who self-designate as "other" are discounted for "key" decisions, which effectively means that there are two types of MLA.[21]

Taylor's arguments about consociationalism's inherent illiberalism were made in direct reference to the Agreement.[22] He argues that many of its commitments are informed by a misleading diagnosis of irreconcilable ethno-national interests. He proposes that a common citizenship agenda should be sought through democratic deliberation. Of particular concern to Taylor is the Agreement's failure to resolve the overarching question of Northern Ireland's constitutional status. This reasserts antagonistic politics on a daily basis, preventing the emergence of more deliberative politics.[23] A related criticism is that the institutional arrangements hinder the creation of a shared "Northern Irish" identity.

The evidence suggests that few consociational settlements have been successfully implemented in societies as deeply divided as Northern Ireland. Those societies that have been stabilised successfully, such as the Netherlands and Switzerland, tend to have shallower cleavages that cut along class or religious lines, rather than ethno-national identities. The parties that do best in Northern Ireland are those that defend their ethnic bloc the most, which reduced incentives for moderation and accommodation.

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[21] R. Wilford (2009), p.139.
[22] R. Taylor (2006) 'The Belfast Agreement and the Politics of Consociationalism: A Critique', *The Political Quarterly* 77(2), pp.217-226.
[23] *Ibid.,* p.221.

CHAPTER 3

THE DEVELOPMENT OF THE DEVOLVED INSTITUTIONS

This chapter examines the changes that have been made to the devolved institutions and their operation since 1999, with reference to consociational theory. It explores the experience of the First Assembly and why the subsequent changes might have become necessary. It then analyses the procedural changes made by the St Andrews Agreement, the restoration of devolution in 2007, the implications of the Hillsborough Castle Agreement and the process of Executive formation after the 2011 Assembly election. It assesses whether these developments amount to a change in the consociational character of the institutions.

The devolved institutions have been subject to several procedural revisions since they were established in 1999, generally resulting from efforts to restore devolution or stabilise it under the pressures of power sharing. These revisions really start with the 2006 St Andrews Agreement, but they were informed by the episodic experience of devolution beforehand. As noted in the Introduction, the consociational character of the institutions is apparent not only in their architecture and procedures, but in elite behaviour.[1] Evidence of change will be sought not only in formal amendments to the procedures, but in how politicians have chosen to work with these in practice. Before these changes are analysed, however, it is necessary to consider the factors that might encourage a move away from consociationalism.

Pressure to move away from Consociationalism in Northern Ireland

Perhaps the most obvious pressures placed on the consociational model since 1999 are those arising from the electoral ascendancy of the DUP and Sinn Féin, the "extreme" parties of their respective communities, and the resulting difficulty in re-establishing power sharing. A chief source of weakness during the first Executive had been the DUP's refusal to co-operate in government with Sinn Féin before substantial

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[1] N.-C. Bormann (2011) 'Conditional Consociationalism: Electoral Systems and Grand Coalitions', (unpublished paper presented at ECPR workshop, *Political Violence and Institutions,* April 2011). Online at: http://www.unige.ch/ses/spo/static/simonhug/ecpr/Bormann-Conditional_consociationalism-Mar2011.pdf [Accessed 12 August 2011].

progress was made on decommissioning. The DUP's two Ministers styled themselves "ministers in opposition", refusing to attend meetings of the Executive Committee or participate in the Strand Two institutions. From 2003, however, the party's electoral triumph over the UUP put it in line, alongside Sinn Féin, for the joint premiership.

The experience of power sharing in the first Assembly had brought the Executive close to "immobilism", which Lijphart thought the most serious threat associated with consociational government.[2] It means the complete breakdown in policy and decision making. Government by grand coalition, however constituted, will inevitably be slow, and the potential for inertia is compounded by mutual veto. The relatively large number of Departments with poorly allocated competencies, made worse by an atmosphere of mistrust between Ministers, frustrated any potential for the "devolution dividend" or improved responsiveness that had been promised in 1998.

Rick Wilford has analysed the apparent incompatibility of consociational power sharing and joined-up government in the Executive.[3] In a highly critical account of the First Executive's capacity for joined-up government, he suggests that the OFMDFM, far from offering strategic overview and direction, was "the centre that could not hold"[4]. It was so overloaded with ministerial functions that it could not strategize or co-ordinate the Executive.

Since the restoration of devolution in 2007, these pressures on the Executive's capacity for effective government have increased, given the unease with which the DUP and Sinn Féin share power. The pressure to remedy the administrative failings of the Executive and its Departments is likely to increase in a context of relative austerity.

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[2] Lijphart (1977) *Democracy in Plural Societies: A comparative exploration* (New Haven: Yale University Press), p.51.
[3] R. Wilford (2009) 'Consociational government: Inside the devolved Northern Ireland Executive', in R. Taylor (ed.) (2009) *Consociational Theory: McGarry and O'Leary and the Northern Ireland conflict* (London: Routledge), pp.180-195.
[4] *Ibid.*, p.187.

The St Andrews Agreement and the Restoration of Devolution

The agreement reached at St Andrews in October 2006 was presented as a recommitment by the parties to the principles of the Good Friday Agreement and a recognition that changes to the political institutions were necessary to ensure their full and effective operation.[5] It should be seen, however, as the result of a joint effort by the British and Irish Governments to structure a new dispensation that could allow power sharing between the DUP and Sinn Féin.[6] It's success in enabling the restoration of devolution, which contrasted with the failure of several such attempts made during suspension, was largely the result of a transformed political and security context.[7]

The agreement made several practical changes to the operation of the institutions, particularly the Executive. It stipulated that in a restored Assembly the First and Deputy First Ministers would be nominated from the largest and second largest parties respectively, rather than the largest parties in the two largest designations.[8] This effectively extended the use of d'Hondt to the allocation of the Executive's two top jobs, the nominations for which had previously been subject to endorsement by a weighted majority vote.

The pledge of ministerial office was amended to require Ministers to participate fully in the Executive and all three institutional strands of the Agreement and to observe the joint nature of the Office of the First Minister and Deputy First Minister.[9] This was intended as a concession to Sinn Féin, following the DUP's boycott of meetings during the first Assembly.

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[5] *Agreement at St Andrews* [Hereafter cited as *St Andrews Agreement*], 13 October 2006. Online at: http://www.nio.gov.uk/st_andrews_agreement.pdf [Accessed 26 March 2011].

[6] R. Wilford (2010) 'Northern Ireland: The Politics of Constraint', *Parliamentary Affairs* 63(1), pp.134-155 (p.145).

[7] *Ibid.*, p.135.

[8] *St Andrews Agreement*, Annex A, para. 9.

[9] Despite this undertaking, Ian Paisley, when First Minister, preferred always to refer to Martin McGuiness as, "my deputy".

A new statutory Ministerial Code was introduced.[10] Its most significant feature was the provision that, when the Executive is unable to reach a consensus on a matter that requires a vote, any three Ministers may require that vote to be taken on a cross-community basis, the intention being to strengthen the ministerial veto. The Agreement also provided for referrals from the Assembly to the Executive of important ministerial decisions, which may be initiated by 30 MLAs. Both innovations represent an extension of mutual veto powers and indicate unease about the "ministerial unilateralism" and "solo policy runs" that had characterised the first Executive.[11] It can also be seen as an attempt to create, as Wilford has suggested, "some semblance of collective responsibility".[12] The potential for ministerial business to be halted might encourage greater negotiation, and perhaps bargaining, between the parties.

The agreement placed on a statutory footing the Committee of the Centre, which had been created during the first Assembly and tasked with scrutinising aspects of the OFMDFM's extensive remit. A new Assembly and Executive Review Committee was also established to examine operational aspects of the Strand One institutions. This was an acknowledgement that the strain they had been put under after 1999 was likely to intensify under an Executive dominated by the DUP and Sinn Féin. The agreement provided formally for the creation of Joint Committees, which the Assembly's Procedure Committee had experimented with before suspension, and concurrent Committee sittings, allowing the consideration of matters of shared interest. Strengthening the Assembly's committee system might counteract one of the inherent weaknesses of the institutions' consociational design: the absence of a formal Opposition.

The agreement also set out a deadline—May 2008—for the devolution of policing and justice powers, which, although it slipped by almost two years, had important implications for the institutions. It also proposed an agenda of work, learning from the wrangling and difficulty that had surrounding the first Executive's Programme for

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[10] *St Andrews Agreement,* Annex A, para. 2.
[11] Wilford (2010), p.146.
[12] *Ibid.*, p.146.

Government. MLAs were also prevented from changing their political designation in the life of an Assembly, unless by changing party.

It appears that at St Andrews the institutional rules of the game were altered to favour the "extreme" parties.[13] For example, the changed procedure for appointing the First and Deputy First Ministers allowed both parties to nominate their candidates for the joint premiership without explicitly having to endorse the other's.[14] The enhanced veto powers allow the parties to block, or at least slow down, each other's proposals, perhaps revealing in particular the DUP's unease about power-sharing with Sinn Féin.[15] Interestingly, the number of MLA's needed to make an Executive referral— 30—means that only the DUP is able to make such referrals acting alone.[16] Wilford and Wilson suggested at the time that "what was perhaps most arresting about the institutional proposals were the new opportunities that they provided for gridlock."[17]

The changes at St Andrews represent a curious mix of measures, some intended to speed up decision making and others intended to slow it down. The enhanced opportunities for mutual veto, however, are not necessary incompatible with attempts to promote collective responsibility. The potential for policy gridlock in the Executive might encourage greater negotiation and accommodation on the part of party leaders. Other changes, too, seem designed to facilitate a more effective Executive and enhanced scrutiny. Improving the day-to-day workings of the institutions, based upon the lessons learned from the first Executive, appears to have been an important, although secondary, consideration.

Whatever the overriding motivation behind these revisions, collectively they represent the most significant change to the institutional architecture since its formation.

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[13] A. Guelke (2009) 'Consociationalism and the wider peace process', in R. Taylor (ed.) (2009) *Consociational Theory: McGarry and O'Leary and the Northern Ireland conflict* (London: Routledge), pp.99-109 (p.107).

[14] J. McGarry and B. O'Leary (2009) 'Power shared after the deaths of thousands', in R. Taylor (ed.) (2009) *Consociational Theory: McGarry and O'Leary and the Northern Ireland conflict* (London: Routledge), pp.15-84 (p.62).

[15] Wilford (2010), p.147.

[16] R. Wilford and R. Wilson (eds) (2009) *Northern Ireland Devolution Monitoring Report May 2009* (London: UCL Constitution Unit), p.24. Online at: http://www.ucl.ac.uk/constitution-unit/research/research-archive/ni09.pdf [Accessed 5 August 2011].

[17] Wilford and Wilson (eds) (2007) *Northern Ireland Devolution Monitoring Report January 2007* (London: UCL Constitution Unit), p.24. Online at: http://www.ucl.ac.uk/constitution-unit/research/research-archive/ni07.pdf [Accessed 5 August 2011].

Stephen Farry[18] has suggested of the agreement that "[s]ome changes made minor improvements to the institutions, but others entrenched divisions further".[19] It is difficult to determine, however, whether overall they made the institutions more or less consociational. In this regard it seems to be a case of one step towards consociationalism, followed by one step back. If any clear conclusion can be drawn in this regard, it is that consociationalism's driving mechanisms of elite bargaining and pragmatism were very much evident.

The restoration of devolution in May 2007 was made possible by these procedural revisions, but it was brought about by changes in the way the parties operated, building upon their experience of power sharing. The agreement by the extreme parties to share power further cemented a culture of power sharing in the institutions.[20] A Transitional Assembly was established following the agreement and tasked with preparing for the restoration of devolution. A Programme for Government Committee was appointed.

When the new Assembly sat on 8 May, the four main parties had already agreed on the allocation of ministerial portfolios and the chairmanships and deputy chairmanships of the Statutory Committees, having met behind closed doors in the weeks before for an indicative run of d'Hondt.[21] One of the lessons learned from the First Assembly had been to avoid the mistrust and hostility that had resulted from the parties keeping secret their preferred portfolios and nominees. This innovation also allowed Ministers to become familiar with their briefs before the formal transfer of power. It also might indicate some lessening of the uncertainty and mistrust that had characterised the first Executive.[22]

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[18] Dr Farry is an Alliance party MLAs, a former academic and, from May 2011, Minister for Employment and Learning in the Executive.

[19] S. Farry (2009) 'Consociationalism and the creation of a shared future for Northern Ireland', in R. Taylor (ed.) (2009) *Consociational Theory: McGarry and O'Leary and the Northern Ireland conflict* (London: Routledge), pp.165-179 (p.169).

[20] M. Kerr (2009) 'A culture of power sharing,' in R. Taylor (ed.) *Consociational Theory: McGarry and O'Leary and the Northern Ireland conflict* (London: Routledge), pp.206-220 (p.218).

[21] J. McEvoy (2007) 'The Northern Ireland Assembly Election 2007', *Irish Political Studies* 22(3), pp.367-381, p.378).

[22] Wilford (2009), p.186.

Notably, the Civic Forum established in 1999 was not restored in 2007. Instead, a consultation on its future was proposed. The forum had been intended to foster a more deliberative form of politics and perhaps to counterbalance the likely concentration of power with elites. Also, in the absence of an official Opposition, there emerged in the weeks following restoration a self-styled "United Community Group", comprising the Alliance Party's seven MLAs, the sole Green Party MLA and the sole independent MLA.

The Hillsborough Castle Agreement

The Hillsborough Castle agreement, reached on 5 February 2010 after two weeks of round-the-clock negotiations, set out a final timetable for the devolution of policing and criminal justice powers.[23] The deadline agreed was 12 April. Although less significant than the St Andrews agreement, the Hillsborough Castle agreement represented a significant moment in Northern Ireland's devolution process. Reform of the policing and the criminal justice systems had been key to getting nationalists on board in 1998, and the transfer of responsibility for the reformed services had been the subject of protracted negotiations since St Andrews.

The main implication for the devolved institutions was the creation of a new Executive Department and ministerial portfolio. The Justice Minister would have the same status in the Executive as other Ministers, but, due to the particular responsibilities associated with the portfolio, was empowered to make quasi-judicial decisions without recourse to the Executive Committee. Significantly, the normal procedure for allocating portfolios—d'Hondt—was not followed. Given the sensitivity of the portfolio, it was decided that it should be given to the non-confessional and non-aligned Alliance party. A two-year sunset clause was agreed on this cross-community allocation, indicating a reshuffle in May 2012.

In the Assembly, a new Statutory Committee for Justice was created to advise and scrutinise the Department. The Assembly's Standing Orders were amended so that,

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[23] *Agreement at Hillsborough Castle*, 5 February 2010. Online at:
http://www.nio.gov.uk/agreement_at_hillsborough_castle_5_february_2010.pdf [Accessed 26 March 2011].

when powers were eventually devolved, the Chairs and Deputy Chairs of all Statutory Committees were required to step down so that the d'Hondt procedure could be run again.[24] The agreement also provided for the creation of a working group of MLAs to bring forward proposals on replacing the Parades Commission with an improved framework for dealing with parades.[25]

The agreement provided an opportunity to make progress on those undertakings set out at St Andrews that had stalled. It recognised the importance of "improving the efficiency of the Executive and greater inclusiveness."[26] It provided for the creation of several cross-party working groups, all appointed by the First and Deputy First Ministers, to consider proposals and make recommendations on how the Executive might function better and delivery might be improved. Two such working groups were created, chaired by the Junior Ministers, to oversee a trawling exercise for outstanding Executive business and identifying all commitment made at St Andrews that had not been faithfully implemented.[27] The slowness of policy and decision making is clearly evident in the consociational arrangements and perceived as something to be remedied.

The decision to allocate the new Justice portfolio to the Alliance party appears to break the proportionality principle, but it also enhances inclusiveness and reveals the inherent pragmatism of consociational politics. The allocation favoured a party normally disadvantaged in the Assembly by its designation as "other".

Executive Formation after the 2011 Assembly Election

The process of forming the Executive in 2011, although seemingly unremarkable, was significant because it was the first time the process had following an election without significant renegotiation of the terms of the Agreement or extensive mediation by external parties. To put it another way, the mechanisms ran without extensive interference for the first time. This was partly because there was so little change in the

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[24] Standing Order 49A, *Northern Ireland Assembly Standing Orders* (n/d), p.41. Online at: http://www.niassembly.gov.uk/sopdf/2007mandate/standingorders.htm [Accessed 4 August 2011].
[25] *Agreement at Hillsborough Castle*, Section 2, paragraph 2.
[26] *Ibid.*, para. 9.
[27] *Ibid.*

Assembly, with the UUP losing one portfolio and Alliance gaining one, but it also hints at the growing stability of the institutions after all parties have committed to power sharing. Table 1 shows how the ministerial portfolios were allocated. As was the case in 2007, the parties met before the new Assembly convened to make known their intentions for portfolio choices and nominations.[28]

Table 1: Allocation of Ministerial Portfolios, May 2011

D'Hondt Round	Department	Party	Minister
-	First Minister	DUP	Peter Robinson
-	Deputy First Minister	Sinn Féin	Martin McGuinness
1	Finance and Personnel	DUP	Sammy Wilson
2	Education	Sinn Féin	John O'Dowd
3	Enterprise, Trade and Investment	DUP	Arlene Foster
4	Regional Development	UUP	Danny Kennedy
5	Agriculture and Rural Development	Sinn Féin	Michelle O'Neill
6	Environment	SDLP	Alex Attwood
7	Social Development	DUP	Nelson McCausland
8	Culture, Arts and Leisure	Sinn Féin	Carál Ní Chuilín
9	Health, Social Services and Public Safety	DUP	Edwin Poots
10	Employment and Learning	Alliance	Stephen Farry
-	Justice[1]	Alliance	David Ford
-	Junior Minister, OFMDFM[2]	DUP	Jonathan Bell
-	Junior Minister, OFMDFM[2]	Sinn Féin	Martina Anderson

Source: Northern Ireland Assembly Official Report, 16 May 2011, Vol. 63, No. 2, pp.17-19. Online at: http://www.niassembly.gov.uk/record/reports2011/110516.pdf [Accessed 20 May 2011].
Notes:
[1] *Allocation of Justice portfolio not subject to d'Hondt formula.*
[2] *Junior Ministers nominated by First and Deputy First Ministers and confirmed by cross-community vote.*

With responsibility for policing and criminal justice having been transferred little more than a year before, it was agreed among the parties, with the notable exception of the UUP, that the Justice portfolio would remain with the Alliance party. The party's leader, David Ford, was reappointed Justice Minister following a cross-community vote in the Assembly.[29] There were calls, in particular from the UUP, for all portfolios to be allocated by d'Hondt. Perhaps this was motivated in part by the fact that the Alliance party, having won eight Assembly seats, was now entitled to a ministerial portfolio and so would already be represented in the Executive. It is

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[28] Notably, nominations were announced live on 13 May via the Executive's Twitter account.
[29] *Northern Ireland Assembly Official Report,* 16 May 2011, Vol. 63, No. 2, pp.20-25.

perhaps too early to judge whether the party's inclusion in the Executive will diminish its opposition role in the Assembly.

One innovation made following the election was the decision to designate one of the Deputy Speakers as Principal Deputy Speaker, a new post reminiscent of Westminster's Chairman of Ways and Means.[30] Although this innovation has little significance for the overall character of the Assembly, it incurred renewed accusations of DUP and Sinn Féin carve-up and "jobs for the boys", similar to those relating to the appointment of the Junior Ministers.

Changes in the Institutions' Consociational Character?

How then do the institutions stand in 2011, with regard to the consociational model set out in 1999? The changes that have been made and the developments that have taken place form a mixed picture, perhaps revealing the mixed factors that prompted them. They seem driven by two distinct but related imperatives: getting all parties to support power sharing, and making the institutions work more effectively. Some measures appear to advance features normally associated with majoritarian government, while others, even within the same tranche of revisions, appear to strengthen consociational characteristics. For example, the measures introduced in the St Andrews agreement to encourage some form of collective responsibility in the Executive sat alongside provisions that extended mutual veto to the Executive Committee. As McGarry and O'Leary have noted: "Strengthening collective decision making within the cabinet at St Andrews had to be tempered by introducing cross-community consent rules within the cabinet."[31]

It is clear that many of the changes were intended to remedy weaknesses in the institutions that could be attributed to their consociational design. Proposals to improve the Executive's co-ordinating role or the effectiveness of the OFMDFM, for instance, are necessary because their consociational design prioritises accommodation and inclusiveness over effectiveness. However, such proposals needn't make the institutions any less consociational. Some of the procedural revisions, such as those

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[30] *Northern Ireland Assembly Official Report*, 16 May 2011, Vol. 63, No. 2, p.32.
[31] McGarry and O'Leary (2009), p.79.

relating to the nomination of the First and Deputy First Ministers, whatever their original intention, indicate a move away from the pre-determined features of a corporate consociation towards a wholly liberal consociation.

The influence of consociational theory should not be regarded as the imposition of an overly prescriptive, "off-the-peg model" for how divided societies are best governed.[32] The Agreement was a customised solution that combined the relevant characteristics of consociational democracy in the democratic institutions, but it also emphasised other, more integrationist, aspects of conflict management in its broader application.[33] Most of the developments explored in this chapter indicate a maturing of the complex constitutional engineering put in place by the Agreement.

In a recent review of the UK's experience of devolution, James Mitchell observed that the devolved institutions in Scotland, Wales and Northern Ireland are each on their own developmental trajectories, but that all exhibit the "pull of their genealogical roots", meaning the continued influence of the "Westminster Model."[34] Might the changes in Northern Ireland's institutions be the result of such a pull, perhaps in a drive to mitigate the apparent weaknesses of consociationalism government? If so, this needn't mean a dilution of consociationalism key characteristics or an embrace of majoritarianism.

Liberal consociationalists argue that successful consociations decay organically, as the Dutch example shows. A consociation decays because the weakening of an underlying conflict makes it unnecessary. Further evidence for such a weakening in the conflict in Northern Ireland must be sought in the changing electoral landscape, which is addressed in the next chapter.

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[32] Wilford (2000), p.578.
[33] Kerr (2009), p.209.
[34] J. Mitchell (2010) 'The Westminster Model and the State of the Unions', *Parliamentary Affairs* 63(1), pp.85-87 (p.87).

CHAPTER 4

ELECTORAL BEHAVIOUR IN NORTHERN IRELAND

This chapter analyses evidence of electoral change in Northern Ireland since the formation of power-sharing institutions. It first considers ethnic party systems and the particular dynamics of party competition in consociational democracies. It examines the recent 2011 Assembly election and identifies clear patterns of ethnic bloc voting. It then looks at the broader electoral landscape in Northern Ireland and examined both the persistence of ethnic bloc voting and evidence of other changes in electoral behaviour. This is examined in the context of consociationalism's purported ability to diminish the conflict cleavage.

Ethnic Party Systems and Electoral Behaviour in Divided Societies

Northern Ireland has an ethnic party system, or perhaps more correctly an ethno-national party system, meaning that the vast majority of its political parties are based on appeals to rival national identities.[1] Northern Ireland is best understood as an ethno-nationally divided society in which group identity is structured around mutually antagonistic ethno-national allegiances.[2] In such a society, parties are almost exclusively dependent on support from voters in their own ethnic group; competition is intra-bloc, rather than inter-bloc.[3]

Donald Horowitz has argued that ethnic party systems tend to foster rather than moderate ethnic conflict. He has identified a centrifugal dynamic in ethnic party systems that he claims is animated by a process of "ethnic outbidding".[4] With such limited scope for attracting votes from across ethnic cleavages, parties must seek to

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[1] P. Mitchell and G. Evans (2009) 'Ethnic party competition and the dynamics of power sharing in Northern Ireland', in R. Taylor (ed.) (2009) *Consociational Theory: McGarry and O'Leary and the Northern Ireland conflict* (London: Routledge), pp.146-164 (p.147).

[2] J. Nagle and M.-A. Clancy (2011) 'Constructing a shared public identity in ethno nationally divided societies: comparing consociational and transformationist perspectives,' *Nations and Nationalism* (doi: 10.1111/j.1469-8129.2010.00474.x), pp.1-20 (p.1).

[3] D. Horowitz (1985) *Ethnic Groups in Conflict* (Berkeley: University of California Press), p.342.

[4] *Ibid.*, p.349.

attract votes from within their bloc. Intra-bloc rivalry is intensified and moderate parties are at risk of being outflanked by extreme parties if they are perceived as less capable of defending their ethnic group's interests. Furthermore, because ethnic parties are incapable of attracting support from across ethnic cleavages, intra-bloc competition can become a matter of survival. As Horowitz puts it: "where parties are ethnically based, the competitive cutoff is a sharp precipice, not a gradual slope."[5] The result is that there are few electoral incentives to be moderate.

However, it has been suggested that consociational power sharing can facilitate a different dynamic. Paul Mitchell and Geoffrey Evans have identified a phenomenon they call "ethnic tribune voting".[6] Their argument is this: because power sharing means that a party's policies will necessarily be diluted, voters tend to compensate by voting for "hard-line" parties that are less likely to concede too much in negotiation.[7] Moderate voters will be drawn to parties they perceive as the most robust defenders of their ethnic group's interests. However, once these parties have achieved electoral dominance they must co-operate in power-sharing in order to secure resources and influence. As Mitchell and Evans put it: "The ethnic tribune party can be simultaneously pragmatic over resources and intransigent about identity."[8] This means that extreme parties can achieve electoral dominance without the overall electorate becoming extreme. Ethnic tribune voting, they contend, allows for the moderation of parties in ethnic party systems.

John Garry has also suggested that consociationalism can have a moderating influence in this regard.[9] He argues that the implementation of consociational power sharing is likely to make the underlying conflict the dominant dimension in intra-bloc competition, but that this is likely to be temporary.[10] He summarises his argument as follows:

> "Once intra-community party competition in a deeply divided society has, as a result of the implementation of consociational arrangements, become based on the

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[5] Horowitz (1985), p.345.
[6] Mitchell and Evans (2009), p.152.
[7] *Ibid.*, p.152.
[8] *Ibid.*, p.153.
[9] J. Garry (2009) 'Consociationalism and its critics: Evidence from the historic Northern Ireland Assembly election 2007', *Electoral Studies* 28(3), pp.458-466.
[10] *Ibid.*, p.459.

underlying conflict cleavage… Downsian incentives, boosted by institutional incentives, draw the 'extreme' parties towards 'moderate' parties".[11]

He bases this hypothesis on evidence from Northern Ireland elections. It is a reply to those critics who argue that consociationalism entrenches conflict and prevents the emergence of other political cleavages.

Another important factor to consider when looking at voter behaviour in divided societies is the choice of electoral system. Electoral systems are selected for conflict management according to their ability to shape voter preferences. As Horowitz has observed, all electoral systems have built-in biases that shape and reshape the prevailing party configuration.[12] In Northern Ireland, the choice of STV, sometimes known as the Anglo-Saxon version of PR,[13] was intended to maximise representation while retaining a constituency link, which is achieved through multi-Member voting districts. However, the ability to rank candidates also opens up the possibility that voters will transfer lower-preference votes across the community divide. Part of the promise of STV, then, is that it had the potential to weaken Northern Ireland's ethnic party system and encourage new electoral cleavages.

For ethnically or religiously divided societies, Horowitz has argued in favour of electoral systems that offer politicians inducements to become more moderate.[14]. He has consistently championed the use of the Alternative Vote, arguing that it has the capacity to reshape, or at least weaken, prevailing ethnic allegiances through vote pooling mechanisms that encourage parties to seek votes from across ethnic cleavages in order to secure majorities. Such incentives, he suggests, are largely absent from STV and list PR systems, whose proportionality is likely to facilitate party fragmentation.[15]

Electoral behaviour is highly relevant to consociational democracy because it is there that changes in the underlying conflict or the salience of group identities can be

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[11] Garry (2009), p.460.
[12] D. Horowitz (2003) 'Electoral Systems: A Primer for Decision Makers', *Journal of Democracy* 14(4), pp.115-127 (p.115).
[13] *Ibid.*, p.121.
[14] *Ibid.*, p.118.
[15] *Ibid.*, p.122.

identified. The recent 2011 Assembly election provides an opportunity to examine electoral behaviour in Northern Ireland more closely.

The 2011 Northern Ireland Assembly Election

The most notable feature of the 2011 election results is their similarity to those of the previous Assembly election in 2007. Table 2 (below) displays the core data, including the number of first-preference votes each party attracted, their overall percentage share of the vote and the change since the most recent Assembly election. The largest swing in support was only 2.73%, away from independent candidates. This can be explained in part by support for independent anti-Agreement unionists going to the new Traditional Unionist Voice, which was established on a platform of opposition to power sharing with Sinn Féin.

Table 2. Results of the Northern Ireland Assembly Election 2011

Party	No. of 1st Preference Votes	Share of the Vote (%)	Change in Vote Share from 2007	Change in Assembly Seats	No. of Assembly Seats
DUP	198,436	30.57	0.48	2	38
Sinn Féin	178,224	27.45	1.29	1	29
SDLP	94,286	14.52	-0.7	-2	14
UUP	87,531	13.48	-1.46	-2	16
Alliance	50,875	7.84	2.6	1	8
TUV	16,480	2.54	n/a[1]	1	1
Green	6,031	0.93	-0.81	0	1
Independents	3,003	0.46	-2.73	0	1
Others	14,338	2.21	-1.59	-1	0
Total	649,204	100	-	-	108

Source: Electoral Office for Northern Ireland. Online at: http://www.eoni.org.uk/index/elections/elections-2011-results-and-statistics/ni-assembly-election-2011-results-by-stage.htm [Accessed 28 May 2011].
Notes:
[1] *Traditional Unionist Voice (TUV) established in December 2007, since previous Assembly elections.*

The next most notable feature is the continued electoral ascendancy of the DUP and Sinn Féin. With 38 and 29 seats respectively, they consolidated their status as the dominant parties of their communities. This rise has been at the expense of the more moderate parties in each bloc, the UUP and SDLP, indicating continued polarisation among the electorate.

Table 3. Results of 2011 Northern Ireland Assembly Election, by combined community vote and community composition of constituencies

Constituency	Overall Population	Protestant Population		Combined Unionist Vote [1]		Catholic Population		Combined Nationalist Vote [2]		Combined Non-confessional Vote [3]	
		[Nos.]	(%)	[Nos.]	(%)	[Nos.]	(%)	[Nos.]	(%)	[Nos.]	(%)
Belfast East	89,929	78,277	87.04	21,297	65.84	6,784	7.54	1,280	3.95	9,770	30.02
Belfast North	104,208	54,905	52.69	16,346	48.84	45,850	44.00	14,696	43.91	2,428	7.25
Belfast South	106,534	56,071	52.63	12,227	37.84	43,684	41.00	11,756	36.39	8,325	25.76
Belfast West	94,431	15,133	16.03	4,058	11.72	78,222	82.84	27,469	79.28	3,118	8.99
East Antrim	84,942	63,965	75.30	19,637	67.66	16,851	19.84	3,702	12.75	5,684	19.58
East Londonderry	94,867	54,306	57.24	20,308	58.49	38,003	40.06	12,509	36.03	1,905	5.49
Fermanagh & S.Tyrone	91,127	39,229	43.05	22,213	46.28	50,647	55.58	23,944	49.89	1,842	3.84
Foyle	98,936	22,626	22.87	7,154	18.42	74,846	75.65	26,899	69.23	4,794	12.33
Lagan Valley	90,570	73,517	81.17	27,138	76.47	12,823	14.16	3,368	9.49	4,981	14.04
Mid Ulster	86,496	29,171	33.73	13,611	31.86	56,447	65.26	27,312	63.91	1,815	4.24
Newry and Armagh	100,950	32,128	31.83	15,649	33.64	67,802	67.16	29,943	64.37	922	1.98
North Antrim	97,505	68,518	70.27	28,631	71.02	26,671	27.35	9,834	24.39	1,848	4.58
North Down	85,992	70,196	81.63	15,340	54.59	10,040	11.68	1,061	3.77	11,697	41.62
South Antrim	89,025	60,147	67.56	19,138	59.49	25,019	28.10	8,068	25.08	4,958	15.42
South Down	96,427	27,645	28.67	9,609	23.03	67,121	69.61	27,814	66.66	4,303	10.31
Strangford	84,181	66,314	78.78	21,356	71.98	14,029	16.67	3,427	11.55	4,885	16.47
Upper Bann	102,947	56,285	54.67	22,951	54.18	44,136	42.87	16,374	38.66	3,037	7.17
West Tyrone	86,200	26,944	31.26	13,158	33.48	58,437	67.79	23,052	58.65	3,093	7.87
Total:	1,685,267	895,377	53.13	309,821	-	73,7412	43.76	272,508	-	79,405	-

Source: Electoral Office for Northern Ireland. Online at http://www.eoni.org.uk/index/elections/elections-2011-results-and-statistics/ni-assembly-election-2011-results-by-stage.htm [Accessed 2 August 2011]; and
Northern Ireland Statistics and Research Agency, '*Key Statistics for 2008 Westminster Parliamentary Constituencies,*' (n.d.) Online at:
http://www.nisra.gov.uk/Census/2001%20Census%20Results/Key%20Statistics/KeyStatisticsforParliamentaryConstituencies.html [Accessed 3 August 2011].
Notes:
[1] *and* [2] *'Combined Unionist Vote' and 'Combined Nationalist Vote' are combined votes for parties or candidates that are demonstrably linked to community blocs.*
[3] *Non-confession.*

A closer look at the election results is necessary to identify aspects of voter behaviour and assess the strength of ethnic party voting in Northern Ireland. Table 3 (page 36) provides a breakdown of results for each constituency, displayed alongside the most recent reliable data on their community composition. The number of first-preference votes won by all parties and candidates in each constituency and their overall share of the vote has been pooled into three broad categories: Combined Unionist Vote, which includes the DUP, the UUP and other unionist parties and independents; Combined Nationalist Vote, which includes Sinn Féin, the SDLP and independent nationalists; and Combined Non-Confessional Vote, which includes the Alliance party, the Green party and other non-aligned parties and independents.

The data for community background are taken from the 2001 Census, although the figures have been revised to account for constituency boundary changes made in 2008. Community background is determined by asking respondents which religion they were brought up in, which provides the most accurate way of determining which of the two ethno-national groups a respondent belongs to. It should be noted that these figures relate to the total population in each constituency, not the total eligible electorate.

The table shows a strong correlation between community background and combined community bloc voting across the 18 constituencies. As expected in an ethnic party system, the combined unionist and nationalist votes are highly proportionate to, respectively, the number of Protestants and Catholics in a constituency. This pattern is shown more clearly in Figures 1 and 2 (page 38), which use the same data to illustrate the correlation between each constituency's combined community bloc votes and their community composition. Each coloured point on the charts represents a constituency, located according to the proportion of each community it has in it and the corresponding bloc vote. The tighter and more linear the distribution of points, the greater the correlation. Somewhat surprisingly, the correlation seems stronger in the Catholic community. The weaker correlation in the Protestant community may be the result of lower turnout or greater competition between unionist and non-confessional candidates.

Figure 1: 2011 Assembly Election: Ethnic bloc voting in Protestant/Unionist community.
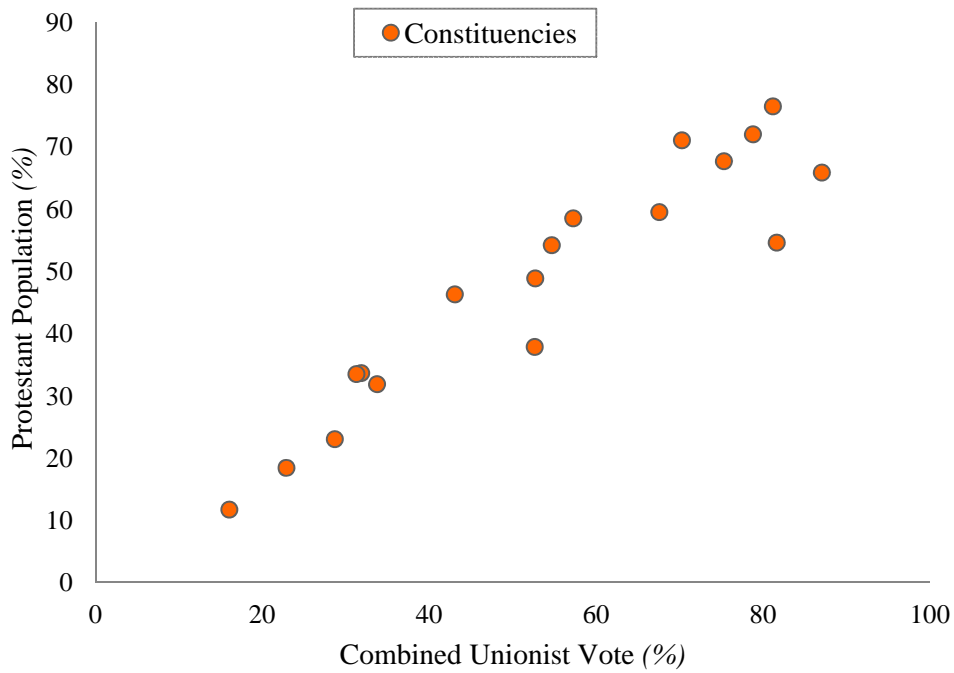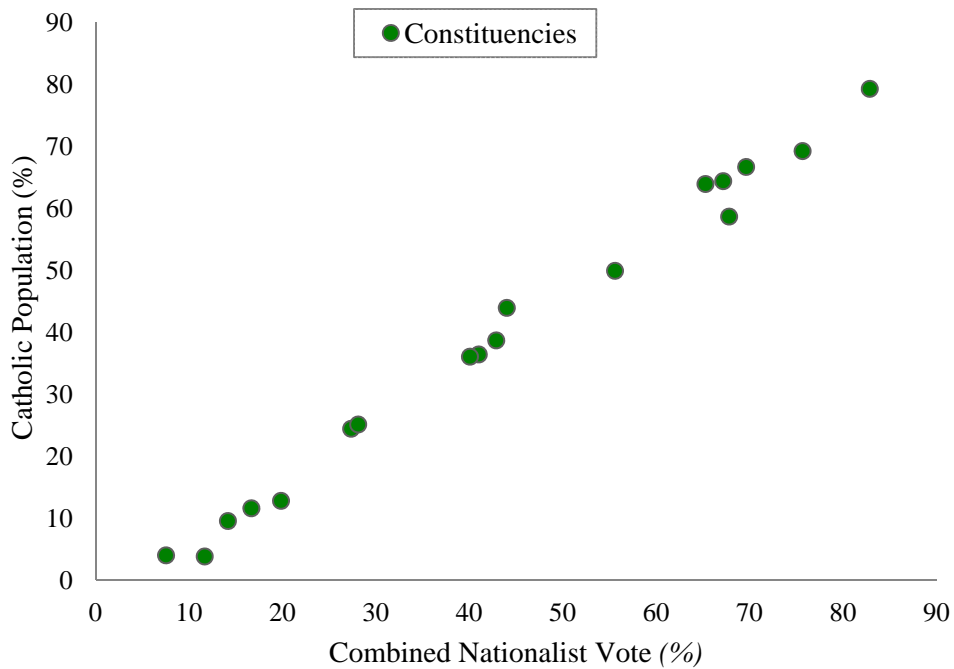

Figure 2: 2011 Assembly Election: Ethnic bloc voting in Catholic/Nationalist community.

Data taken from Table 3 (page 36).
Figures modelled on similar chart set out in J. Tonge and J. Evans (2010), 'Northern Ireland: Unionism Loses More Leaders', *Parliamentary Affairs* 63(4), pp.742-759 (p.748).

Statistics on community background in Northern Ireland are often problematic, in part because they rely on survey or census data. In fact, voting statistics probably give a most accurate indication of community composition than surveys. As Mitchell and Evans have commented, elections in ethnic party systems "resemble ethnic 'headcounts' or censuses."[1] The Northern Ireland Life and Times Surveys consistently shows that around a third of the electorate regard themselves as neither unionist, nor nationalist—in fact, the 2010 survey puts this figure at 45%.[2] The strong correlation between community background and bloc voting, however, reveals that the sentiments expressed in these surveys do not appear to have weakened prevailing voting patterns.

Broader Trends in Northern Ireland Elections

To examine the impact of consociationalism on voter behaviour and explore further some of the theories relating to ethnic party systems discussed at the start of this chapter, it is necessary to look at a longer timescale. Table 4 (page 40) shows the results of all General, Assembly and European elections in Northern Ireland since 1997, by percentage of the overall vote won by the parties, and arranged by community bloc vote. Particular care has been taken to assign independent or minority party candidates to the most appropriate community bloc. The labels "Other U.", "Other N." and "Other N.C." refer to other parties or candidates who are, respectively, demonstrably unionist, nationalist, or non-confessional. Comparisons between elections to different legislatures are problematic. European elections, in particular, can produce misleading indications of party support because only three seats are available. Other apparent anomalies in the data are explained in the notes beneath the table.

Figure 3 (page 40) illustrates more clearly the data set out in Table 4. It shows the persistence of ethnic bloc voting over time and over a range of different electoral systems. The evidence suggests patterns of intra-ethnic outbidding and inter-ethnic political polarisation.

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[1] Mitchell and Evans (2009), p.148.
[2] Northern Ireland Life and Times Survey 2010. Online at:
http://www.ark.ac.uk/nilt/2010/Political_Attitudes/UNINATID.htm [Accessed 1 September 2011].

Table 4. Northern Ireland Elections 1997 – 2011: party share of vote *(%)*.

Election	Unionist Bloc			Nationalist Bloc			Non-Confessional	
	UUP	DUP	Other U.	SDLP	SF	Other N.	APNI	Other N.C.
1997 General	32.70	13.60	4.20	24.1	16.10	-	8.00	1.30
1998 Assembly	21.25	18.01	8.13	21.96	17.63	-	6.50	6.53
1999 European	17.60	28.40	6.29	28.06	17.36	-	2.12	0.15
2001 General	26.76	22.46	3.62	20.96	21.71	-	3.58	0.92
2003 Assembly	22.68	25.71	3.58	16.99	23.52	0.16	3.67	4.65
2004 European	16.60	32.00	-	15.9	26.30	-	-	9.10[5]
2005 General	17.74	33.71	0.38	17.51	24.32	-	3.94	2.38
2007 Assembly	14.94	30.09	3.39	15.22	26.16	1.18	5.24	3.79
2009 European	17.10[1]	18.20[2]	13.7	16.20	26.00	-	5.5	3.30
2010 General	15.19[1]	24.96	10.4[3]	16.47	25.52	-	6.35	1.13
2011 Assembly	13.48[1]	30.57	3.6[4]	14.52	27.45	-	7.84	2.54

Source: Electoral Office for Northern Ireland. Online at: http://www.eoni.org.uk/index/elections/elections-2011-results-and-statistics.htm [Accessed 23 July]; and

ARK. Online at: http://www.ark.ac.uk/elections/ [Accessed 23 July 2011].

Modelled on similar table found on CAIN Webservice, the University of Ulster's Conflict Archive. Online at: http://cain.ulst.ac.uk/issues/politics/election/electsum.htm [Accessed 23 July 2011].

Notes:

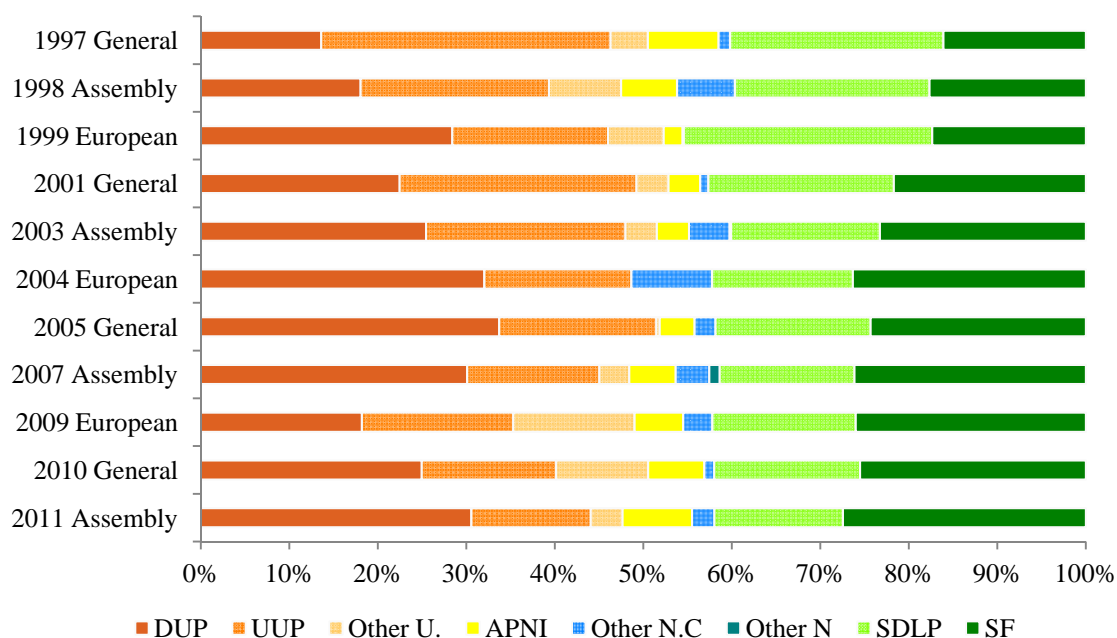[1] *Contested elections as 'Ulster Conservatives and Unionists – New Force'.*

[2] *Loss of support for DUP following formation of TUV in 2007, which opposed power sharing with Sinn Féin.*

[3] *Includes Lady Sylvia Hermon, who, although having left the UUP and stood as an independent, was demonstrably unionist.*

[4] *Includes UK Independence Party and British National Party, both clearly in favour of the Union.*

[5] *Independent candidate backed by Alliance party, Workers party, Conservatives and Labour.*

Figure 3: Northern Ireland Elections 1997 – 2011: party share of vote *(%)*.

Source: Electoral Office for Northern Ireland. Online at: http://www.eoni.org.uk/index/elections/elections-2011-results-and-statistics.htm [Accessed 23 July 2011]; and

ARK, Online at: http://www.ark.ac.uk/elections/ [Accessed 23 July 2011].

Modelled on similar chart found on CAIN Webservice, the University of Ulster's Conflict Archive. Online at: http://cain.ulst.ac.uk/issues/politics/election/partysupport6910a.jpg [Accessed 23 July 2011].

It is surmised that change in the blocs' respective share of the vote has been the result of changes in demographics, emigration and electoral participation rates.[3] Survey data on Assembly elections indicate that most lower-preference vote transfers continue to be within ethnic bloc. Survey evidence from the 2003 Assembly election indicates that the use of STV has strengthened ethnic bloc voting through the opportunities for strategic voting.[4] Taylor has concluded that STV, contrary to high hopes in 1998, has not had a moderating influence on the electorate and that from this perspective politics in Northern Ireland seems more polarised than ever.[5]

The figures also shows the electoral ascendancy of the DUP and Sinn Féin to dominant positions in their respective community blocs. It reveals the heightened competition after 1998 between the pro- and anti-Agreement Unionist parties, a clear example of ethnic outbidding. The overall trend has been for the moderate parties to decline. The 2003 Assembly election was decisive, even though the institutions were is suspension. The DUP moved ahead of the UUP for the first time, as did Sinn Féin over the SDLP.

The non-confessional Alliance party has steadily been crowded out since 1998, which may be a side effect of ethnic outbidding. The party's success in the 2010 general election can be explained by the extraordinary circumstances surrounding the Belfast East seat, which Alliance's Naomi Long won from DUP leader and First Minister Peter Robinson, and a boost following David Ford's nomination as Justice Minister. Electoral support for independents and non-confessional minority parties has generally declined, with the Women's Coalition losing its two seats in 2003.

Evidence of change in Northern Ireland's ethnic party system

The link between community background and voting remain strong in Northern Ireland and there is little evidence to suggest that the implementation of

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[3] J. McGarry and B. O'Leary (2009) 'Power shared after the deaths of thousands', in R. Taylor (ed.) (2009) *Consociational Theory: McGarry and O'Leary and the Northern Ireland conflict* (London: Routledge), pp.15-84 (p.65).
[4] W. Hazleton (2004) 'Suspended vote: The 2003 Northern Ireland Assembly election', *The Political Quarterly* 75(3), pp.226-237 (p.229).
[5] R. Taylor (2006) 'The Belfast Agreement and the Politics of Consociationalism: A Critique' *The Political Quarterly* 77(2), pp.217-226 (219).

consociationalism has encouraged a less polarised electoral system. However, it can be argued that the system itself, however polarised, is becoming more moderate. The persistence of ethnic party voting need not preclude the rise of a more moderate or "normal" politics in Northern Ireland. By bringing the "extreme" parties into government, consociational power sharing has encouraged them to become more moderate, and the willingness of the electorate to vote for them reflects this. Horowitz has suggested that "it is likely that much of this ethnic voting is based on a version of prisoner's dilemma, a fear of being alone in defecting while the other side chooses not to defect."[6]

McGarry and O'Leary argue that consociationalism produces incentives to moderate. They have suggested that the polarisation that is apparent in elections could be taken as evidence of the radicalisation of the electorate only if the extreme parties can be shown to have remained consistently extreme.[7] They have examined the policy differences between the "extreme" and "moderate" parties in each bloc and found that, since the implementation of consociation, the differences between Sinn Féin and the SDLP have narrowed considerably and so too have the differences between the DUP and UUP. Both parties appear to have moved towards the centre ground.

This moderating dynamic can be seen in the DUP's willingness to share power with Sinn Féin after 2007, the irony being that its electoral rise was the result of its prior opposition to power sharing. Identifying a moderating influence on Sinn Féin is more difficult, since it has consistently supported power sharing since 1998, but perhaps its move to the centre ground is evident in its strong condemnation of recent dissident republican activity and its explicit support for the reformed police and criminal justice systems in 2006.

Recent election campaigns have been characterised by the growing importance of "normal" issues, with the 2007 election being the quietest in memory, the most pressing issue among voters being the proposed introduction of water rates, rather

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[6] Horowitz (2001) 'The Northern Ireland Agreement: Clear, Consociational, and Risky', in J. McGarry (ed.) (2001) *Northern Ireland and the divided world: The Northern Ireland conflict and the Good Friday Agreement in comparative perspective* (Oxford: Oxford University Press), pp.89-108 (p.101).
[7] McGarry and O'Leary (2009), p.55.

than Northern Ireland's constitutional status.[8] Voter turnout has declining steadily across this period, from 69.9% in 1998 to 54.7% in 2011.[9] Although not necessarily a positive development, this might indicate that the old sectarian impulses that gave elections their high turnout are in retreat.

Given the persistence of ethnic bloc voting, despite considerable changes in the political context, it is clear that consociationalism's moderating influence on the parties is the best hope for diminishing the importance of the underlying conflict cleavage.

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[8] J. McEvoy (2007) 'The Northern Ireland Assembly Election 2007' *Irish Political Studies* 22(3), pp.367-381 (p.369).
[9] CAIN Webservice, the University of Ulster's Conflict Archive. Online at:
http://cain.ulst.ac.uk/issues/politics/election/elect.htm [Accessed 23 July]

CONCLUSION

This dissertation has examined how Northern Ireland's devolved institutions have changed since they were established in 1999 and sought to determine whether they have deviated from the consociational model evident in their original design. The broad conclusion is that these changes, taken together, do not amount to a move away from that model. Instead, they represent the maturing of complex institutional arrangements whose character remains consistently consociational. This has been shown in both the formal procedures of the devolved institutions and in how elites use them.

As was shown in Chapter 3, the procedural revisions and operational developments have been motivated in part by the demands of accommodating the DUP and Sinn Féin in power sharing. Some of these developments have been intended to remedy the weaknesses of the consociational design, such as the absence of a formal Opposition or collective cabinet responsibility, but this does not make the institutions any less consociation. The changes are concerned with providing a corrective to the weaknesses of specific arrangements, not departing from the spirit of consociation.

The institutions were not structured according to a set of rigid prescriptions; they are the result of complex constitutional engineering designed to allow power sharing in a specific context. What matters is the extent to which the changes reflect the evolving political context in Northern Ireland and the degree to which they are the result of cross-party bargaining. Most of the developments that have been considered reveal the influence of multi-party bargaining, the driving mechanism of consociation.

It has been suggested that consociations are biodegradable and can decay organically as the underlying conflict cleavage is allowed to diminish in importance. McGarry and O'Leary have suggested that "people should be left to change consociations within their own frames and rules".[1] Arguably, therefore, it is in the nature of consociations to become less consociational. In this context, Michael Kerr has commented on the possibility of "incremental changes that might signify a move from a phase of conflict regulation to one of conflict resolution".[2] There have been numerous incremental changes in Northern Ireland's power-sharing institutions, but whether they signify such a move is not yet clear. However, if they eventually cause the institutions to depart from their consociational design, so long as this is achieved though cross-party consent and bargaining, paradoxically it will be in the logic of consociationalism.

These findings point to a broader conclusion about the developmental character of consociationalism. We should not have too fixed an idea of what consociation should look like when implemented; it is not a set of prescriptive rules that must be applied. Consociationalism is an evolving theory. John Coakley has recently remarked upon

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[1] J. McGarry and B. O'Leary (2009) 'Power shared after the deaths of thousands', in R. Taylor (ed.) (2009) *Consociational Theory: McGarry and O'Leary and the Northern Ireland conflict* (London: Routledge), pp.15-84 (p.69).

[2] M. Kerr (2009) 'A culture of power sharing' in R. Taylor (ed.) (2009) *Consociational Theory: McGarry and O'Leary and the Northern Ireland conflict* (London: Routledge), pp.206-220 (p.217).

the importance of recognising the theory's developmental character. His words are worth quoting in full:

> It would be unscholarly and deeply unflattering to Lijphart to treat his writings as sacred scripture, frozen in time and an appropriate object of exegesis by true believers. His own thinking on the subject has evolved; and the greatest tribute to his work would be to acknowledge that the term which he placed centre stage in the literature of political science has acquired a life of its own.[3]

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[3] J. Coakley (2009) 'Implementing consociation in Northern Ireland', in R. Taylor (ed.) (2009) *Consociational Theory: McGarry and O'Leary and the Northern Ireland conflict* (Routledge: Oxford), pp. 122-145 (p.125).

List of Abbreviations

APNI	Alliance Party of Northern Ireland
AV	alternative vote
BIC	British-Irish Council
DUP	Democratic Unionist Party
IRA	Irish Republican Army
MLA	Member of the Legislative Assembly
NSMC	North-South Ministerial Council
OFMDFM	Office of the First Minister and Deputy First Minister
PR	Proportional Representation
PSNI	Police Service of Northern Ireland
RUC	Royal Ulster Constabulary
SDLP	Social Democratic and Labour Party
SF	Sinn Féin
TUV	Traditional Unionist Voice
UCUNF	Ulster Conservatives and Unionists – New Force
UUP	Ulster Unionist Party