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How a Human Needs Theory Understanding of Conflict Enhances the Use of Consociationalism as a Conflict Resolution Mechanism

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'How a human needs theory understanding of conflict enhances the use of consociationalism as a conflict resolution mechanism – The Good Friday Agreement in Northern Ireland'

Abstract

This article argues that systematically applying John Burton's Human Needs Theory when employing consociationalism increases the utility and effectiveness of consociationalism as a conflict resolution mechanism. It does so based on an examination of the 1998 Good Friday Agreement in Northern Ireland which finds that 1) its consociational provisions are consistent with human needs theory, 2) the vital non-consociational elements of the agreement implicitly suggest a Human Needs Theory understanding of conflict and 3) and that the ongoing difficulties around parades in Northern Ireland indicate the need to further adapt consociationalism to recognise the human needs understanding of the causes of the conflict.

'How a human needs theory understanding of conflict enhances the use of consociationalism as a conflict resolution mechanism – The Good Friday Agreement in Northern Ireland'

'There are certain ontological human needs that *will* be pursued'.

(Burton 1997: 32)

Introduction

This article argues that systematically applying HNT when employing consociationalism increases the utility and effectiveness of consociationalism as a conflict resolution mechanism. It does so in recognition of the existing underdeveloped nature of consociationalism's understanding of the causes of conflict. Furthermore while providing a comprehensive theory of the sources of conflict human needs theory does not provide an in-depth conflict resolution mechanism. This article builds on its underspecified advocacy for institutions which met basic human needs arguing that consociationalism can be developed and applied to provide this institutional framework.

Consociationalism can be a mechanism through which identities can cease to be a source conflict and agitation. Rather than the now historical argument which Lijphart forwarded: that 'because good social fences may make good political neighbours, a kind of voluntary apartheid policy may be the most appropriate solution for a divided society' (Lijphart 1969: 219, Lijphart 1971: 11). Consociationalism may not provide fences, it can instead provide an institutionalised meeting of basic human needs - the frustration of which is the root cause of the communal conflict in a divided society. Corporate mechanisms are not essential to consociational design. In fact there has been a notable 'liberal turn' in consociationalism, with many scholars advocating for rules that equally protect whatever groups emerge in free elections. They prefer 'self-determination to pre-determination' (O'Leary & McGarry 2004: 33).

This article departs in some ways from what has previously been argued by consociationalists. While recognising the fundamental contribution made by Lijphart and others to consociational theory over the decades, it refuses to allow the discussion to be limited to a reiteration of comments — many of them decades old. It seeks to make a contemporary and substantive contribution to the ongoing debate on consociationalism. The author is not arguing that a Human Needs Theory (HNT) understanding of conflict and/or the use of consociationalism is the best and only way to manage conflicts. Rather, this article argues that a HNT understanding of the causes of conflict can enhance the use of consociationalism as a conflict resolution mechanism, using the case of Northern Ireland.

Human needs theory as an explanation for conflict

Human needs theory is based on the idea that there are certain essentials necessary for survival. They are not simply food, water, and shelter. These essentials include both physical and non-physical elements, importantly they also include those things humans are instinctively driven to attain. While there is no agreed list of these needs they include: Safety/Security, Belongingness/Love, Self-esteem, Personal fulfilment, Identity, Cultural security, Freedom, Distributive justice, and Participation (Marker 2003). Different scholars have focused on different elements of this list, and some such as Maslow have argued that they can be organised into a hierarchy (Rothman 1997). Others, such as Burton, who was at the forefront on applying this theory to social and political conflicts, have argued that human needs cannot be ordered in such a way. The interconnected needs for identity recognition and security, in particular, have been the focus of much examination. Kelman argued that 'Identity, security and similarly powerful collective needs, and the fears and concerns about survival associated with them, are often important causal factors in intergroup and intercommunal conflict (Kelman 1997: 195). Scholars and practioners agree that the issues of identity recognition and security are critical to most, if not all, intractable conflicts (Marker 2003).

Burton viewed the frustration of such human needs as the root cause of conflict. These needs have been frustrated due to the evolution of society in such a way as to distance decision-makers from those affected by the decisions. This has led to the creation of institutions that

do not meet the needs of those who exist within their reach. Coercion and punishment can never prevent individuals or groups seeking to fulfil these needs. They are by their nature as ontological also non-negotiable. Furthermore, technological advances have limited the temporary and partial scope of the powerful to create conformity through coercion (Burton 1997: 19-24). Such advances have made both mass communication and weapons technology more accessible to groups outside the state level, making effective organisation and operation of dissident movements easier.

This analysis of the root cause of conflict led Burton to argue that it is only through radical restructuring of society to meet these human needs that conflict can be resolved. People are incapable of existing peacefully without the fulfilment of their needs. They cannot be persuaded, bribed or threatened into giving these up. The concept of non-negotiability may instinctively suggest a pessimistic outlook on the possibility of conflict resolution, but this is not accurate. The means to meet these basic human needs are not scarce, but unlimited. The interconnected need for identity recognition and security are the most fundamental of these.[i] Burton argued that the fulfilment of such a need for one party does not have to frustrate it for any other party. He argued that the appropriate institutions within a society can fulfil these needs for all parties and thus create a sustainable peace (Burton 1997: 33-40).

It is Burton's view of institutions as capable of fulfilling the needs of all parties to a conflict — and consequently building genuine peace — that makes this theory particularly applicable to the use of consociationalism in general, and the GFA in particular. Institutions were the outcome of the GFA and are also the outcome of Burton's theory.[ii] By examining the GFA's institutions this article established that 1) its consociational provisions are consistent with human needs theory, 2) the non-consociational elements of the Agreement implicitly suggest such an understanding of conflict and 3) finally, the ongoing difficulties in Northern Ireland, relating to parades, suggest a need to further adapt consociationalism to recognise the human needs understanding of the causes of the conflict.

Research Design

The research for this article consisted of an examination of the design of the GFA - the new institutions and provisions. This primary textual analysis allowed for a comparison of the design of these institutions and provisions with Burton's call for institutions that meet the basic human needs of the parties involved. Criticisms levelled at the work of the Independent Parades Commission (IPC) are also explored to assess whether its difficulties stem from, and could be mitigated by an application of consociationalism that recognises the HNT origins of conflict.

There are four principles which are widely accepted as being the basis of consociationalism: grand coalition, autonomy, proportional representation, and mutual veto. Three of these are clearly present in Northern Ireland – power-sharing, proportional representation, and mutual veto.[iii] The executive involves power-sharing as a result of the use of the d'Hondt system to allocate ministerial portfolios, this also fills the criteria of being proportional, as do the PR-STV voting system and proportional allocation of committee positions. The cross-community voting system which operates within the Assembly effectively creates a mutual veto.[iv] These institutions are all provided for under Strand One (the strand dealing with relations within Northern Ireland) of the Agreement. Each of these institutions was examined to find if their implementation indicated a HNT understanding of conflict.

Cross-border provisions, which are not traditionally part of consociational, were also examined to ascertain whether they were indicative of a HNT understanding of conflict. As well as providing for an internal consociation (Strand One), the GFA includes two other strands, dealing with relationship between Belfast and Dublin (Strand Two) and dealing with the broader East-West relationships on the British Isles (Strand Three), as well as a number of other sections dealing with issues such as police reform and the destruction of weapons. This research included an examination of how the GFA institutionalised the relationships between Northern Ireland and Britain, and Northern Ireland and Ireland.[v] These elements transcend national borders and are a departure from traditional consociational theory. However in reality such cross-border provisions have been included in other consociational arrangements including in South Tyrol post-1969/1972. As Wolff argued, consociations are often used as part of wider institutional arrangements in peace agreements (Wolff, 2009). Additionally, McGarry and O'Leary have argued that consociationalists previously neglected the

transnational nature of the conflict in many divided societies and that they must learn from Northern Ireland in this (and other) area(s) (McGarry & O'Leary, 2006a: 54-58). The consistency of these crucial elements of the GFA with HNT demonstrates how such an understanding of conflict can inform how consociationalism is adapted and implemented to enhance its role of a conflict resolution mechanism.

The institutions of the GFA are being classified as observable outcomes of the theoretical approach to the role of human needs in conflict resolution. The institutions that are created in political systems have long been viewed as having political effects. However they are equally political in the reverse: as *outcomes*. The basic model characterising the institutions of the GFA is that systematically applying HNT when employing consociationalism increases the utility and effectiveness of consociationalism as a conflict resolution mechanism. In order test this model the GFA institutions were examined for three observable implications:

1) The consociational elements of the GFA were consistent with a HNT understanding on conflict.

2) The elements of the GFA which are not traditionally consociational show an implicit understanding of conflict as based on the requirement to meet these needs.

3) Finally a failure to further implement and adapt consociationalism in line with HNT contributes the ongoing difficulties surrounding parades.

Analysis of the Institutions of the GFA

Proportional Representation-Single Transferable Vote

Proportional voting systems are a central plank of consociationalism. They guard against the dominance of the majority over the minority. As Diamond argued: 'Majoritarian systems are ill-advised for countries with deep ethnic, regional, religious, or other emotional and polarizing divisions…the overriding imperative is to avoid broad and indefinite exclusion from power of any significant group (Diamond 1999: 104). In broad terms proportional systems are included in consociational arrangements to provide the minority with security

that it will be represented in an elected body. The inclusion of a proportional voting system in order to protect the minority from domination by the majority can also be seen in the GFA.

However, proportional systems come in many different forms and the variant included in the Agreement is not the list system that Lijphart advocated (Lijphart 2004: 100-1). The MLAs in Northern Ireland are elected using a PR-STV voting system across eighteen six-member constituencies. It has been argued that PR-STV has a moderating effect on the positions of political parties. Ethnonational parties are encouraged to make their policies attractive to voters outside their ethnonational bloc as lower preference votes from the other bloc(s) can be very helpful in winning seats (for example, McGarry & O'Leary, 2004: 46). Reilly also argued the merits of preferential systems in divided societies including proportional variants such as STV and majoritarian variants including the Alternative Vote (AV). He argued that such systems encourage moderation and that the majoritarian variants can produce proportional outcomes given certain demographic and settlement patterns (Reilly 2002: 168).

While these are very relevant arguments in the wider discussion of electoral system design in divided societies whether the deviation from the PR-list systems usually associated with consociationalism is connected to the meeting of human needs is unclear. The British government highlighted comprehensibility and familiarity, and a desire to prevent the proliferation of parties as the factors which made STV a suitable variant of proportional electoral system for Northern Ireland (British government, 1998). It is clear that generally the adoption of a proportional election system (in keeping with the consociational principle of proportionality) provides security against majority domination and thus satiates one of the human needs argued as being necessary for the resolution of social and political conflicts. However it is unclear if the choice of variant is also in keeping with a HNT understanding of conflict.

Operation of the Assembly

A proportional voting system can provide security for a minority by ensuring that it is effectively represented in the legislative Assembly. Yet this alone does not necessarily provide security. For example, the current make-up of the Northern Ireland Assembly is fifty-six unionists, forty-three nationalists, and nine other. If decisions could be made by a simple majority unionists could legislate without any input from others. However the articles in the

GFA which outline how voting in the Assembly operates make a number of provisions which ensure that: 'safeguards to ensure that all sections of the community can participate and work together successfully in the operation of these institutions' and that 'all sections of the community are protected' (GFA, The Assembly, subsection 5).

A mutual veto, a key pillar of consociationalism, is provided. Assembly members are asked at their first meeting of the Assembly to self-designate as 'nationalist', 'unionist' or 'other', 'for the purposes of measuring cross-community support in Assembly votes under the relevant provisions' (GFA, The Assembly, subsection 6). Using these designations voting occurs in a manner that ensures that measures only pass if they have the support of both communities. This is done through the use of:

> Either parallel consent, i.e. a majority of those members present and voting, including a majority of the unionist and nationalist designations present and voting; (ii) or a weighted majority (60%) of members present and voting, including at least 40% of each of the nationalist and unionist designations present and voting (GFA, The Assembly, subsection 5d).

This provides security for the nationalist minority. It is important to note that these voting rules do not apply to all decisions made by the Assembly but rather to 'key decisions' which are either 'designated in advance, including election of the Chair of the Assembly, the First Minister and Deputy First Minister, standing orders and budget allocations'. These cross-community voting rules can also be applied to additional decisions if 'a petition of concern [is] brought by a significant minority of Assembly members (30/108)' (GFA, The Assembly, subsection 5dii).[vi] Therefore the voting procedures do not provide absolute security of input into all decision-making. However security is provided regarding certain important decisions, notably budget allocations. Furthermore, the ability to move 'a petition of concern' also means that the minority can ensure its input into any other decision as long as it has thirty MLAs willing to do so, which seems likely for the foreseeable future. This mechanism — by requiring members to publically declare an identity — also provides for the public recognition of the two main identities in Northern Ireland.

The previous ability of groups to circumvent these protections must be noted. Following several suspensions of the Northern Ireland Executive, David Trimble was not re-elected as

First Minister on the 2nd November 2001 due to unionist opposition. However on the 6th of November 2001 three of the Alliance party's assembly members were re-designated from 'other' to 'unionist' to allow for his re-election. This ability to re-designate was altered under the 2006 St. Andrew's Agreement, which stipulated that an assembly member cannot re-designate during an Assembly term unless his/her entire party does so. This change ensures that re-designations cannot now be used cynically to undermine the cross-community voting aspect of the Agreement, thus re-enforcing a sense of security. The author is aware of criticism that argues that these voting rules reinforce and privilege existing identities and thus prevent the establishment of a shared identity. This article does not seek to counter this concern but rather to establish whether the inclusion of this mechanism is consistent with a human needs approach that seeks to provide identity recognition and security as a way to end conflict.

The Assembly also includes a committee system where committees 'have a scrutiny, policy development and consultation role with respect to the Department with which each is associated, and will have a role in initiation of legislation' (GFA, The Assembly, subsection 9). The committees are arguably weak when compared to committees in other political systems but are similar to committee systems in similar systems. In this area the GFA seeks to ensure that both communities have security of input into decision-making and thus: 'The Chairs and Deputy Chairs of the Assembly Committees will be allocated proportionally, using the d'Hondt system. Membership of the Committees will be in broad proportion to party strengths in the Assembly' (GFA, The Assembly, subsection 9). This again shows how provisions made in the GFA, which are in keeping with consociationalism as they as based on proportionality, are compatible with a human needs understanding of conflict.

The Executive

The executive authority of the Assembly is discharged by an Executive that includes a First Minister, Deputy First Minister and eleven other departmental ministers.[vii] The manner in which these ministers are selected is in keeping with human needs theory. As has already been discussed, the principle of parallel consent or a weighted majority applied to the election of a first and deputy first minister after the 1998 Agreement. This de facto ensured that one would be drawn from each community. This procedure was used to elect David Trimble as First Minister and Seamus Mallon (and later Mark Durkan) as Deputy First Minister.

Following the St. Andrews Agreement in October 2006, this procedure was changed to allow for: a First Minister nominated by the largest party of the largest designation and a deputy First Minister nominated by the largest party of the second largest designation. This change continued to ensure that one would be drawn from each of the main communities. This almost joint office seeks to place the highest executive power and highest profile position equally in the hands of both communities providing both security in decision-making and recognition for both identities.

The remaining ministers are 'allocated to parties on the basis of the d'Hondt system by reference to the number of seats each party has in the Assembly' (The GFA, The Assembly, subsection 16). This creates a 'grand coalition' and the power-sharing that is a key element of consociationalism. This power-sharing provides security for both groups ensuring that executive decision-making is enjoyed by both communities. There have been question as to whether such an arrangement allows certain areas to be dominated by the community from which the minister for that department is drawn. Unionist politician Robert McCartney openly accused Sinn Fein minsters only being accountable to their own party/constituency. Executive level politics has been described as not being power-sharing but rather a contest for ministerial power and influence in order to assert the rights of respective communities (Taylor 2006: 219).

There are efforts within the design of the institutions to avoid this and to provide security to communities so where a minister is from the other main community he/she will not be able to act without considering its needs. Every minister is obliged to take a 'Pledge of Office' (Strand One, Annex A). This includes a promise to serve all people in Northern Ireland equally. This is designed to provide security that ministers will not only serve their community. While this is not strictly consociational it takes into consideration the sensibilities of the nationalist community and facilitates one of the consociational pillars: power-sharing. If ministers had to take an 'Oath of Allegiance' this would be problematic for nationalists who advocate a change in the constitutional status of the region, albeit by peaceful means. This shows how an element of the GFA which is not traditionally associated with consociationalism is consistent with HNT and shows how by keeping with HNT consociationalism can be adapted and improved as a conflict resolution mechanism.

The shadowing of ministers by the relevant committees also provides balance and oversight. Security is provided as each group can ensure that the other does not abuse its ministerial power in a particular area (Wilford 2001: 108). Checks and balances between different branches of government are important in all democracies. They take on additional significance in divided societies especially given the criticism that the Executive in Northern Ireland does not necessitate cross-community accountability (Taylor 2006: 219). While the composition of committees was in keeping with consociationalism, as has been mentioned, the use of committees in an attempt to design institutions which can balance each other is not explicitly advocated in the four principles of consociationalism. The inclusion of these in Northern Ireland shows consociationalism being adapted and supplemented due to a necessity to provide for one of the basic human needs, security.

The selection of the Minister for Justice David Ford from the Alliance Party, *contrary* to the d'Hondt system also demonstrates the necessity to adapt consociationalism to ensure human needs are met. The issues of Policing and Justice are extremely salient in both main communities in Northern Ireland.[viii] The Alliance Party's neutral status on the constitutional issue led to its selection to hold this ministry contrary to the provisions of d'Hondt. This was a departure from strict proportionality as perceived by d'Hondt but it was in keeping with the 'grand coalitions' which result from the power-sharing element of consociationalism. Meeting the needs of both communities for security was the motivation behind the choice of David Ford as Minister for Justice. His selection was consensual. Nationalists would have feared that a unionist minister would have overseen a justice system that discriminated against them, as had been the case in the past. Unionists may have felt that a justice system under a nationalist minister may have discriminated against their community and a minister who was a member of Sinn Féin, possibly with previous ties to militant republicanism, would have been totally unacceptable to them. The need to provide security around a key ministerial portfolio shows that consociationalism has to be flexible to ensure its application is in keeping with the human needs of the communities in Northern Ireland. Deviation from strict proportionality in the allocation of ministerial portfolios has previously been seen as advantageous by Lijphart in certain circumstances (Lijphart, 2004: 103). The issue of the

justice ministry in Northern Ireland shows that a blind application of proportionality can fail to meet the human needs of the groups.

Communal autonomy

Communal autonomy is a key principle of consociationalism but the GFA does not provide for substantial autonomy. It effectively allows for autonomous education systems by dictating that Catholic, Protestant and integrated schools would be funded equally. The provision of the option for equally funded integrated schools places it in the liberal rather than corporate consociational category (O'Leary 2002: 327). In effect Northern Ireland is liberally consociational in terms of education. This provision of autonomy is clearly in keeping with consociationalism and also consistent with a human needs theory understanding of conflict. Providing equal financial support recognises the legitimacy of the identities of both main communities and their associated right to educate their young people in a way that reflects their identity. This also provides both communities with a sense of security that their schools will not close due to lack of financial resources or their ethos/values replaced with a neutral or shared system.

A similar approach can be seen in the approach to support for languages. The 'Rights, Safeguards and Equality of Opportunity' section outlines that:

> All participants recognise the importance of respect, understanding and tolerance in relation to linguistic diversity, including in Northern Ireland, The Irish language, Ulster-Scots and the languages of various ethnic communities ('Rights, Safeguards and Equality of Opportunity, subsection 3).

The agreement also made commitments to the educational use, protection, and public use of the Irish language (O'Leary 2002: 327). These provisions provide recognition of the importance of language to the identity of both main groups and provides security that they will endure by promising to support communities in the use of their respective languages.[ix]

Cross-border institutions

The internal consociation provided for in the GFA is in line with with a HNT understanding of conflict and the deviations or additions were largely used to further meet human needs, demonstrating how HNT can improve the implementation of consociationalism. This article now turns its attention to the cross border elements of the consociational agreement. As has previously been mentioned, such cross border elements were not envisaged by Lijphart but are present in a number of cases, including South Tyrol, Republika Srpska, as well as Northern Ireland. The inclusion of these elements in peace accords implicitly recognises that a HNT of conflict can further improve our understanding of how consociationalism can be best implemented.

The Constitutional Issue

This section of the GFA provides that the people of Northern Ireland can decide whether to remain as part of the United Kingdom or to join with the Republic of Ireland (subsections i and ii), essentially institutionalising the principle of consent. This may be seen as failing to provide security for the two main communities as their status is subject to change. However security is provided in the guarantee that regardless of the constitutional position of the region, the people of Northern Ireland have the right to perceive themselves as either British or Irish and that the respective governments shall respect this even if the status of Northern Ireland changes in the future, the participants:

> Recognise the birthright of all the people of Northern Ireland to identify themselves and be accepted as Irish or British, or both, as they may so choose, and accordingly confirm that their right to hold both British and Irish citizenship is accepted by both Governments and would not be affected by any future change in the status of Northern Ireland. (GFA, Constitutional Issues, subsection vi).

Furthermore it guarantees that whichever government enjoys jurisdiction will act in an impartial and respectful manner:

> The power of the sovereign government with jurisdiction there shall be exercised with rigorous impartiality on behalf of all the people in the diversity of their identities and traditions and shall be founded on the principles of full respect for, and equality of,

civil, political, social and cultural rights, of freedom from discrimination for all
citizens, and of parity of esteem and of just and equal treatment for the identity, ethos,
and aspirations of both communities (GFA, Constitutional Issues, subsection v).

These sections clearly provide a degree identity recognition and security for both
communities regardless of the future constitutional position of Northern Ireland. They are
guaranteed that they will be able to legally hold the citizenship(s) that they want and that they
will not be discriminated against. It is not the argument of this article that such guarantees
would convince unionists that joining the Irish Republic would be acceptable but simply that
the this provision can clearly been seen as being motivated by a desire to provide the groups
with identity recognition and security.

This section provides both de facto and explicit recognition of the identities of both main
groups. References to 'both communities', and the aforementioned innovative acceptance that
people in Northern Ireland can perceive themselves as British or Irish, recognises the
existence of two distinct communities and accepts both as valid. The section also says that:
'while a substantial section of the people in Northern Ireland share the legitimate wish of a
majority of the people of the island of Ireland for a united Ireland, the present wish of a
majority of the people of Northern Ireland…is to maintain the Union' (GFA, Constitutional
Issues, subsection iii). This clearly institutionalises recognition of both groups and the
legitimacy of their national aspirations. Thus the provision on the constitutional issue can also
be seen to be rooted in a desire to provide recognition for both groups; meeting the groups'
basic human need for such as put forward by Burton. Doyle argued that the GFA provides for
the sort of 'internationalised citizenship' that is necessary to provide both recognition identity
and security for both communities (Doyle 1999: 201-219).

The provisions around a change of constitutional status of Northern Ireland could be
improved to provide increased security. While it would not be possible to operate explicit
cross-community voting at referendum level as voters are not identified by community
membership, it may be possible to provide that a supermajority would be needed to change
the region's status or that a majority would be required in all of the current 18 constituencies.

This could have provided an effective mutual veto for the foreseeable future and importantly would have also provided greater security.[x]

The role of the Secretary for State and Westminster Parliament

The roles of the Secretary of State and Westminster parliament are outlined under Strand One with reference to the Assembly's relationships with other institutions. However this article places it in the section dealing with cross border elements of the GFA. It does so not to make any judgement regarding the correct constitutional position of Northern Ireland but rather to acknowledge that this element extends beyond the internal and traditionally consociational arrangements within Northern Ireland. Subsections 32 and 33 of the Assembly section of the Agreement outline the continued involvement of the Secretary of State and Westminster Parliament in Northern Ireland's affairs:

> Role of Secretary of State: (a) to remain responsible for NIO matters not devolved to the Assembly, subject to regular consultation with the Assembly and Ministers; (b) to approve and lay before the Westminster Parliament any Assembly legislation on reserved matters; (c) to represent Northern Ireland interests in the United Kingdom Cabinet; (d) to have the right to attend the Assembly at their invitation.

> The Westminster Parliament (whose power to make legislation for Northern Ireland would remain unaffected) will: (a) legislate for non-devolved issues, other than where the Assembly legislates with the approval of the Secretary of State and subject to the control of Parliament; (b) to legislate as necessary to ensure the United Kingdom's international obligations are met in respect of Northern Ireland; (c) scrutinise, including through the Northern Ireland Grand and Select Committees, the responsibilities of the Secretary of State. (GFA, The Assembly, subsection 32 & 33).

The continued involvement of the British government in the affairs of Northern Ireland may seem to perpetrate the source of the conflict from the standpoint of nationalists. However it is an important acknowledgment of the basic human needs of the unionist community and that the meeting of these needs does not necessarily frustrate the needs of the nationalist

community if other institutions are included to meet their needs. It maintains a strong link to the United Kingdom and thus allows for unionist needs for recognition as British.

The continuing role of the British government also provides security. The delay in implementing the GFA and subsequent suspensions of the institutions were not anticipated. As the situation was not predicted it cannot be argued that the powers provided to the Secretary of State were intended provided security. However when the implementation of the Agreement was delayed and the institutions were suspended in times of political crises (February to December 1999, February 2000, August 2001, September 2001 and October 2002), the Secretary of State effectively took over the work of the Assembly; providing security that a type of normality would continue and avoiding a dangerous power vacuum. It is worth noting that the Irish government did not recognise the 2000 suspension and argued that any such move had to enjoy the support of both governments. While this is an important nuance in the different interpretations of the agreement by the two governments, both clearly recognise the need to provide a 'safety net' – security that there will be no political vacuum. This provision highlights that consociationalism can be adapted to provide safeguards to meet the human need of providing security especially where consociational arrangements may falter during the difficult implementation period.

The provision to allow Westminster committees to scrutinise the work of the Secretary of State also provided another layer of security. This was clearly seen in operation when the Northern Ireland Affairs Committee at Westminster in 2009/2010 was actively involved in the government's review of the Consultative Group on the Past's report (Westminster Committee Northern Ireland Affairs Committee, 2009). It heard evidence from a wide variety of stakeholders and provided a forum for those who rejected the report, particularly unionists. Its rejection of the report further undermined the Consultative Group's standing. This shows how the committee can provide oversight. This security is mainly provided to the unionist community as the majority of Northern Ireland MPs on the committee are drawn from that community (unsurprising given that the largest party from the other main community, Sinn Féin, refuse to take their seats in the Westminster parliament and so are not members of its committees). Again this shows how an addition to traditional consociational theory can add to the ability of a peace agreement to meet the basic human need for security.

North-South Ministerial Council (NSMC)

Strand Two of the GFA which deals with the relationships between Northern Ireland and the Republic of Ireland provides for a North/South Ministerial Council:

> A North/South Ministerial Council to be established to bring together those with executive responsibilities in Northern Ireland and the Irish Government, to develop consultation, co-operation and action within the island of Ireland - including through implementation on an all-island and cross-border basis - on matters of mutual interest within the competence of the Administrations, North and South. (GFA, North/South Ministerial Council, subsection 1).

The agreement provides that a minimum of twelve subject areas would be identified for co-operation under the NSMC. Co-operation in these areas is implemented in two ways. In the case of at six of them (Agriculture, Education, Environment, Health, Tourism, including Tourism Ireland, Transport) cooperation is to be coordinated by means of existing mechanisms in each jurisdiction separately. In the case of at least six others (Food Safety, Foyle, Carlingford and Irish Lights Commission Sector, Inland Waterways, Language - Irish and Ulster-Scots, Special EU Programmes and Trade and Business Development) cooperation is organised by means of North South implementation bodies operating at a cross-border or all-island level (North South Ministerial Council, 2006).

The NSMC functions much like the Council of Ministers in the European Union (O'Leary, 2002: 330). The council meets in three formats: plenary format, sectoral format and institutional format. In plenary format the Northern Ireland Executive delegation is led by the First Minister and deputy First Minister and the Irish Government delegation is led by the Taoiseach. The objective of the Plenary is to take an overview of co-operation on the island and of the North South institutions. In sectoral format it supervises the co-operation in the agreed 12 areas or sectors. At these meetings, the Irish Government is represented by the Minister or the Minister of State responsible for that Sector, and the Northern Ireland Executive is represented by two Ministers nominated by the First Minister and deputy First Minister on a cross-community basis, one normally being the Minister with responsibility for that Sector within the Executive. This is in line with the requirements of the agreement that participation by the Executive in the NSMC must be on a cross-community basis. The council also meets in institutional formats, with the Northern Ireland Executive represented by the First Minister and deputy First Minister and the Irish Government represented by the

Minister for Foreign Affairs. In this format, the NSMC considers institutional and cross-sectoral issues, including in relation to the EU (North South Ministerial Council, 2006).

The NSMC represents a delicate balancing act in terms of providing identity, recognition, and security for both communities. It provides identity recognition and a link to Ireland for nationalists. The signatories to the Agreement promised to work in good faith to bring the NSMC into being (O'Leary, 2002: 332). Yet nationalists still feared that unionists might try to undermine its operation, given their strong and long-standing opposition to the involvement of the Irish government in the affairs of Northern Ireland. In order to provide a guarantee that this would not happen the Stormont Assembly and the NSMC were designed to be mutually dependent. The GFA states that: 'It is understood that the North/South Ministerial Council and the Northern Ireland Assembly are mutually inter-dependent, and that one cannot successfully function without the other' (GFA, North/South Ministerial Council, subsection 15). The NSMC's existence allows nationalists a structural mechanism by which to identify themselves with Ireland. Importantly for nationalists it also provides an institutional mechanism through which the Irish government can have an input into the affairs of Northern Ireland.

Ensuring that unionists would feel secure that it would not develop into an effective all-Ireland government — in which they would be a minority and which would undermine the recognition of their Britishness — was a necessity. The name given to the body was chosen with this in mind. In 1974 a cross-border body was included as part of the short-lived Sunningdale Agreement - the Council of Ireland. The name change to the North-South Ministerial Council is significant. Ireland is removed from the title, the equality of the North and South is implied and they are clearly recognised as two entities working together (O'Leary, 2002: 331). To further provide a counterbalancing security for unionists there are provisions that outline that decisions made by the NSMC must ensure that 'each side [is] to remain accountable to the Assembly and Oireachtas respectively' (GFA, North/South Ministerial Council, subsection 6) and that:

> Any further development of these arrangements to be by agreement in the Council
> and with the specific endorsement of the Northern Ireland Assembly and Oireachtas,

subject to the extent of the competences and responsibility of the two Administrations (GFA, North/South Ministerial Council, subsection 12).

The NSMC balances the needs of the two main communities. It provides a link to Ireland in terms of decision-making and an institutional recognition of the legitimacy of the common Irish identity which nationalists share with those south of the border. This is balanced with provisions providing unionists with security that these north-south elements will not develop in a manner that excludes them from decision-making in any area or undermines their link to Britain. This non-traditional element of consociationalism shows how a HNT understanding of conflict can led to the addition of extra institutions which were necessary for the Agreement to be accepted by conflict parties.

Continuing problems: parades

The summer of 2013 demonstrated that difficulties around parading could still result in violence on the streets of Northern Ireland. How to reform the regulation of parades was one of the issues discussed in the Haass talks (September – December 2013) and was part of the review which led to the Stormont House Agreement in December 2014.[xi] Parading in Northern Ireland has a long and contentious history. The majority of the parades celebrate the 1690 The Battle of the Boyne and the victory of Protestant William III over Catholic James II. There are three parading organisations that hold these parades; the 'Loyal Orders': The Apprentice Boys of Derry, The Independent Orange Order, and The Loyal Orange Institution (Orange Order).

The vast majority of parades pass off peacefully. However difficulties arise where a parade route passes through or very close to a mainly nationalist area. While these parades are sometimes tolerated by effected nationalist communities they are still perceived as sectarian, threatening, and an offensive presence in a community with a very different and opposing identity. Members of the Loyal Orders emphasise the importance of parades to their identity and that the right to parade is a basic human right.

In response to growing violence and disorder around certain parades in the 1990s the British government set up a body to review the regulation of parading in Northern Ireland. It recommended the establishment of an independent body charged with adjudicating on parade routes. The resultant body the Independent Parades Commission (IPC) was established in

1996 and began its work the following year (Walsh, 2014:5). Its work has been controversial with criticism from both those involved in and those who oppose contentious parades. It is the argument of this article that much of this criticism stems from the fact that the IPC does not represent an implementation of consociationalism which reflects a HNT understanding of the origins of conflict. Concerns over what information the IPC considers, the consistency and clarity of determinations, the representativeness and bias of the commission represented the majority criticisms levelled at the IPC (Walsh 2014:18). There is inadequate acceptance of the identity and recognition significance of parades for the loyalist community and a failure to make determinations in a clear and consistent manner which generates enduring insecurity.

The consociational principle of segmental autonomy is often applied to the cultural arena. As a result it may be expected that it would be applied to the organisation and management of parading in Northern Ireland. However this is not a practical solution to the challenges. As has already been mentioned the difficulties around parades arise where a loyal order parade passes through or very near to a nationalist area. Nationalist sensibilities and objections are central to the problem and therefore the issue could not be successful managed autonomously within the unionist community.

The other three principles which are central to consociationalism (power-sharing, proportionality and mutual veto) could play a useful role in managing the difficulties around parades; however they not currently being fully implemented, partially due to a failure to consider the human needs origins of conflict. Proportionality and consequentially power-sharing were envisaged in the legislation which provides for the commission. It indicates that the membership of the commission should be representative of the community in Northern Ireland (Great Britain and Northern Ireland, The Public Processions (Northern Ireland) Act 1998, Schedule 1). If the commission was representative of the community in Northern Ireland and these individuals made decisions regarding parades both power-sharing and proportionality would be achieved.

There are problems with how the principle of proportionality has been implemented. Most notably unionist members do not have strong links to the Loyal Orders and thus are not seen as representative of the section of the unionist community most associated with parades. The Secretary of State tried to correct for this by appointing two prominent loyalists with ties to

Loyal Orders in 2005, David Burrows and Don MacKay. These appointments were not successful (Bowcott, 2006).[xii] It can be argued that the inclusion of Protestants or unionists even if they are not associated with the Loyal Orders is in keeping with the consociational principles of proportionality and power-sharing. This highlights a weakness with current consociationalism and how a human needs understanding of conflict can improve this. Blocs or groups are not monolithic. Different elements of a group may have heightened needs in certain areas. These intra-group differences need to be considered when applying proportionality and power-sharing. Parades have a heightened importance for a section of the unionist community in terms of identity recognition and security.

Supra-majority decision-making rules could ensure that mutual veto could be built in to the operation of a (proportionally constituted) IPC. This would not be without challenges. However current arrangements have been widely criticised, especially by unionists and commitments to a new method of regulating parades include provisions for a body with similar powers to the current IPC. Such arrangements for the IPC could combine the advantages of using an independent body (insulating police and local politicians from decisions relating to the most contentious parades), with legitimacy associated with representativeness.

There is also a lack of understanding of the human needs origins of conflicts in the criteria used to determine whether restrictions should be placed on a parade. The IPC assesses disputed parades against a set of guidelines provided in Section 8(1) of The Public Processions (Northern Ireland) Act 1998:

- any public disorder or damage to property which may result from the procession;
- any disruption to the life of the community which the procession may cause;
- any impact which the procession may have on relationships within the community;
- any failure of a person of a description specified in the guidelines to comply with the Code of Conduct (whether in relation to the procession in question or any related protest meeting or in relation to any previous procession or protest meeting); and
- the desirability of allowing a procession customarily held along a particular route to be held along that route.

These criteria and the subsequent associated documents produced by the commission do not adequately consider the role of human needs. They indicate a limited understanding of the

need for security. Concern over possible public order or property damage demonstrates a restricted interpretation of security that only addresses its physical elements. While these are very important and must be considered other elements of security and other human needs particularly the need for identity recognition also needs to be adequately considered.

The IPC's process fails to sufficiently acknowledge the central role which parading plays in the identity of those involved. The criterion of 'the desirability of allowing a procession customarily held along a particular route to be held along that route' may be interpreted in such a way as to take into consideration the historical context of a certain parade and how respecting the right to continue traditions is an important element of the identity recognition. However there is no clear appreciation of the history of parading or its central role in the expression of a cultural, religious and arguably a national identity. The right to peaceful assembly is framed as a general right under international and European law (Parades Commission 2005:2-4). The importance of parading in terms of recognition and identity needs to be more explicitly recognised in the criteria which the IPC uses to make determinations. While nationalist residents who oppose marches in their area may object to this criterion arguing it biases the IPC against their concerns this criterion would be balanced with existing criteria such as impact on community relations and 'disruption to life of the community'.

The manner in which the IPC has been making and explaining its decisions has been a source of insecurity. The great weakness of the IPC's approach is that the lack of consistency and clarity around its adjudications provides neither the marchers nor those who oppose parades with a sense of security. A survey found that both communities felt that the IPC's decisions were inconsistent (Belfast Telegraph, 1999) and the NIAC argued that the commission should 'include in its determinations fuller explanations and greater detail about the potential impact of a parade on community relations and on human rights and public order' (NIAC, Volume I: 3). The IPC must be clear and consistent in its decisions on parades. A lack of clarity and consistency creates a sense of insecurity for both loyalist marchers and nationalist residents. Where parades have been allowed in a particular year they have still been reroute in the subsequent years without clear reasoning for the change in approach. This creates a lack of security for marchers; they fear that parades may be arbitrarily restricted. Clarity and consistency would also provide a sense of security for nationalist residents who object to a

parade in their area. For example, if criteria were consistently applied they could be secure that where a parade has been rerouted for a particular reason that rerouting would also occur if these circumstances reoccurred.

Conclusion: Consociationalism and a HNT of conflict

This article argues that a humans needs theory can not only provide a theoretical underpinning for the application of current consociational institutions it also indicates how additions and adaptations to these institutions can enhance the use of consociationalism. By examining the institutions and provisions of the GFA it is evident that the consociational principles of power-sharing, autonomy, proportionality and minority veto have been implemented in such a way as to provide identity recognition and security to both main communities; particularly through the design of the Assembly and the Executive.

Moreover where the GFA included elements which are not traditionally advocated for in consociationalism these were also largely found to imply a HNT understanding of the origins of conflict. This is true both in terms of adjustments or additions to internal institutions within Northern Ireland but also in terms of the very innovative and vital cross-border intuitions included in the GFA. The use of the Pledge of Office, committees and the appointment of David Ford as Minister for Justice are indicative of alterations to the internal consociation which seek to meet basic human needs for identity recognition and security. The role of the Secretary of State, the British government and the NSMC also meet these needs. This article also demonstrated how a failure to implement consociational principles fully and consider human needs contributes to the continuing difficulties round parading, specifically the role of the Independent Parades Commission.

These findings are considerable as they indicate that consociationalism should be implemented in a manner that recognises the HNT origins of conflict. This provides consociationalism with an understanding of the sources of conflict which it can use to develop and adapt its institutional prescriptions. The findings also build on HNT by indicating that consociational institutions can be used as the reformed institutional framework which Burton argued could fulfil human needs and so effectively resolve conflict.

[i] The author has chosen these needs as they are widely accepted to be central to protracted social conflicts such as that in Northern Ireland. For a comprehensive discussion of how these needs are at the root of conflict see Azar (1990).

[ii] For a more comprehensive treatment of the link between institutions and identity conflicts see Williams & Neal (2001).

[iii] The application of the fourth element (segmental autonomy) is mixed in the case of Northern Ireland. It is effectively present and can be seen in the concurrent operation of different educational systems (as well as integrated education). However there was resistance to any segmental autonomy in other areas such as policing.

[iv] A comprehensive explanation of why the Agreement is consociational can be found written both by advocates of and critics of consociationalism (Taylor, 2006, McGarry & O'Leary 2006 a, b, Higson, 2008, Aitken, 2007).

[v] The Strand Three institutions which deal with the totality of relationships between the different parts of the British Isles are not included. Due to the restraints as to what can be addressed in a single article, the focus is on the institutions that primarily relate to Northern Ireland.

[vi] The procedure for electing a First and Deputy First Minister was changed in the St Andrew's Agreement, this is discussed in relation to the working of the Executive.

[vii] Originally there were ten ministers; however the devolution of policing and justice powers led to the additional provision of a minister for this area.

[viii] For a comprehensive outline of the salience of the issue of Policing in Northern Ireland see Doyle (2010).

[ix] While the Irish language is traditionally associated with the nationalist community there have been engagements with language by unionists. See for example Amanda Ferguson, 'Growing appetite among Protestant, unionist and loyalist people to learn Irish language', The Belfast Telegraph, January, 9, 2004.

[x] This would have made change of Northern Ireland's status more difficult and would have been difficult for nationalists to accept.

[xi] A broad commitment to devolving power to regulate parades was included in this agreement. However it also recognised that independent adjudication would still be necessary suggesting a new body with similar responsibilities to the IPC will be established. The findings of this research relating to the weaknesses of the IPC would equally apply to this body.

[xii] MacKay had to withdraw after admitting that his references did not support his application and Burrows appointment was struck down by the High Court in Belfast.

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