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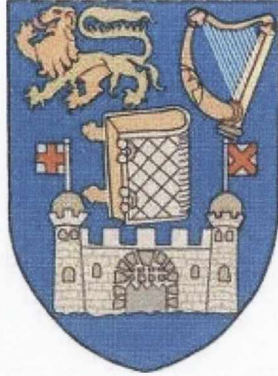
The Northern Ireland model of consociational power-sharing is more successful in creating democracy in deeply divided societies than the integrative power-sharing model used in South Africa.

By Deirdre Moriarty

Dissertation submitted for the degree of PhD (Peace Studies)

21st September 2012

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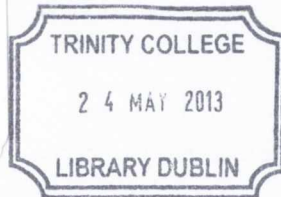
Summary

Northern Ireland and South Africa are both noted as well know examples of consociational and integrative power-sharing. Both of these countries are used as models for other ethnically divided countries to follow to bring about peace and reconciliation. And while it is true that both countries were successful in bringing an end to ethic conflict in their regions, Northern Ireland via the Good Friday Agreement and South Africa via the 1994 elections and the 1996 constitution, it is also important to assess their effectiveness if they are to be used as a road map by other ethnically divided societies. In both countries a form of power-sharing was used to transition from conflict to peace. Northern Ireland used a consociational form of power-sharing, while South Africa used an integrative from of power-sharing. This thesis seeks to identify which agreement was more effective in creating a functioning democracy from a divided society, and to analyse the hypothesis of this thesis that the Northern Ireland model of consociational power-sharing is more successful in creating democracy in deeply divided societies than the integrative power-sharing model used in South Africa.

The analysis has shown that Northern Ireland had more features of a democracy than South Africa but a causal link cannot be drawn between the consociational power-sharing model and these levels of democracy. This study has show that democracy is not a cure all for divided societies. While transitioning from a conflict situation (as is the case in Northern Ireland or apartheid in South Africa) to democracy is a great achievement, the issues from the past need to be dealt with or they will transition with you.

There is no way to say which type of power-sharing consociational or integrative is best. Each individual conflict needs to be reviewed and a bespoke solution reached. What can work for one country may not work for another. The role that ethnicity plays in the conflict is also an important factor to consider, if ethnicity is a key element then consociationalism may be a better fit as it uses ethnicity as the key building blocks of the political structure, if guarantees are not as important to the key stake holders then integrative power-sharing may be the answer. In some cases a form of a la carte power-sharing may be used, a country can take parts from both

approaches to find the best fit for them. The use of formal power-sharing as a conflict management tool to transition countries from conflict to peace is becoming more popular. This is due to the success of countries like Northern Ireland and South Africa.

Acknowledgements

This thesis would not have been possible without the guidance and the help of so many people, I would like to take this opportunity to thank a few of them.

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Also a big thank you to my family and friends in particular I would like to thank my mum Marion who's love and support has been a constant, and to Ronan for helping and supporting me through the ups and the downs of the last six years.

List of Abbreviations

ACDP	African Christian Democratic Party
ADM	African Democratic Movement
AIA	Anglo Irish Agreement
AMCP	African Moderates Congress Party
AMP	Africa Muslim Party
ANC	African National Congress
APNI	Alliance Party of Northern Ireland
AZAPO	Azanian People's Organization
BBC	The British Broadcasting Corporation
BEE	Black Economic Empowerment
BIC	British Irish Council
CODESA	Convention for a Democratic South Africa
COSATU	The Congress of South African Trade Unions
COPE	Congress of the People
DA	Democratic Alliance
DP	Democratic Party
DPSA	Dikwankwetla Party of South Africa
DUP	Democratic Unionist Party
EU	European Union
FFVF	Freedom Front
FIFA	Fédération Internationale de Football
FP	Federal Party
HNP	Herstigte Nassionale Party
ID	Identity Document
ID	Independent Democrats
IGC	Intergovernmental Conference
IFP	Inkatha Freedom Party
IRA	Irish Republican Army
I.D	Identification document

IDASA	Institute for Democracy in South Africa
KISS	Keep It Straight and Simple Party
KZN	KwaZulu-Natal
LUSO	Luso-South African Party
OPP	Office of the Public Prosecutor
MF	Minority Front
MK	Umkhonto we Sizwe
MLA	Member of the Legislative Assembly
MP	Member of Parliament
NGO	Non Governmental Organisation
NIWC	Northern Ireland Women's Coalition
NNP	New Nationalist Party
NP	National Party
NSMC	North-South Ministerial Council
OPP	Office of the public prosecutor
PAC	Pan Africanist Congress of Azania
PR	Proportional Representation
PSNI	Police Service of Northern Ireland
PUP	Progressive Unionist Party
ROI	Republic of Ireland
RUC	Royal Ulster Constabulary
SABC	South African Broadcasting Corporation
SACP	South African Communist Party
SAHRC	South African Human Rights Commission
SF	Sinn Fein
SDLP	The Social Democratic and Labour Party
SOCCER	Sport Organisation for Collective Contributions and Equal Rights
STV	Single Transferable Vote
SRC	Students Representative Council
TIC	Temporary identity certificate

TRC	The Truth and Reconciliation Commission
UDF	United Democratic Front
UDR	Ulster Defence Regiment
UK	United Kingdom
UDP	Ulster Democratic Party
UDM	United Democratic Movement
UK	United Kingdom
UKUP	United Kingdom Unionist Party
UN	United Nations
UUP	Ulster Unionist Party
WLP	Workers' List Party
WRPP	Women's Rights Peace Party
XPP	Ximoko Progressive Party

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Chapter 1 – Introduction

The Northern Ireland model of consociational power-sharing is more successful in creating democracy in deeply divided societies than the integrative power-sharing model used in South Africa.

Introduction

One of the main issues faced by parties involved in protracted ethnic conflicts is how to move on from violence and reach a conclusion that is acceptable to all parties involved. Waiting for conflicts to end organically can mean a large cost financially and in the loss of human life. This is why efforts must be made to settle the conflict in as timely a manner as possible. This is where theories of conflict management such as power-sharing and consociationalism can be utilised (Jeong, 2008).

Northern Ireland and South Africa are both used as well know examples of consociational and integrative power-sharing. Both of these countries are put forward as models for other ethnically divided countries to follow to bring about peace and reconciliation. And while it is true that both countries were successful in bringing an end to ethic conflict in their regions, Northern Ireland via the Good Friday Agreement and South Africa via the 1994 elections and the 1996 constitution, it is also important to assess their effectiveness if they are to be used as a road map by other ethnically divided societies. In both countries the governmental approach taken to bring an end to the conflict (in both cases a form of power-sharing) we used not only to end ethnic conflict but also to make countries more democratic. This thesis seeks to identify which agreement was more effective in creating a functioning democracy out of a divided society.

The Good Friday Agreement used to end the Northern Ireland conflict has been praised by the media and by figures as diverse as Bill Clinton to Ian Paisley. Academically, however, the Agreement has been criticised as being undemocratic and of entrenching ethnic cleavages (Horowitz, 1991, Lustick, 1985, Taylor, 2009, Dixon, 2005). While both praise and criticism abound in academic and political circles, hard facts and empirical evidence about the success (or failure as the case may be) of the Good Friday Agreement are sorely lacking. This thesis seeks to assess its success/failure and help clear "the thicket of definitions, ambiguities and

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contradictions" (Paul Dixon, interview with author, 2010) that exists around consociationalism in Northern Ireland.

Power-sharing is facing new doubts about its effectiveness in particular in Africa where it has been used increasingly over the past decade. While South Africa is seen as power-sharing's success story, many other African countries such as Zimbabwe, Kenya, Liberia, Nigeria, Burundi, Rwanda, Sierra Leone and the Democratic Republic of Congo have adopted power-sharing but the model has not had the desired results. In most cases conflict resolution was achieved but long-term political stability, free and fair elections, good governance and low levels of corruption were not (Totolo, 2009).

This thesis will take the form of a comparative case study to assess which agreement was more successfully and which produced a more stable and effective working democracy. The purpose of this comparison is to assess which model is more effective in creating long-term political stability, free and fair elections, good governance and low levels of corruption in deeply divided societies.

In order to make this assessment both models will be evaluated using the same set of criteria. These will include

- Levels of democracy in the country
- Levels of violence
- Policing
- Existence of corruption

This chapter will put forth the justification for this research, review some of the points put forth by critics of consociationalism and to discuss the methodology used throughout the thesis.

Hypothesis

The Northern Ireland model of consociational power-sharing is more successful in creating democracy in deeply divided societies than the integrative power-sharing model used in South Africa.

Justification for Research

Although there has been much academic focus and research on the Northern Ireland Conflict (McGarry & O'Leary, 2004, Bew, 1993, Dixon, 2001, Lijphart, 1975) and the transition from apartheid to democracy in South Africa (Brooks, 2004, Guelke, 1992, Steiner, 1987) much less research is available on the levels of democracy they have produced. The purpose of this thesis is to assess which agreement was more effective in creating long-term political stability, free and fair elections, good governance and low levels of corruption. This is an important area of study as both cases are relatively new agreements and it is vital that they are reviewed on an on going basis to test their success and have up to date information. Cases of ethnic conflict are still mushrooming in other parts of the world as more ethnic groups seek self determination, and with an increased focus on democratic governance as a basic human right the need for self determination by ethnic groups should ideally be facilitated within the parameters of existing states (Large & Sisk, 2006). If Northern Ireland and South Africa are to be used as role models for other cases then they must be tested to measure their success and so we can take transferable learning's from them. The next section will give a brief over view of power-sharing.

Power-sharing

> Power-sharing, defined as practise and institutions that result in the broad – based governing coalitions generally inclusive of all major ethnic groups in society, can reconcile principles of self-determination and democracy in multiethnic states, principles that are often perceived to be at odds (Sisk, 1996, vii)

Reaching a peace settlement and negotiating an end to a civil war can be more daunting than an inter-state conflict simply because when the conflict ends the parties involved must live in the same state side by side with those who were previously their combatants (Licklider, 2009). For this reason in the past trends have shown that civil wars are less likely to end in negotiated settlements than interstate conflicts (Pillar 1983, Walter 1997). But increasingly in the tail end of the 20th century and the beginning of the 21st century this trend appears to be changing. Power-sharing is a system used to ensure group security in a multi-ethnic society. At a fundamental level this system seeks to include all segments of society in a decision making process in order to reach a consensus. In order to do this it uses power-sharing institutions to manage decision-making rights and procedures. In essence power-sharing institutions out line the rules that will be applied to ensure inclusive decision making is used.

Table 1.1: Illustrative institutional agreements under power-sharing agreements

	Mandates (hard guarantees)	Opportunities (soft guarantees)
Inclusive decision making	- Ethnic allocation of executive posts. - Reserved seats in the legislature - Concurrent majorities	- Parliamentary government - List proportional representation with low threshold - Supermajorities
Partitioned decision making	- Ethnofederalism - Exclusive jurisdiction	- Federalism - Concurrent jurisdiction
Predetermined decisions	- Prohibited decisions - Extraordinary amendment procedure	- Amendment by simple legislative majority

Source: Roeder & Rothchild (2005, 31)

A majoritarian electoral system may be ineffective for ethnically divided societies as political parties diverge to a great extent. Majoritarian democracy can in fact be undemocratic in a country divided along ethnic lines as, political parties representing ethnic minorities have little or no chance of ever forming a majority (Lijphart 1968). Power-sharing offers a different approach from majoritarian government for ethnically divided societies. Under the broad umbrella of power-sharing there are two schools of thought, consociationalism and the integrative approach.

Consociational Power-sharing

Consociationalism has been used as a tool to help bring an end to identity based conflicts from turning or returning to violence. Consociationalism was famously outlined in Lijphart's seminal 1969 World Politics article. Lijphart outlines 6 conditions, which he believes are vital in both the establishment and maintenance of a fledgling consociational democracy. These are:

- Power must be distributed evenly between all segments
- A multi-party system with segmental parties
- A small population to facilitate co-operation
- External threats are perceived as a common danger
- A sense of common national identity
- The absence of extreme socio-economic inequalities (McGarry & O'Leary, 2004)

A consociational democracy generally has four main features, a government by grand coalition which includes political parties representing all the main ethnic segments of the divided society, proportionality, which applies to all aspects of the public sector, autonomy for ethnic segments, this entitles ethnic groups to self-govern in certain key areas, and finally minority veto rights (McGarry & O'Leary, 1994). The main issue focused on is how to make a democracy work in ethnically divided societies (Jarstad, 2006).

This has a knock on effect as to how they are represented at government level and the access they receive to societal resources both infrastructural and financial. To further demonstrate this point Lijphart (1985, 13) uses the example of Lebanon, he writes;

> The choice is not between consociational and majoritarian democracy, but between consociational democracy and no democracy at all

Power-sharing: Integrative Approach

The integrative approach (also know as centripetalism) is different from consociationalism in that it does not focus on the institutions of power-sharing and on elites working together after elections, instead it encourages pre election consensus to be reached that cross ethnic lines and promotes political alliance that transcend groups (Horowitz, 1985, Sisk, 1996, Reilly, 2001). There are 3 main features of this theory, electoral incentives, politicians are encouraged to get votes from outside their own ethnicity. Arenas of bargaining, politicians from across the ethnic divide are encouraged to negotiate to find voting deals. Centrist, aggregative political parties (Reilly, 2001, 11).

Table 1.2: Consociational Power-sharing

Principles	*Practices*	*Problems*
Broad-based coalitions among ethnic political parties	Grand coalition governments	Elites may initiate conflict to bolster their power at the center
Minority or mutual veto on matters of importance to the group	Group rights defined in constitutional terms for named ethnic, racial, religious, or cultural groups	Can reinforce the ethnic divisions in society rather than promoting cross-cultural understanding
Proportionality	Proportional representation electoral system and the proportional allocation of jobs, spending, representation, and participation by ethnic group leaders	May reflect well the divisions in society but does not provide incentives for building bridges across community lines
Group autonomy	Federalism, territorial, or "corporate"	May contain disincentives for contending groups to live peacefully together

Source: Sisk, 2003, http://www.beyondintractability.org/node/2361

Table 1.3: Integrative Power-sharing

Principles	Practices	Problems
Incentives for elite and mass moderation on divisive ethnic or racial themes	A president who stands for all groups and who emphasizes moderation and reconciliation (like a Mandela)	Leaders who can rise above the fray of intergroup enmity are hard to find; they can't be simply invented.
Intra-group contestation and inter-group moderation in electoral contests	The use of vote-pooling electoral systems, such as the Single Transferable Vote or the Alternative Vote	People may be unwilling to vote for candidates who are not from their community
Minority influence, not just representation	Federalism is a way to give all minority groups access to power in various regions; the regions serve as a training ground for national-level moderates	Political leaders and key public figures may not be willing to respond to the incentives for moderation, preferring that minority representation remain token or symbolic

Source: Sisk, 2003, http://www.beyondintractability.org/node/2361

Consociationalism and power-sharing will be looked at more closely in chapter 2. The next section will look at the methodology used in this thesis to test the hypothesis that the Northern Ireland model of consociational power-sharing is more successful in creating democracy in deeply divided societies than the integrative power-sharing model used in South Africa.

Methodology

The term research is generally used to describe a search for knowledge, research can also be an investigation to unearth new facts, define or redefine problems, form hypothesis, collect, categorise and evaluate data, suggest solutions and reach conclusions. This kind of research then serves to add an original contribution to existing academic research in a given fields. Research methodology is the means by which research problems can be solved; it outlines the problem, the logic behind them and what research techniques are needed to achieve this goal. As well as knowing what research methods and techniques are needed to help solve the problem it is equally important to know which techniques are not relevant depending on the research problem that needs to be solved. Hence the researcher needs to design their methodology based on their hypothesis. This needs to be done on a case-by-case basis, as the methodology will differ depending on the hypothesis being researched.

This chapter will not serve as a broad philosophical discussion about which type of research method or approach is best, what is will serve to do however is;

- Review the most popular research methods used in political research
- Review the merits and weaknesses of these methods
- Outline the difficulties in doing research

As all methodology can be categorised broadly into two categories qualitative or quantitative, the initial methodological question to be considered, was which approach to pursue in my research? Quantitative research is generally based on measurements of quantities or amounts, i.e. forecasting attitudes and behaviours, it can involve the use or formation of large data bases, these are then used to infer a relationship or set of characteristics of a group or population. This database is complied using a sample of the population to determine its characteristics and these characteristics are then inferred on the rest of the group or population. The environment that the subjects are observed in can be manipulated or simulated giving the researcher more control over the artificially constructed environment. Surveys are commonly used in quantitative

research, they are both formal and standardised, which makes the data received easier to compare in a systematic way and extract a trend from.

Qualitative research on the other hand is concerned with the analysis of attitudes, opinions and behaviours. This kind of research is an output of the researchers insights and impressions, its success depends on the researchers skill and ability to interpret information in an unbias way. This type of research generally uses techniques such as interviews, and also relies on secondary sources of information. The nature of this thesis and the hypothesis being tested that the Northern Ireland model of consociational power-sharing is more successful in creating democracy in deeply divided societies than the integrative power-sharing model used in South Africa lends itself to the qualitative approach.

Table 1.4: Qualitative vs. Quantitative Research

Qualitative	Quantitative
Naturalistic Design	Experimental Designs
Descriptive	Explanatory
Inductive analysis (generate hypotheses)	Deductive analysis (test hypotheses)
Observations/Interviews	Standardised Measures
The researcher is the instrument. Trustworthiness depends on the researcher's skill and competence.	Validity depends on careful instrument construction
Depth (collection of intense data)	Breadth (limited set of variables measured)
Small samples (purposive sampling)	Large samples (random sampling)
Discovering/exploring concepts	Testing/Verifying theories and concepts
Extrapolations	Generalisations

Source: Roberts 2004, 112

Political researchers have increasingly used comparisons of countries to test hypotheses, to extract learning and build more robust assumptions that can be applied to other countries (in the case of this thesis to other ethnically divided countries). Katzenstein purports that "comparative research is a focus on analytical relationships

among variables validated by social science, a focus that is modified by differences in the context in which we observe and mean those variables" (Kohli et all, 1995, 11). In essence this thesis will employ a case study approach. There are many daunting questions to be faced when selecting cases studies some of these include

- ➢ How many countries should be selected?
- ➢ Which countries?
- ➢ Which continents?
- ➢ What type of country?
- ➢ What stage of development?
- ➢ Can parallelism be achieved?

Landman (2003) asserts that the number of test countries needed for comparative case studies is linked to the level of abstraction and the scope of the countries, i.e. the more abstract the hypothesis being tested the more case studies that are needed to test the hypothesis, and conversely the less abstract the hypothesis then fewer cases are needed to test the hypothesis. Some advantages of using a smaller number of case studies are that it allows the researcher to be more focused, to analyse the cases in more detail, to understand the nuances of each case, while also testing a less abstract and more definite hypothesis. Some disadvantages of this type of research method are bias in the choice of countries, and in the historical accounts used by the researcher, language barriers that may exist and the need for field research. Bias in the selection process will be discussed later in this chapter.

This "case-oriented" (Ragin, 1994) approach tends to focus on the similarities and differences between countries rather than the "analytical relationships between variables, comparisons of the similarities and differences is meant to uncover what is common to each country that accounts for the observed political outcome" (Landman, 2003, 29). This method is also more suited to a qualitative research approach while using a larger amount of case studies can lend itself to quantative research. As the hypothesis of this thesis the Northern Ireland model of consociational power-sharing is more successful in creating democracy in deeply divided societies than the integrative power-sharing model used in South Africa, a smaller number of cases will be used to test the hypothesis.

There can be both advantages and disadvantages to the case study method of analysis. On the plus side case studies are real life situations, they offer a richness and level of practical details that cannot be garnered from figures alone. They are practical applications of theory and can be used to draw wider conclusions and applications. Also because the case study method allows the researcher to focus on a small number of cases a more in-depth analysis can be conducted. Another advantage to case studies is the extensive list of data collection methods that can be employed, including observation, interviews, and the use of documents. There are also some disadvantages of case studies, one of the main ones being that it is not always possible to generalise from a single case study. While it is true that each case study is very specific it is not true to say that we cannot extract some lessons from it and apply them more generally. While aware of this issue it is not significant enough to dissuade me from using case studies as a methodology (Yin, 2004).

As discussed earlier in this chapter bias in choosing suitable case studies can be an issue for researchers. The most unbiased form of selection would of course be a random selection process but this can also cause problems for the researcher. For example if the random selection process was to be used to test the hypothesis of this thesis, that the consociational power-sharing model is more successful in creating a functioning democracy out of a deeply divided societies than the integrative power-sharing model and two countries that had never used these forms of power-sharing or were not ethnically divided were selected then the hypothesis could not be tested. So a starting point then is a list of countries that have used either or these models seemed like a logical place to start. To choose these cases an initial list of 15 cases that Lijphart put forward as being consociational were mapped using diversity and democracy as points of reference.

Table 1.5: List of Consociational Democracies According to Lijphart

Country	Time Period
Austria	1945-1966
Belgium	From 1970
Canada	1840-67
Colombia	1958-1974
Cyprus	1960-1963
Czechoslovakia (Now Czech Republic)	1989 – 1993
India	
Israel	
Lebanon	1943-1975 & since 1989
Malaysia	Since 1955
The Netherlands	1917 – 1967
South Africa	Interim Constitution of 1994
Suriname	
Switzerland	Since 1943
Rwanda	The Arusha Accords 1993
Northern Ireland	

Source: Jarstad 2006, 2

Figure 1 – Mapping of Consociational Case Studies

High Level of Democracy

•Belgium
•
Switzerland
•Austria
•
Northern   Ireland   Canada
•
The Netherlands
•Cyprus

•Czech Republic

•Israel

Homogeneity   **Diversity**

•South Africa

• Colombia

•
India

•
Malaysia
•
Suriname
•
Rwanda
•Lebanon

Low Level of Democracy

23
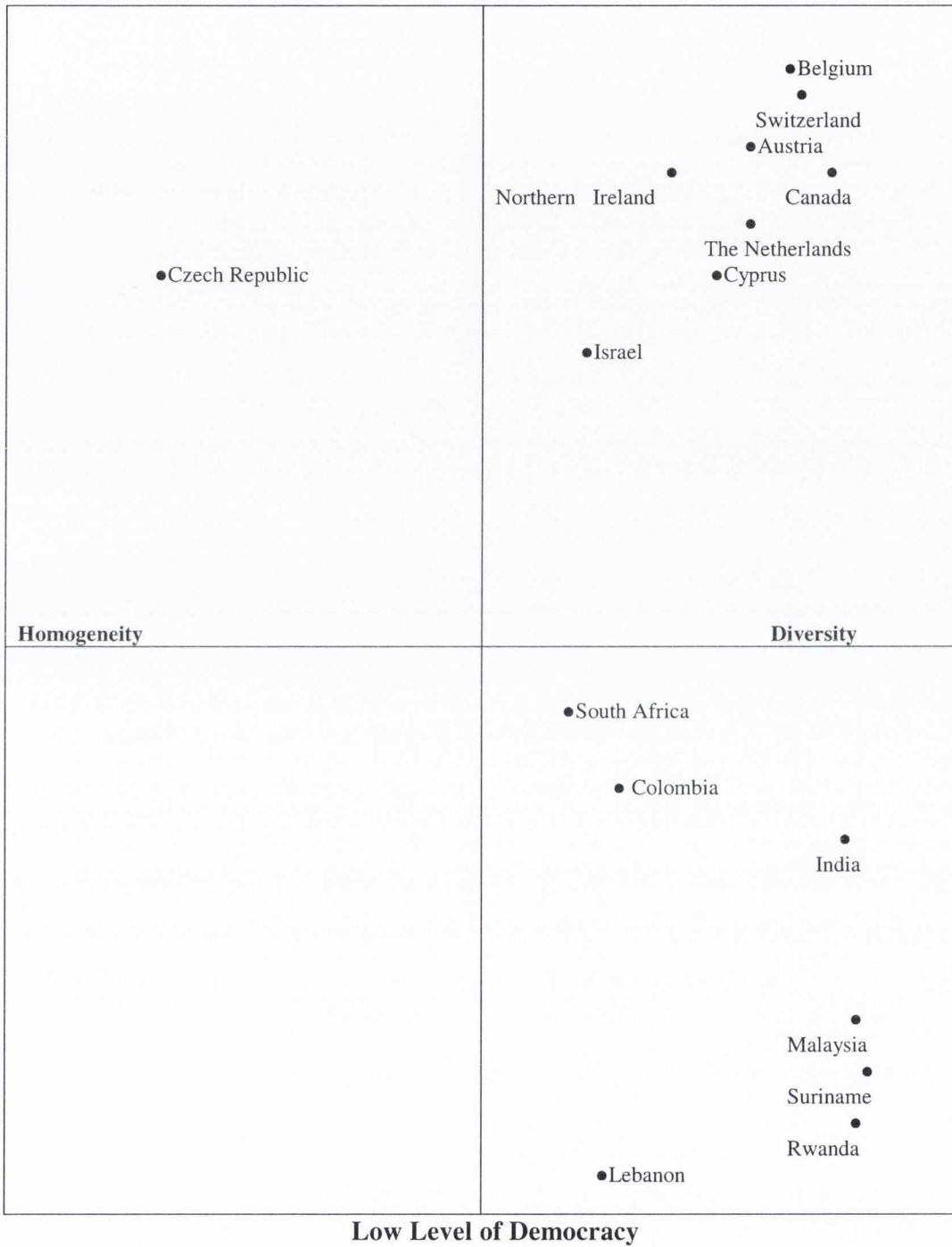
Although Lijphart sees South Africa as a consociational democracy it only used elements of the theory in its interim constitution.

> Consociationalism provided a cushion if you like for national party intellectuals in the transition period. You had consociational elements in the interim constitution, you had power-sharing at a cabinet level in Mandela's cabinet, deputy president, national party members in the cabinet, you had consociational elements there they were rejected in the final constitution (Dr Rupert Taylor Associate Professor, University of the Witwatersrand, Johannesburg, 2009, interview with author, April, 2009).

Ultimately power-sharing was used to bring South Africa from apartheid to democracy. It is widely acknowledged academically that South Africa is one of the most important recent examples of the use of power-sharing to end conflict and create a democracy (Taylor, 2009). Power-sharing helped South Africa transition peacefully from apartheid to democracy therefore when choosing a case study to test the hypothesis of this thesis, South Africa not only seemed to be a logical choice versus other potential test cases, it seemed to be the best choice to test the hypothesis that the consociational power-sharing model is more successful in creating a functioning democracy out of a deeply divided societies than the integrative power-sharing model.

Northern Ireland on the other hand is one of the best examples of a functioning consociational democracy. South Africa was chosen as a comparative case study to test the hypothesis of this thesis, as it is one of the few cases that had consociational elements but ultimately chose integrative power-sharing as its route to peace. It is therefore of merit to test if this decision produced a more democratic and peaceful society.

Table 1.6: Scholarly publication focused on strong consociational cases

Case	Frequency
Northern Ireland	********************************* 33
South Africa	********************21
Switzerland	********************21
Belgium	*****************18
Lebanon	*****************18
The Netherlands	****************17
Austria	************12
Malaysia	********8
Bosnia-Herzegovnia	

Source: Taylor, 2009, 8

Another important reason that both of these cases were chosen is that as we can see from table 1.6 above they are some of the most focused on consociational cases yet, there is little research on the implementation of the agreements used in these countries, or of its effectiveness in bringing about a stable democracy. This thesis seeks to look at this under analysed area and assess whether consociational or integrative power-sharing is more effective in creating democracy in deeply divided societies.

In order to test the hypothesis that the Northern Ireland model of consociational power-sharing is more successful in creating democracy in deeply divided societies than the integrative power-sharing model used in South Africa number of factors will need to be analysed.

- Levels of democracy in the country
- Policing
- Levels of violence
- Existence of corruption

A particularly important factor will be the level of democracy in each country as this is what both consociationalism and integrative power-sharing are trying to create. Democracy can be a very difficult concept to define and measure. In 1967 Dankwart Rustow outlined four criteria for the measurement of a democracy:

- The free flow of information and the free expression of opinion.
- The competition of party programs and candidates for electoral approval.
- The control of the government by elected representatives.
- Either (a) periodic changes in the composition of the ruling majority or (b) representation of all major electoral trends within it.

In 1971 Robert Dahl proposes a set of eight criteria for the measure of a democracy:

- Freedom to form and join organisations
- Freedom of expression.
- Right to vote.
- Eligibility for public office.
- Right of political leaders to compete for support and votes.
- Alternative sources of information.
- Free and fair elections.
- Institutions for making government policies depend on votes and other expressions of preference.

The US Department of State 2005 sets out what it calls *The Pillars of Democracy*

- Sovereignty of the people.
- Government based upon consent of the governed.
- Majority rule.
- Minority rights.
- Guarantee of basic human rights.
- Free and fair elections.
- Equality before the law.
- Due process of law.
- Constitutional limits on government.
- Social, economic, and political pluralism.
- Values of tolerance, pragmatism, cooperation, and compromise

To qualify as an electoral democracy Freedom House believes that, a state must have satisfied the following criteria:

- A competitive, multiparty political system;
- Universal adult suffrage for all citizens (with exceptions for restrictions that states may legitimately place on citizens as sanctions for criminal offences);
- Regularly contested elections conducted in conditions of ballot secrecy, reasonable ballot security, and in the absence of massive voter fraud, and that yield results that are representative of the public will;
- Significant public access of major political parties to the electorate through the media and through generally open political campaigning.

Above is outlined several principals and ideals of democracy but it has been difficult to find a definition of democracy which is applicable to democracy in its purest form but which also holds true for consociational democracies. Democracy as a system of government is one of the most analysed themes in political science, and as such an equal amount of definitions of it exist. As a starting point Ghanem, Rouhana and Yiftachels (1998, 255) definition will be looked at as it is both clear and concise

> We perceive democracy as a system of government based on several key principles: a) equal and inclusive citizenship and civil rights, b) popular sovereignty and universal suffrage; c) protection of minorities, d) periodic, universal and free elections and e) a democracy must have clear borders – the state should belong to all its citizens and only to those citizens.

Ghanem, Rouhana and Yiftachels definition ticks many of the democratic boxes such as sovereignty and free elections but for the purpose of this analysis we need to factor in a further component, several of which can be found in the *Pillars of Democracy* outlined above. While Ghanem, Rouhana and Yiftachels definition touches on equality and protection of minorities, which are still key issues, left uncovered in the case of a country with an ethnically diverse population, i.e. elements that would bring us to a working definition of a consociational democracy. If we refer back to the US State Departments Pillars of Democracy and amalgamate some of its sentiments to the above definition then we are reaching a more well rounded definition of democracy for an ethnically diverse society. The result of this amalgamation is the definition of democracy below, which can be used for a plural society but is equally relevant to an ethnically divided one.

The key principals that outline a democracy are:

a) equal and inclusive citizenship, civil rights and equality before the law, b) popular sovereignty and universal suffrage; c) protection of minorities and their rights, d) social, economic, and political pluralism, e) values of tolerance, pragmatism, cooperation and compromise f) periodic, universal and free elections and g) a democracy must have clear borders – the state should belong to all its citizens and only to those citizens.

Also to help further analyse the countries democratic credentials the Freedom House Index will be used. This was chosen because the Freedom House Index applies the same criteria to all countries and then rates their democratic credentials accordingly thus by using this index as a bench mark all countries democratic credentials could been look at impartially. Also used to assess the views of the people of each country

on topics such as crime and political affiliations will be the Afrobarometer for South Africa and the Northern Ireland Life and Times Survey in the case of Northern Ireland.

Research problems

Bias

> What is required to avoid error and bias is for the researcher to be objective; in other words he or she must pursue the research in the way that 'anyone' would pursue it who was committed to discovering the truth, whatever their personal characteristics or social position (Hammersley & Gomm, 1997, 2.4).

One of the main research problems faced is remaining impartial when reviewing and interpreting the large volume of primary and secondary material that will be encountered while writing this thesis. Bias is a major concern in all research. Bias in research can take a number of forms. A researcher can have a tendency to collect information, and/or to interpret that information in a way that validates results that are in line with their personal, political or academic commitments. Equally this may also involve the exclusion of information so as to confirm a pre-conceived hypothesis. In fact the research process itself may lead to bias. "It has often been pointed out, for example, that once a particular interpretation, explanation or theory has been developed by a researcher he or she may tend to interpret data in terms of it, be on the look out for data that would confirm it, or even shape the data production process in ways that led to error" (Hammersley & Gomm, 1997, 1.8).

There are a number of possible issues of bias that have to be considered in this work, firstly the researchers bias, the researcher of this thesis is an Irish Catholic, there are a number of issues that could arise from this, first having lived in the Republic of Ireland all my life and read and heard numerous accounts of the troubles, the researcher may have pre-conceived ideas of the situation in Northern Ireland, there may also be a desire to want to prove that Northern Ireland is a success or the religious bias of being a Catholic. Bias during interviews is also a major concern, it is

also important to consider that bias may exist amongst my respondents as this is an emotive topic and in most cases the people interviewed had been affected in one way or another by apartheid or its removal and the troubles in Northern Ireland. Also interviewees may be motivated by political or personal views. Interviewees from both sides of the political divide in South Africa and Northern Ireland will have very different interpretations of political and historic events, clouded by their own political and religious beliefs as well as their life experiences. An important issue to consider, which, is linked to conducing field research is that of bias and balance of power. Karanasios (2008), points out that a difference in power between the researcher and the interview participants can result in bias. Cultural norms should also be considered; interviewees may not want to offend the interviewer.

How then can bias be over come? Simply put it cannot be. What can be done, however, is to be mindful of bias at all junctures and to put as many barriers to bias as possible in place, this includes ensuring that the design of your interview questions do not in any way lead interviewees to confirm the researchers views rather than eliciting theirs. Asking open-ended questions will help with this issue. The researcher needs to be mindful of the interviewees wish to please and that all responses are filtered through the research and their own personal bias. "The most important weapon to combat bias is awareness that it exists and reflexivity. Reflexivity is key because it helps the researcher to understand and acknowledge that their personality and presence indirectly and directly influences the research" (ibid pg 7).

Interviews and Primary Research

Field research is an important part of this thesis especially in relation to the South African case but also in the case of Northern Ireland.

The aim of the researchers trip to South Africa and trips to Northern Ireland were to collect primary date and interview local academics about power-sharing in South Africa. The initial issue at this point was determining the sample size. Sample size depends on many factors, the purpose of the research, resources available to interact

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with the sample group, the final use of the trend extrapolated from the sample group, does it need to be applied to a larger population group or is the purpose to develop a theory? Random sampling helps to eliminate bias from the process but can be ineffective and costly when dealing with a specific subject. In this instance purposive sampling can be more effective. For the purpose of this thesis specific interviewees were needed as there were a number of criterion that each interviewee needed to have; a knowledge of either consociationalism or power-sharing, a knowledge of the political system of South Africa or Northern Ireland, a knowledge of the history of the conflicts in each of the countries and a willingness to be interviewed. Unfortunately the sample size with this mix of criterion proved to be more elusive and therefore smaller than the author would have like it to be. One of the most challenging issues faced in the research process was finding individuals who were both willing and knowledgeable to be interviewed.

The second issue to be decided was what type of interview would be conducted, unstructured, semi-structured or structured. Interviews are a very important source of primary research for this thesis and as such the researcher need to elicit information from interviewees so as to tap into their knowledge and experiences but also to ensure that interviews are conducted in a fair and measurable way, while also ensuring that the researcher does not influence the interviewees so as to limit bias. As the starting point for this research is a focused idea, and there are specific topics that need to be covered with the interviewees a semi- structured interview approach will be adopted. This was chosen so a predetermined list of question could be asked to all interviewees, but so that there is also scope to ask follow up question where needed.

In total sixteen interviews were conducted for this thesis. Nine in South Africa and eight in Northern and Southern Ireland. The decision on who to interview was a difficult one to make. It was important to get as broad a range of people as possible but consociationalism and power-sharing are in essence academic ideas and as such would need to be discussed with people who were familiar with them for the interviews to add an academic value to this thesis. But as mentioned a broader range of opinions and ideas was needed so the list of potential interviewees needed to be broadened to include, not only academics but also social activists, community leaders and political leaders. With this in mind a number of academic, politicians, community

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leaders and social activists were approached to arrange interviews. In total one hundred and eighty seven emails and calls were sent/made to potential interviewees. The response rate on these was quiet low and one of the main difficulties in conducing primary research for this thesis was in finding willing and relevant people to interview. However, the final eighteen people who were interviewed ranged from academics, members of the security forces, social activists and also to people outside the academic and civil society arenas such as local business people. This broad sample was chosen to help give a more rounded view and to avoid bias. Interviews were conducted primarily on a face-to-face basis and in a small number of cases by email, the face-to-face interviews ranged in length from 20 minutes to 2 hours. Some were quiet formal in nature while others were more conversational in their approach. The interviews were semi-structured and the same list of questions was put to all participants (see appendix 1), follow up questions were asked depending on the response of the participants. This approach allowed for a consistent yet flexible approach to the interviews.

The process followed to get to this stage was as follows:
➤ Design questionnaire to put to interviewees.
➤ Contact academics in South Africa and Ireland to get contacts and arrange appointments.
➤ Arrange appointments and conduct interviews

Field research conducted in developing countries presents a number of problems including overcoming biases and managing linguistic and cultural issues. Before going to South Africa information was correlated about the history, politics and culture of South Africa and its people.

One of the limitations that had to be considered is that one part of South Africa is not necessarily representative of this large and diverse country as each area has a very distinct history, ethnic profile and socioeconomic situation. To overcome this a number of areas were chosen to visit including Johannesburg, Pretoria and Cape Town.

Conclusion

The purpose of this thesis is to test the hypothesis that the Northern Ireland model of consociational power-sharing is more successful in creating democracy in deeply divided societies than the integrative power-sharing model used in South Africa. This research is both necessary and important as instances of ethnic conflict continue to develop in all part of the world. Models that offer a solution to this issue need to be reviewed and tested regularly to ensure that they are working and that any positive learning's can be taken from these cases and used to end ethnic violence in other deeply divided societies. Chapter 2 will look at both, consociational and integrative power-sharing in more detail to test the hypothesis of this thesis that the Northern Ireland model of consociational power-sharing is more successful in creating democracy in deeply divided societies than the integrative power-sharing model used in South Africa.

Chapter Structures

The thesis will be structured as follows

Chapter 1

Chapter 1 puts forward the hypothesis and justification for this thesis. It will then give an over view of power-sharing. Finally it will outline the methodology of this thesis as well as the research problems faced.

Chapter 2

Chapter 2 will look at the power-sharing theories in more detail, starting with consociationalism. It will then outline the favourable factors for consociationalism to succeed. The four institutions of conflict management will be discussed. The chapter finishes with an over view of integrative power-sharing.

Chapter 3

Chapter 3 will give a historical background to both cases. It begins by looking at South Africa and giving a brief history of apartheid. It then looks at why the national party gave up power voluntarily. The chapter also looks historical background to the Northern Ireland conflict.

Chapter 4

Chapter 4 will look at the agreements used to end both conflicts. This chapter begins by looking at the agreements used in Northern Ireland and its institutions of implementation. It then moves on to the agreements used in South Africa and the truth and reconciliation commission.

Chapter 5

Chapter 5 will be the first case study, Northern Ireland and will show how consociational power-sharing was implemented there. To assess this it will look at the levels of democracy, the levels of violence and corruption and finally policing in Northern Ireland.

Chapter 6

Chapter 6 will be the second case study, South Africa and will show how integrative power-sharing was implemented there. To assess this it will look at the levels of democracy, the levels of violence and corruption and finally policing in South Africa.

Chapter 7

Chapter 7 will outline the conclusions and recommendations drawn from the research.

Chapter 2 – Theory

Introduction

The previous chapter gave a brief introduction to consociationalism and integrative power-sharing theories. The purpose of this chapter is to analyse the theories of integrative power-sharing and consociational power-sharing in more detail. The purpose of this analysis is to provide an over view of the different models adopted in South Africa and Northern Ireland.

Power-sharing is at its most basic level a conflict management tool. It is seen as a way to bring an end to civil wars via a negotiated peace settlement and also foster democratic institutions. In a power-sharing political system decision-making is made by consensus and all major ethnic groups are included in government. For a power-sharing democracy to work there must be a core group of moderates both political elites and civil society activists that want to transition their countries from war to peace via negotiation (Sisk, 1996). This core group need to be able to withstand pressure from all sides of their particular ethnic group to bring about peace. They need to balance the desires of extreme factions and military wings of their ethnic group (Irish Republican Army (IRA) in the case of Northern Ireland and the Umkhonto we Sizwe (MK) in the case of South Africa) and the needs of their opponents to reach agreement (Horowitz, 1985, Harris & Reilly 1998).

The two main forms of power-sharing are consociationalism and integrative. The Anglo Irish Agreement used to end the conflict in Northern Ireland is an example of a consociational power-sharing agreement. Political parties are homogenous, grand coalition, proportionality and minority vetoes are also used in this type of agreement (Lijphart, 1969). The 1993 South African interim constitution is an example of an integrative power-sharing agreement. Political parties form alliances across racial lines encouraging moderate behaviour among political elites, pre election pacts that cross racial lines are encouraged as are political alliances that transcend racial and ethnic group identities (Sisk, 2003). Ideally power-sharing systems should be temporary until a society can transition to a win-lose form of democracy (ibid, Lijphart, 1977).

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Consociationalism

McGarry and O'Leary put forward the notion that deeply divided societies have two broad choices to manage their societies, integration or accommodation. Integrationists favour a single nation identity and condemn both political parties that are based on religious or ethnic beliefs and proportional representation systems, instead favouring first past the post models (Mc Garry and O'Leary 2009).

The other option for deeply divided societies is accommodation. There are three main types of accommodation,

> Territorial pluralism (i.e. the combination of territorial self government for regions and power-sharing in federal or union government); credible multiculturalism (i.e. proportional representation of groups in common institutions and self government in their cultural affairs) and consociational or centripetal power-sharing (McGarry and O'Leary 2009, 31)

Democratic Theory takes it starting point from Consociationalism as mostly notably outlined in Lijphart's 1969 World Politics article (World Politics 21, 207 – 225). Lijphart sought to understand why democratic stability was evident in four deviant cases that did not have cross cutting cleavages, these being; Austria, Belgium, Switzerland and the Netherlands. Lijphart determined that the efforts made by political elites from opposing sides to work together helped to maintain peace and order in these deviant cases e.g. the Swiss Federal Council and successive Austrian cabinets. He outlined four key features of a consociational democracy:

- Autonomy
- Grand Coalitions
- Mutual Veto
- Proportionality

"Consociational theory is an empirically grounded normative theory that through promoting power-sharing of a specific kind" (Taylor, 2009, 15). The main issue focused on is how to make a democracy work in ethnically divided societies (Jarstad, 2006). Lijpharts argues that majoritarian electoral systems are ineffective for ethnically divided societies as political parties diverge to a great extent. Lijphart goes on to say that majoritarian democracy can in fact be undemocratic in a country divided along ethnic lines as, political parties representing ethnic minorities have little or no chance of every forming a majority (Lijphart 1968). This has a knock on effect as to how they are represented at government level and the access they receive to societal resources both infrastructural and financial. To further demonstrate this point Lijphart (1985, 13) uses the example of Lebanon, he writes:

> The choice is not between consociational and majoritarian democracy, but between consociational democracy and no democracy at all.

In essence consociationalism is made up of three components
- Conflict Theory
- The favourable factors for consociationalism to succeed
- Four institutions of conflict management

Favourable Factors for Consociationalism to succeed

The favourable factors for consociationalism to succeed have always been a bone of contention among academics because they have changed so often and so much since their conception. Steiner criticises the factors for their "ad hoc" (Steiner, 1981, 351) nature. Steiner goes on to say that they "are not sufficiently interrelated because they are not deduced from a common set of assumptions" (ibid). In four of his key writings over a period of almost twenty years Lijphart outlines a total of fourteen favourable factors as outlined in table 2.1 below. With the 1968 list as a starting point, which Lijphart points out is meant to be "illustrative rather than exhaustive" (Lijphart, 1968, 25). Lijphart's 1985 work *Power-sharing in South Africa* outlines nine favourable factors that will be applied to the Northern Ireland case. The analysis will be conducted to assess if these favourable factors existed in Northern Ireland.

- None of the segments comprises a majority of the population
- Ethnic segments are of roughly equal size
- The number of segments
- The size of the country
- External danger may create internal unity
- Overarching loyalties
- Economic equality among the segments
- The segments are geographically separate
- Traditions of consensus and compromise

In a bid by Lijphart to clear up the confusion and silence critics (such as Barry 1975) in 1985 he devised a five-point scale classifying factors as very favorable (+2), favorable (+1), neutral (0), unfavorable (−1) and very unfavorable (−2), assigning scores to each of the nine favorable factors. Using this scale Lijphart graded South Africa as a +1, both his grading of South Africa and the scoring system in general were widely criticized. The main criticism being that Lijphart gives all of the nine factors equal weight (Bogaards, 1998, O'Leary 1989).

Table 2.1 - Favourable factors are outlined by Lijphart

	1968	1969	1977	1985
1	Distinct lines of cleavage between subcultures	IBID	Segmental isolation and federalism	Geographical concentration of segments
2	A multiple balance of power among the subcultures	IBID	IBID	No majority segment plus segments of equal size
3	External threats	IBID	Small country size	External threats
4	A relatively low load on the system	IBID	Small country size	Small population
5	Moderate Nationalism	-	Overarching loyalties	IBID
6	Popular attitudes favorable to government by grand coalition	Widespread approval of the principal of government by elite cartel	-	-
7	-	The length of time a consociational democracy has been in operation	-	-
8	-	Internal political cohesion of the subcultures	-	-
9	-	Adequate articulation of the subcultural interests	-	-
10	-	-	Moderate multi-party system	Small number of segments
11	-	-	Representative party system	-
12	-	-	Cross cutting cleavages (in some cases)	-
13	-	-	Tradition of elite accommodation	-
14	-	-		-

Source: Bogaards, 1998, 4

Favourable factors South Africa

1. None of the segments comprises a majority of the population – "The most important factor favouring a consociation is that none of the segments of the plural society comprises a majority of the population" (Lijphart 1985, 119). Lijphart claims that it is "perfectly safe to assume that a South African consociation will have the advantage of not having a majority segment" (ibid). This is a debatable point as from this conclusion Lijphart is saying that no one segment is dominant but the question could be posed what about blacks or whites? The answer here seems to be that Lijphart has broken the large segments of black and white into smaller sub-groups which individually would not hold a majority.

2. Ethnic segments are of roughly equal size – this helps to facilitate co-operation and negotiation among segmental leaders. Here too Lijphart believed the conditions to be favourable as none of the emerging groups has more than a 20 percent share of the population (Steiner, 1987). Lijphart seems to view South African politics through a kaleidoscope of ethnicity. For many people in South Africa the term itself has negative connotations as it was employed by the National Party to justify its separate development policy. The National Party put forward the idea that interaction between ethnic groups leads to conflict and that "ethnic groups are prior to and independent of their particular members, that they carry personalities which impress themselves on the characters of those belonging to them, and that they define as well as identify individuals" (Macdonald 1992, 713). Scholars such as Taylor refute the existence of ethnicity at all and because consociationalism argues that it exists and is relevant he believes that the theory is mistaken at a fundamental level (Taylor, 2009, Interview with author). Taylor argues that ethnicity is a social construction and not an objective fact. Taylor believes that the things that's interesting about South Africa is that Lijphart and consociational theorists tend to be silent on the key divisions that most people would highlight which is the racial one, most people interpret South African politics in terms of black and white. Lijphart's consociational view tends to downplay the racial element and focus on the ethnic element (ibid).

3. The number of segments – consociational theory states that the optimum number of segments for consociation to succeed is between three and five. While there were considerably more in South Africa Lijphart believe that thou there were "a considerably larger but by no means unmanageable number of segments" (Lijphart 1985, 123).

4. The size of the country – For Lijphart "it is a striking characteristic of all the successful consociations that they are relatively small countries. South Africa's population is larger by a factor of about two, and it is giving a lower but still positive rating" (Lijphart, as quoted in Steiner, 1987, 363).

5. External danger may create internal unity – provided that it is perceived as a common threat by all of the segments. Many observers have pointed out that this factor is highly unfavourable in the current South African situation. The attitude of the black neighbouring states is seen as threatening by the white regime but not by most blacks. Lijphart however, argues, that "the external threat from neighbouring states will disappear as soon as a consociational solution has been found. The only external tensions that may become a problem concern ethnic groups that straddle the national borders. However, this issue is unlikely to be of more than marginal importance. Hence foreign threats are neither a favourable nor unfavourable factor for a south African consociation" (ibid).

6. Overarching loyalties "for Lijphart it is obviously helpful for consociationalism if the divisions among the segments are counterbalanced to some extent by an overarching sense of belonging together. In this respect the situation is negative if some groups demand secession. But according to Lijphart, All South Africans feel that they are South Africans, racial partition is distasteful to everyone" (ibid).

7. Economic equality among the segments – it was clear that economic equality was not present among ethnic groups in South Africa, with white South Africans possessing most of the wealth (see table 1) and Lijphart acknowledges this, however, he went on to say that "it is important not to exaggerate this problem into an insurmountable obstacle to consociationalism" (Lijphart 1985, 125).

Table 2.2 – Ratio of Average Annual per capita Incomes by Population Group

Year	African	White	Coloured	Asian
1917	1	11.02	2.42	2.45
1936	1	13.12	2.05	3.03
1960	1	12.34	1.97	2.11
1980	1	11.82	2.26	3.01
1987	1	11.94	2.41	3.66

Source: Guelke, A. 1992, 422

8. The segments are geographically separate – Lijphart believes it is important for segments to be geographically isolated to prevent hostilities "If the segments are concentrated in clearly separate areas of a country their relative mutual isolation will prevent latent hostilities from turning into conflict and segmental autonomy can have a firm basis by means of federalism and decentralisation" (Lijphart 1985, 125). He did not believe that this favourable factor was present as though certain groups were divided into and resided in the homelands, the population was geographically integrated.

9. Traditions of consensus and compromise – it is helpful to a consociation if it is supported by long-standing traditions of settling disagreements by consensus and compromise. Lijphart sees it as a hopeful sign that there are traditions of consensual decisions making in the African community. He quotes a statement by Zulu chief Buthlezi denouncing the competitive Westminster system as being incompatible with African traditions. Lijphart detects also a broad consensus in favour of the consociational principle that has developed since about 1970's among whites as well as many blacks. But he recognises that these encouraging elements are counter balanced by a long history of white domination and black exclusion" (Steiner, 1987, 363).

Favourable factors Northern Ireland

1. None of the segments comprises a majority of the population – from 1922 to 1971
   the protestant majority ruled Northern Ireland unilaterally. However in the 1970's
   and 1980's the gap between the size of the population groups decreased, the
   Catholic segment grew from 31 percent to almost 40 percent (table 2.2). From
   this we can argue that the 1998 Good Friday Agreement is based more on
   equilibrium than the failed 1973 Sunningdale Agreement when the Protestants
   were in a dominant position (Schneckener, 2002).

Table 2.2 Breakdown of population in Northern Ireland according to Religion, 1861-
1991

Year of enumeration	Total population	Roman Catholic Number	%	Presbyterian Number	%	Church of Ireland Number	%	Methodist Number	%
1861	1,396,453	571,890	40.9	457,119	32.7	320.634	23.0	27,919	2.0
1871	1,359,190	534,441	39.3	435,731	32.1	329,279	24.2	26,536	2.0
1881	1,304,816	495,559	38.0	414,236	31.7	321,998	24.7	31,179	2.4
1891	1,236,056	448,304	38.3	393,505	31.8	313,299	25.3	36,987	3.0
1901	1,236,952	430,380	34.8	396,582	32.0	318,825	25.8	44,134	3.6
1911	1,250,531	430,161	34.4	395,039	31.8	327,078	26.1	45,942	3.7
1926	1,256,561	420,428	33.5	393,374	31.3	338,724	27.0	49,554	3.9
1937	1,279,745	428,290	33.5	390,931	30.5	345,474	27.0	55,135	4.3
1951	1,370,921	471,460	34.4	410,215	29.9	353,245	25.8	66,639	4.9
1961	1,425,042	497,547	34.9	413,113	29.0	344,800	24.2	71,865	5.0
1971	1,519,540	477,921	31.4	405,717	26.7	334,318	22.0	71,235	4.7
1981	1,481,959	414,532	28.0	339,818	22.9	281,472	19.0	58,731	4.0
1991	1,577,836	605,639	38.4	336,891	21.3	279,280	17.7	59,517	3.8

Source: Northern Ireland Census 2001 Key Statistics (2002)

2. Ethnic segments are of roughly equal size – although historically Protestants had the majority in Northern Ireland, population figures between the two communities started to reach an equilibrium in the late 1970's (table 2.3). The size of the ethnic segments is not a negative factor in the case of Northern Ireland.

Table 2.3 - Population in Northern Ireland: breakdown by religious denomination (numbers and %), 1991 and 2001

Year	1991		2001	
Religious Denomination	Number	%	Number	%
Catholic	605,639	38.40%	678,462	40.26%
Presbyterian	336,891	21.40%	348,742	20.69%
Church of Ireland	279,280	17.70%	257,788	15.30%
Methodist	59,517	3.80%	59,173	3.51%
Baptist	19,484	1.20%	*	*
Brethren	12,446	0.80%	*	*
Congregationist	8,176	0.50%	*	*
Unitarian	3,213	0.20%	*	.*
Other	79,129	5.00%	102,211 [1]	6.07%
Other Religions	*	*	5,082 [2]	0.33%
None	59,234	3.70%	*	*
Not Stated	114,827	7.30%	233,853 [3]	13.88%
Total	1,577,836	100.00%	1,685,267	100.00%

Source: Northern Ireland Census 2001 Key Statistics (2002)

3. The number of segments - consociational theory states that the optimum number of segments for consociation to succeed is between three and five. In broad terms the Northern Ireland conflict is seen by many as a conflict between Catholics and Protestants, which is true but there are several splinter groups within these broad categories. Bearing this in mind however, the number of segments in Northern Ireland is not a negative factor.

4. The size of the country – according to Lijphart Northern Irelands smaller population is a distinct advantage. Lijphart believes that consociation works better in smaller countries because its domestic problems will most likely be more manageable and because the smaller the country the less active its foreign policies. A disadvantage of the smaller population size is that there may be less capable political elites to draw from (Lijphart 1975).

5. External danger may create internal unity – Generally speaking Northern Ireland is not (or has not) faced any great danger from external actors. Unionists would see the constitutional claim that the Republic of Ireland has over Northern Ireland as a threat but not a particularly grave one. So for an external threat to promote unity it must be perceived as a common danger by all segments. If not it may only serve to widen divisions, as was the case in Northern Ireland (ibid).

6. Overarching loyalties – In Northern Ireland there was a sense of overarching loyalties but unfortunately this only served to deepen the divide between Protestants and Catholics as generally speaking Protestants were loyal to the United Kingdom and Catholics loyalties lay with the Republic of Ireland.

7. Economic equality among the segments – there are huge economic disparities between the Catholics and Protestants in Northern Ireland. The 2003 Bare Essentials Report conducts an extensive exploration of poverty and exclusion in Northern Ireland. The report uses the UN's 1995 definition of poverty

Poverty includes lack of income and productive resources sufficient to ensure sustainable livelihoods; hunger and malnutrition; ill health; limited or lack of access to education and other basic services; increased morbidity and mortality from illness; homelessness and inadequate housing; unsafe environments; and social discrimination and exclusion. It is also characterized by a lack of participation in decision-making and in civil, social and cultural life. It occurs in all countries: as mass poverty in many developing countries, pockets of poverty amid wealth in developed countries, loss of livelihoods as a result of economic recession, sudden poverty as a result of disaster or conflict, the poverty of low-wage workers, and the utter destitution of people who fall outside family support systems, social institutions and safety nets (UN, 1995, http://www.un.org/esa/socdev/wssd/text-version/agreements/poach2.htm).

In the report thirty-six percent of respondents who described themselves as Catholics are living in poverty. In comparison twenty-five percent of Protestants are living below the poverty line. This gap in income has its basis rooted in traditions of higher wags for Protestant workers and the exclusion of Catholics from certain occupations. (Bare Essentials – Poverty and Exclusion in Northern Ireland Hillyard et al 2003 http://www.ofmdfmni.gov.uk/bare-necessities.pdf).

8. The segments are geographically separate – Catholics and Protestants are geographically segmented in Northern Ireland tending to live in Catholic or Protestant areas, this being especially true in Belfast.

9. Traditions of consensus and compromise – Northern Ireland did not have any long standing traditions of accommodation or political consensus (O'Leary, 2004).

In a 1974 review article The Northern Ireland Problem: Cases, Theories and Solutions, Lijphart discusses the favourable factors above and from his analysis draws the conclusion that the conditions are favourable for consociationalism in Northern Ireland. This is a failing of Lijphart and of the conditions that he outlines for

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consociationalism to succeed. It seems to be somewhat of a moving goal post. Conditions are changed and are more or less important depending on what is needed to make consociationalism fit. On the other hand in his 2004 analysis O'Leary looking at the same factors believes the fit to be "bleak" (ibid, 113). All previous attempts to introduce consociationalism at this point had failed. So how then could consociationalism become the fit that Northern Ireland needed it to be?

Coercive Consociationalism

Coercive consociationalism allows for consociational theory to be applied to any country because the factors can be created, they do not have to be present. Given the far-reaching implications this could have and the success of coercive consociationalism in Northern Ireland it is a relatively under analysed theory. Indeed since O'Leary advanced the approach some twenty years ago and more recently in 2004 little has been written on it as a model for ending conflict in divided societies.

In his article O'Leary asserts that if policy makers do have the favourable factors for consociationalism to be successful (as put forward by Lijphart) then they can be engineered. Consociational engineering involves creating the favourable factors needed for a consociational democracy to be created and maintained. O'Leary believes that are least four factors are needed

- A multiple balance of power
- A commonly perceived external threat
- Socioeconomic equality between the segments
- Overarching society-wide loyalties

One criticism here of O'Leary, while he outlines these as being the four factors that are needed he does not say why these were chosen. He draws from criticisms of Lijphart three conditions for consociational democracy

- Elites motivated for conflict regulation,
- Structural elite predominance,
- Intra-segmental stability

As all three conditions are missing from the Northern Ireland case O'Leary then asks the question, can they be engineered externally? He uses the Anglo-Irish Agreement, which he calls "a new experiment in coercive consociationalism" (O'Leary, 2004, 120) to explore these questions.

The Anglo Irish agreement has caused much debate among academics and politicians alike, one thing that everyone does agree on however, is that 'it formalised British and Irish cooperation, internationalised the conflict and gave the Irish government a role in the government of Northern Ireland' (ibid, 120). The Anglo Irish agreement was in essence an abandonment by negotiators and governments to achieve voluntary consociation in Northern Ireland and a step towards what O'Leary terms *coercive consociationalism*. Coercive consociationalism seeks to create the conditions for consociationalism to work rather than waiting for conditions to occur organically. The advantages of this are numerous. If the conditions for consociationalism can be created rather than having to develop then this type of power-sharing could be used as a template and exported to countless other deeply divided societies to help end conflict. In not having to wait for conditions to be ripe conflicts could be brought to a negotiated settlement more quickly. In the case of Northern Ireland the preconditions that O'Leary outlines for coercive consociationalism to work are two fold, on the internal front the British and Irish governments needed to "create appropriate elite motivation, elite autonomy and segmental balances" (O'Leary, 2004, 123) and on the external front both governments needed "to commit themselves to supporting consociation as envisaged in Article 4 of the Anglo Irish Agreement" (ibid). Both the external and internal factors will now be analysed in more detail.

External

While both the Irish and British governments both agreed with the implementation of the Anglo Irish Agreement a stumbling block could have been the workings of the IGC (Intergovernmental Conference). If this important mechanism did not work then little would be decided on. Both governments had different agendas when it came to the IGC. The British governments priorities were as follows:

- Improving Security.
- Getting Unionist on side and convincing them that the Anglo Irish Agreement actually strengthened rather than weakened their position.
- Promoting consociation.
- Increasing equality and opportunities for the people of Northern Ireland.

The Irish Governments priorities were:

- Increasing equality and opportunities for the people of Northern Ireland, through the promotion of minority interests.
- Promoting consociation with an Irish dimension.
- Improving Security.
- To develop and extend good Anglo-Irish relations in the context of the European Community

These conflicting priorities of both governments did not contribute to successful consociation.

Internal

All sides of the Northern Ireland conflict reacted differently to the Anglo Irish Agreement. The Social Democratic and Labour Party (SDLP) were in favour of it. O'Leary believes that in order to sustain the SDLP's belief in consociation "The British government follow three consistent policies: reform of the administration of justice, reform Northern Ireland's employment practices and facilitate function cross-border cooperation to make meaningful the Irish dimension of the Anglo Irish Agreement" (O'Leary, 2006, 123).

The IRA and Sinn Fein were both strongly opposed to consociation. Entry into the political arena put particular pressures on Sinn Fein, as they could no longer endorse the IRA's actions. At this time Unionists were unwilling to enter into talks. There was an air of mis-trust between the British Government and the Catholics of Northern

Ireland. This was because of previous issues that Catholics had with the administration of Northern Ireland in relation to jobs, justice and discrimination. Some academics believe that ethnic group demands have moved away from religious and linguistic freedoms to the right to self-determination (Gurr, 1993, Byrne, 2001). This certainly seemed to be the case in Northern Ireland at this time for the Catholic minority. All of these factors combined to create a very hostile environment for consociation to thrive. However, as O'Leary states, "the Anglo-Irish Agreement has produced better elite motivation amongst SDLP and even if there are occasional episodes (of coercive consociationalism) like the Duisburg discussions which show that the key elites are less far apart than is often supposed" (O'Leary, 2004, 126).

From his analysis O'Leary like Lijphart believes that partition is the only alternative to consociationalism for Northern Ireland. Partition would be an unattractive option to all sides; in fact O'Leary counts on this "Indeed it is such a drastic solution that threatening a major re-partition of Ulster might actually produce the change in elite motivations, elite autonomy and segmental relations required to generate a consociational settlement", O'Leary (1989, 588).

The next section will look at conflict management theory and the differences between power-sharing and democratic theory.

Four institutions of conflict management

As outlined in chapter 1 the four institutions of consociationalism are

Grand Coalition

A grand coalition in a consociational sense does not have to be one "in which everyone is included" as Horowitz (2000, 256) mistakenly claims. It only requires joint government involving the main parties involved in the conflict. There are in fact three types of grand coalition; *complete, concurrent,* and *weak*. A complete grand coalition is one in which everyone is included. A concurrent coalition occurs when only the parties commanding a majority are involved in government. And a weak

coalition is one in which at least one of the parties in power holds little power among its ethnic group (McGarry & O'Leary 2009).

Proportional Representation

In consociational terms proportional representation (PR) refers to both the use of the PR system in elections but also to the allocation of civil service roles, court appointments and public resources. Dixon, (2005) criticises proportional representation because it gives elites too much power and reflects divisions but does not encourage cross-community voting. The proportional electoral system does, however, allows smaller parties a chance to be involved in government without having to change their politics or policies so that they are more appealing to a mass audience.

Mutual Veto

A mutual is employed in a consociational democracy so a minority can protect its fundamental interests. All groups have the ability to veto a policy change. Critics of the veto believe that it can lead to policy immobility because groups will keep using the veto strategically to block policy changes. Lijphart asserts that this is not true, that in fact the opposite is true. In order to retain the stability of the system groups will not use the veto but will make concessions thus promoting accommodation and peace.

Autonomy

Segmental autonomy's aim is to give each group as much self-determination as possible. This can take the form of self-government by delegation, power to elites of that group, or else it can be achieved through institutional autonomy with separate education and social institutions for each group. The next section will look at integrative power-sharing.

Integrative Power-sharing

As outlined in chapter 1 integrative power-sharing (also know as centripetalism) does not focus on political institutions (like a consociational democracy does) instead it focuses on and electoral system which incentives moderate behaviour and cross cultural coalitions.

> Inter group political accommodation is achieved by —electoral systems that provide incentives for parties to form coalitions across group lines or in other ways moderate their ethnocentric political behavior (Horowitz 2004, 507-8)

Horowitz is synonymous with the integrative approach; he has outlined a number of structural techniques and policies to reduce ethnic conflict. Horowitz asserts that the best way to ensure that federalism or autonomy is respected is to reinforce each groups specific interests in an undivided state. Horowitz also advocated federalism as a solution for post-apartheid South Africa (ibid, 1985, 1991, Wolff, 2008).

The integrative form of power-sharing calls for a move away from entrenched political attitudes, and a need to promote social integration across ethnic lines. Reilly's theory of centripetalism focuses on there main principles;

- Electoral incentives – this encourages campaigning politicians to campaign for votes not only from voters in their own ethnic group but from a wide range of ethnic groups
- Arenas of bargaining - this offers politicians from different ethnic groups an incentive to negotiate cross-ethnic voting deals,
- Centrist aggregative political parties – coalition government that have support across a number of different ethnic groups (Reilly, 2001, Sisk, 2003, Wimmer, 2003, Wolff, 2006).

Integration is the preferred policy of most democratic states and international organisations, and the dominant approach among academics who study national, ethnic and religious conflict especially in North America. (McGarry & O'Leary 2009, 30).

According to Sisk, integrative power-sharing agreements can have a distinct advantage over consociational agreements if they can be achieved as they create a moderation seeking political elite. This system recognises ethnicity but does not rely on it for political consensus, instead it relies on cross-ethnic coalitions, which can bridge the ethnic divide. Sisk believes that in order for a post conflict society to remain at peace they need a culture of bargaining, negotiation and moderation and that this is achieved by incentives. One way to do this is to design political systems that give incentives to politicians to campaign and negotiate across ethnic lines in order to gain power (Sisk, 2003).

The 1993 South African interim constitution is a prime example of integrative power-sharing. In 1993 a form of consociational power-sharing was explicitly rejected as South Africa did not want a system based on entrenched ethnic group representation instead South Africa chose a system where policies and institutions were set up to encourage integration across racial lines. Using political levers and election law, political parties are encouraged to have a range of candidates on their election bill to appeal to voters across ethnic and racial divides.

Features of an integrative power-sharing democracy

Sisk outlines 5 key integrative conflict regulating practices;

1. Creating a mixed, or non-ethnic, federal structure, with boundaries drawn on other criteria such as natural features or economic development zones; - this encourages political elites to cross ethnic or religious lines when campaigning to create a more inclusive political process.
2. Establishing an inclusive, centralized unitary state without further subdividing territory.

3. Adopting winner-take-all but ethnically diverse executive, legislative, and administrative decision-making bodies (e.g., a purposefully diverse language board to set policies on language use).

4. Adopting an electoral system that encourages the formation of pre-election coalitions (vote pooling) across ethnic divides.

5. Devising "ethnicity-blind" public policies and laws to ensure nondiscrimination on the basis of identity or religious affiliation (Sisk, 1996, 11).

Table 2.4: Conflict Regulating Practices

	CONSOCIATIONAL APPROACH	INTEGRATIVE APPROACH
Territorial	Granting autonomy and creating confederal arrangements	
Divisions of Power	Creating a polycommunal federation	Creating a mixed, or nonethnic, federal structure Establishing an inclusive, centralized, unitary state
Decision-Making Rules	Adopting proportional representation and consensus rules in executive, legislative, and administrative decision making Adopting a highly proportional electoral system	Adopting majoritarian but ethnically neutral executive, legislative, and administrative decision making Adopting a semimajoritarian or semiproportional electoral system
State-Ethnic Relations	Acknowledging group rights or corporate federalism	Adopting ethnicity-blind public policies

Source: Sisk, 1996,
http://carnegie.org/filedmin/Media/Publications/PDF/POWER%20SHARING%20AND%20INTERNATIONAL%20MEDIATION%20IN%20ETHNIC%20CONFLICTS.pdf

Conclusion

As we can see from table 2.5 below there are several differences between the integrationist and consociational models. Integrationist power-sharing calls for cooperation which, is crafted by electoral design while consociational power-sharing is crafted by institutions structure at an elite level. While integrationist theory favours a presidential government system where executive power-sharing is voluntary, the consociational model favours a parliamentary approach with a guarantee of executive power-sharing.

Table 2.5: Main Institutional Arrangements Recommended by Different Theories of Conflict Resolution

	Integrationist power-sharing	Consociational Power-Sharing
Principle recommendation	Interethnic cooperation and moderation induced by electoral system design	Interethnic cooperation at elite level induced by institutional structure requiring jointness of executive decision making
Government system	Presidential	Parliamentary or Collective/Rotating Presidential system
Executive power-sharing	Yes: voluntary	Yes: guaranteed
Electoral system	Plurality preferential	PR list or PR preferential
Independent judicial branch	Yes	Yes
Unitary vs. federal territorial organization	Federal: heterogeneous units	Federal: units based on self-determining communities
Structural symmetry	Yes	Possible, but not necessary
Functional symmetry	Yes	Possible, but not necessary
Individual vs. group rights	Emphasis on individual rights	Emphasis on combination of individual and group rights
Recognition of distinct identities	Yes, but primarily as private matter	Yes, but as private and public matter
Legal entrenchment	Yes	Yes

Source: Wolff, 2008, 9, http://www.stefanwolff.com/files/CPS.pdf

There are many factors to consider in deciding on a power-sharing model, such as the level of hostility between the groups involved, the extent of the divide created by the conflict, and how fragile the peace agreement is (e.g. do the groups need the guarantees offered by consociationalism or is a level of political loss acceptable?). Consociationalism sees ethnicity as the building blocks of a post conflict society and builds it political structure around this, integrative theory recognises ethnicity but does not use it as a basis for post war politics. Scholars such as Taylor refute the existence of ethnicity at all and because consociationalism argues that it exists and is relevant he believes that the theory is mistaken at a fundamental level (Taylor, 2009, interview with author, April 2009). Taylor argues that ethnicity is a social construction and not an objective fact. Taylor believes that the thing that's interesting about South Africa is that Lijphart and consociational theorists tend to be silent on the key division that most people would highlight, which is race, most people interpret South African politics in terms of black and white. Lijphart's consociational view tends to downplay the racial element and focus on the ethnic element (ibid). Other South African scholars such as Zwelethu Jolobe disagree with Taylor's views on ethnicity. Jolobe puts forward the idea that in the South African case "you institutionalised race as a way of identifying people. Generally speaking ethnicity is fundamentally a political identity it is how the state identifies you culturally and linguistically to determine who gets what when and how" (Jolobe, 2009, interview with author, April 2009). Chapter 3 will outline the history of both conflicts to help test the theory of this thesis that the Northern Ireland model of consociationalism is more successful in creating democracy in deeply divided societies than the integrative power-sharing model used in South Africa.

Chapter 3 – History of Conflicts

Introduction

The previous chapters have outlined the hypothesis of this thesis and the case study selection process. The purpose of this chapter is to give a brief history of both conflicts. It does not, however, seek to give a full history of either South Africa or Northern Ireland. Both of these countries have been written about in vast and intricate detail. What it does seek to do is give a brief over view of each conflict and their paths to peace. The purpose of reviewing the history of the conflicts is to establish a better understanding of the background to the conflicts and the legacy issues involved. This chapter will begin with a history of the South African case from the early 20th century to the present, and will then move on to Northern Ireland giving a brief history from beginning of the Troubles to the present day.

South Africa

Source: https://www.cia.gov/library/publications/the-world-factbook/geos/sf.html

> I would say that the whole life of any thinking African in this country drives continuously to a conflict between his conscience on the one hand and the law on the other.....The law as it is applied, the law as it has been developed over a long period of history, and especially the law as it is written by the Nationalist Government is a law which, in our view is immoral, unjust and intolerable. Our consciences dictate that we must protest against it, that we must oppose it and that we must attempt to alter it. (Nelson Mandela, speech to court 1962, http://www.anc.org.za/show.php?id=3763).

South Africa is a country of 49.1 million people, composed of 79.7 percent black, 9.1 percent white, 8.8 percent coloured, and 2.2 percent Asian. It has 11 official languages (www.statssa.gov.za) and it is synonymous with apartheid. The apartheid system has continued to be both a source contention and conjecture for academics long after its demise. The word itself is still powerful, conjuring images of inequality, and a poor indigenous population ruled by a white minority. While this somewhat simplifies apartheid, there were other minorities in the country, coloureds and Indians and not all white people were wealthy, it is the common perception of apartheid and statistics show that white people in general did have a better standard of living then their black counter parts.

> Despite only accounting for 13 percent of the population, whites owned an estimated 87 percent of South African land at the end of the 1980's. Only 7 percent of whites in South Africa lived below the poverty line, compared to 67 percent of African households, 38 percent of coloured households, and 18 percent of Asian households. The average income of whites was eight times greater than that of black South Africans (Bouckaert, 2000, 240)

This is further illustrated in table 3.1 which show the average annual per capita income by population group from 1917 to 1987, white people were the richest group, followed by Asians, Coloureds and finally black people (Africans).

Table 3.1 – Ratio of Average Annual per capita Incomes by Population Group.

Year	African	White	Coloured	Asian
1917	1	11.02	2.42	2.45
1936	1	13.12	2.05	3.03
1960	1	12.34	1.97	2.11
1980	1	11.82	2.26	3.01
1987	1	11.94	2.41	3.66

Source: Guelke, A. 1992, 422

The origins of the term apartheid can be traced back to 1929, when Reverend Jan Christoffel du Plessis of the Dutch Reformed Church referred to the *spirit of apartheid* in relation to the missionary work conducted by the Church. While there can be no doubt that there was a racial undertone to this sentiment, the Church was also motivated by a desire to preserve the culture and identity of black and white people, they felt the best way to do this was to segregate people of different ethnic groups from one another. The term took on the modern meaning that we are more familiar with when it was used in an article in the Afrikanns news paper *Die Burger* in 1943. In 1944 it was used in parliament by the National party leader D.F Malan to express one of the aims of the Nationalist party "to ensure the safety of the white race and of Christian civilisation by the honest maintenance of the principles of apartheid and guardianship" (as quoted in Guelke, 2005, 3).

South Africa legally institutionalised discrimination based on race in a way that way unheard of since World War II Germany. Over three hundred such laws were put in place. These laws saw black people disadvantaged in every facet of their lives. In the seventy years that apartheid was in place in 16.5 million South Africans were criminalized under these laws. As part of the social engineering programme four million people were forcibly removed from their homes (Christie, 2000).

Racial Categories and Political Life in South Africa

The non-white population of South Africa – African, Indian and Coloured were separated from white people both physically and by law. These laws were in place to protect and perpetuate white supremacy. "Apartheid's policies towards the black majority were a classic case of "divide and rule", which sought to put one black group against another and foment a sense of rivalry and division among them" (Maharaj, 2008, 7).

It is important at this stage to discuss racial categories and the impact that they had and to some extent still do on every aspect of South African life and in particular the political life of each group. Racial categories became entrenched in law in 1950 under the Population Registration Act, originally there were three categories, White, Coloured and Native. The Coloured category act of 1959 further sub divided the

Coloured and Black categories. There were now seven additional sub-groups: Cape Coloured, Malay, Griqua, Chinese, Indian, Other Asiatic, and Other Coloured (table 3.2). The Department of Home Affairs was responsible for race classification. As racial classification was done on a case-by-case basis there were no hard and fast rules to determine a person's race because of this large numbers of people were categorised incorrectly. Test to determine a persons racial category included, "fingernails being examined, combs have been pulled through peoples hair: if the comb is halted by tight curls the person is more likely to be classified Coloured than white" (Omond 1985, 23). Even members of the same family could be categorised differently depending on their skin colouring or hair.

> In a debate in the (Coloured) House of Representatives in 1988 calling for the repeal of race classification, one of the MP's cited as evidence of the absurdity of the legislation that fact that while he was classified as a Malay, two of his brothers were classified as Coloured, a third as White. At the same time, two of his sisters were classified as Coloured and the third as Indian (Cooper et al, 1989, 152)

The absurdity of the classification system is further outlined by an example from the South African courts.

> In 1981 a Johannesburg magistrate convicted a woman previously thought white for living in a "white area". The magistrate said she was Coloured because she has a flat nose, wavy hair, pale skin and high cheekbones. (Omond 1985, 22)

Table 3.2 – South Africa's Population Groups (1987)

Blacks	23,661,000
Zulus (6,700,000)	
Xhosas (6,240,000)	
North Sothos (2,900,000)	
Tswanas (2,856,000)	
South Sothos (1,900,000)	
Shangaan-Tsongas (1,100,000)	
Swazis (1,005,000)	
Vendas (520,000)	
Ndebeles (440,000)	
Whites	4,900,000
Afrikaners (2,940,000)	
English-speakers (1,960,000)	
Jews (120,000)	
Portuguese (70,000)	
Germans (40,000)	
Greeks (20,000)	
Others (1,710,000)	
Coloureds	2,800,000
Griquas (100,000)	
Cape Malays (200,000)	
Others (2,500,000)	
Asians	880,000
Indians (869,000)	
Chinese (11,000)	
Total	32,241,000

Source: Guelke, A. 1992, 417

From 1948 until the first democratic elections in 1994 people categorised as black were not permitted to vote in elections. What the government did try to do however, was to group black people into ethnic components. Each group was then designated a homeland there were ten in total. Each ethnic group was allowed to exercise their political rights in their designated homeland.

At the same time they (black South Africans) not just on the normal criteria of birth or domicile, but on the basis of as Martin West puts it, a set of supremely vague criteria, including speaking any black language or dialect used by the population of a particular area, or being "identified" or "associated" with any part of such a population by virtue of cultural or racial background (Guelke, 1992, 420)

Between 1976 and 1981 eight million Africans were made citizens of the homelands. Some homelands were given independence by the South African government, this independence was only recognised by the South African government as in reality the homelands were not financially or politically independent. Once a homeland was give independence its citizens were no longer South African residents meaning that residents of the homelands needed travel documents to re-enter South Africa and from a more international perspective did not have passports to travel outside of South Africa. Few political decisions of any consequence were made by independent homelands and so the voting rights of black people who lived there had little impact in South Africa as a whole.

SOUTH AFRICA - PROVINCES

Source: http://www.anc.org.za/show.php?doc=/images/maps/samap.gif
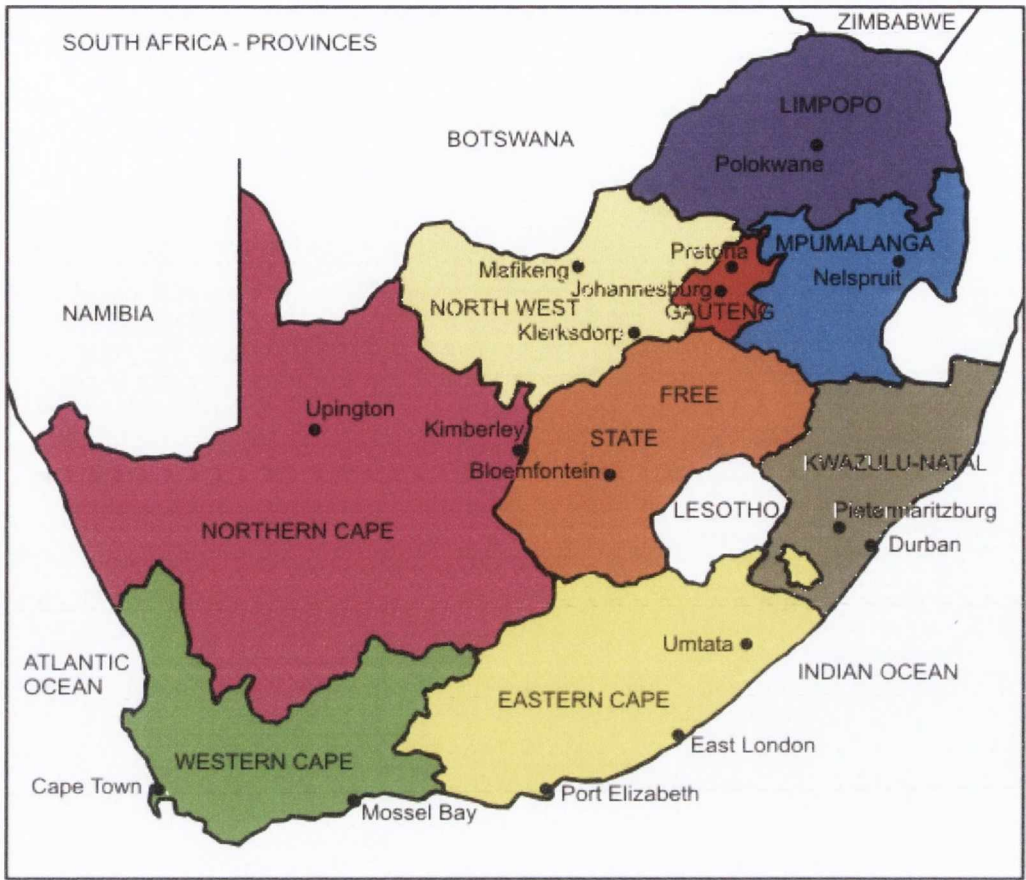
Coloureds too were excluded from political institutions in Apartheid South Africa. It was not until the minority white population saw that they were being outnumbered by the black population that they sought to include coloureds in the running of the country. The National Party sought to balance out the numbers game by including both Coloureds and Indians in the politics of the country in the form of the Tricameral Parliament. Coloureds participation in elections to parliament with low reflecting their feelings on the new institutions.

The Indian population of South Africa is centred in Natal. "Over ninety percent of the Indian minority in South Africa today are the descendants of indentured labourers recruited to work in Natal mainly in agriculture, in the period from 1860 to 1910. All immigration to South Africa from India ceased in 1913" (Guelke 1992, 425). The Indian population were only accepted by the government as a permanent group in South Africa in 1962. Like Coloureds they were excluded from politics until the

creation of the Tricameral parliament. Again like elections to the coloured parliament voter turn out with very low among Indian voters.

White people both English speaking and Afrikaners had full voting rights in South Africa, in fact for nearly forty years they were the only group that voted in elections. Because of this the governments elected only had white interests at heart. Disparities between whites and other groups grew and grew over these years in economic and educational terms as well as access to the resources of the state.

> Part of the reason that the South African government adopted the language of ethnicity was precisely because it realised that it presented a more acceptable guise for the defence of White interests. It appreciated that it was easier to make out a case in the outside world for Afrikaners rather than for White self-determination and that a minority veto for Afrikaners could be more readily defended than a White veto (Guelke, 1992, 436)

In 1977 The Theron Commission which was formed to help improve the living conditions for coloured people in South Africa, argued that the Westminster model of democracy was not the best system of government in a multicultural and plural society like South Africa as it led to both political and social conflict and the cultural dominance of one group over another. While the report called for a reform of this system it did not challenge the apartheid model used by South Africa. It did, however, lay the groundwork for the creation of a tri-cameral parliament; this would give limited representation to Coloured and Indian people but would exclude black people (www.sahistory.org). At the end of the 1970's the economic landscape in South Africa began to shift from agriculture to manufacturing. This change highlighted a gap in the labour market, more skilled and semi-skilled labour was needed to serve this changing economic model. Trade union reforms that took place in 1979 were designed to bring more black people into this new labour pool. The government hoped that increased economic prosperity would help to quell some of the political aspirations of the black majority. Some educational reform also took place at this time to improve the educational standards of the black work force, although these reforms stopped short of equality of education for all racial groups. The 1970 Riekert Commission on man power challenged one of the most central ideologies of apartheid that eventually there would be no black citizens in white South Africa, that all black

South Africans would exercise their political rights in the Homelands. The report recognised that the urban black population was a permanent fixture of South Africa and as such they were granted more rights. The 1982 Black Local Authorities Act granted limited powers to locally elected councils in the urban townships. Again it was hoped that this improved access to the political system would quell the national political aspirations of the black majority (Van Kessel, 2000).

By the time South Africa had its first experiences with consociationalism in the form of the 1983 constitution it was becoming clear to the ruling National Party that they could not retain power indefinitely with such a small percentage of the population. The constitution was introduced in part to try and appease the masses. It included separate parliaments for the previously excluded coloureds and Indian. At a base level however, it simply sough to retain the status quo of white supremacy. This change in the political landscape saw the creation of the united democratic front (UDF), the UDF was opposed to the tricameral parliament and launched a high profile campaign against it.

The tri-cameral parliament was inaugurated in 1985, it had three parliamentary chambers:

The House of Assembly (White Representatives)
The House of Representatives (Coloured Representatives)
The House of Delegates (Indian Representatives)

> Voters on separate ethnic voter's roles would elect the members of each chamber of parliament. Each house would furthermore have jurisdiction over matters such as health and education, relevant to the community it represents. Under the new constitution, a new presidential cabinet system would also be introduced. The positions of State President and Prime Minister would be merged into the position of an executive State President as Head of both State and Government that would preside over a single multiracial cabinet consisting of members drawn from all three houses. The cabinet would be responsible fro initiating legislation on issues spanning all ethnic groups, while a President's council would be introduced to replace the Senate. The Presidents Council members would be elected proportionally by the three houses and have advisory functions (www.sahistory.org)

The most obvious criticism of the tri-cameral parliament is that it did not represent black people in South Africa even though they made up the majority of the population. The reason the government gave for not including black people is that they did not qualify for representation as they already had voting rights in the homelands. A more inclusive role was offered to Coloureds and Indians because they did not have this homelands option. In truth the tri-cameral parliament was just another attempt by the government to mask its attempts to hold onto power for the white minority. In reality The House of Representatives and he House of Delegates had little power and it remained mainly in the House of the Assembly. This leads us on to the question then why would the National Party give up Whites minority rule voluntarily?

White Minority Rule, why did the National Party give it up voluntarily?

One of the main reasons the National Party voluntarily gave up the apartheid system was because there were simply not enough white people to run it. From 1700 to the early 1960's there had always been enough white people to occupy high-ranking positions in politics, civil service and business. "Whites owned almost all the land, did all the skilled and most of the semiskilled job in the mines and factories, and staffed the tip and medium-level positions in the civil service, army, and police" (Giliomee, 1995, 86). Generally speaking Whites made up 20 percent of the total population but from the 1960's on the white population began to shrink. By the 1980's it was down to 15 percent and was estimated to fall a further four percent to 11 percent by the 21st century. As apartheid began to be applied to more and more aspects of the lives of South Africans so more laws were created to govern this. To enforce these laws and the associated bureaucracies the state needed a larger number of white civil servants. By the 1970's the pool of workers to staff top and mid management roles was empty.

The mammoth Department of Bantu Administration and Development found itself more and more incapable of stemming the flow of Africans to the cities. As a result of much expanded provisions of education, the urban African population of the 1980's was far better educated and trained – and much more radicalised politically than was the case in the first three decades of apartheid. Surveys consistently showed that the higher the level of education of Africans, the more acute their political discontent and the more pressing their political and status demands (Giliomee, 1995, 87)

De Klerk knew that the National Party had two choices, they could wait to be slowly out numbered or while still in a position of power negotiate a place for themselves in a new democratic South Africa. He chose the latter and summed it up by saying

We have not waited until the position of power dominance turned against us before we decided to negotiate a peaceful settlement. The initiative is in our hands. We have the means to ensure that the process develops peacefully and in an orderly way (Shapiro, 1996, 197)

The second reason the National Party decided to enter into negotiations was because of economic pressure placed on the country by international sanctions. Three types of sanctions were applied to South Africa, disinvestments, trade restrictions and bans on long-term credit. International investors began to withdraw capital from South Africa due to the political situation in the country and an increase in incidents such as the Soweto uprising in 1976 attached investor confidence. International banks refused loans and many countries stopped importing South African goods in an attempt to pressure the regime to end apartheid. Because of the lack on investment unemployment was on the rise especially among young back people.

Because of the steep fall in private investment, the number of new jobs created in the industrial sector dwindled form 448,000 in the 1960's to a mere 28,000 in the late 1980's. By 1990 only one in ten new entrants to the job market could get work. This in turn exacerbated the security situation (Giliomee, 1995, 86)

The third and final reason for the National Party's change in thinking was the culmination of years of being ostracised by the International community. South Africa was excluded from Sporting events including the Olympics, political, academic and scientific arenas. Leading academics and intellectuals with South Africa and the party itself now withdrew their support for the system of government that met their

economic needs but left the white minority of South Africa particularly isolated from other Western countries.

Whites knew all too well that a democracy has become the price of admission to the Western world. Hence the leadership variable was crucial: President Botha was not prepared to pay that price and could impose his views on the party; De Klerk, by contrast was willing to explore the possibility of negotiation a settlement supported by both the west and his constituency (Giliomee, 1995, 90).

With De Klerk now at the helm of the National Party negotiations could begin to bring an end to Apartheid. Now the South African government and the ANC needed to decide what political system was best equipped to replace Apartheid.

Path to peace?

Between 1985 and 1990 numerous meetings were held between all of the stakeholders in the conflict. An example of this was when in 1987 a meeting between Afrikaner intellectuals and the ANC was held in Dakar, other such meetings were to follow (Bouckaert, 2000). These meeting had a very important function, they helped political elites on both side of the conflict to meet and discuss the issues at hand in a conducive environment. They also served to break down the barrier put up by 70 years of apartheid and propaganda. As one-observer comment:

> These meetings helped inculcate an understanding among political elites on both ends of the spectrum that negotiations could in fact yield a mutually beneficial outcome. In terms of pre negotiation, such track-two diplomacy served to help the parties arrive at a common definition of the problem, explore negotiations as the most attractive alternative available to the players, create a core of moderation in an environment of overwhelming polarisation and begin to lay the groundwork for public acceptance of a negotiated solution (Bouckaert, 2000 ,243)

In 1989 P.W. Botha was replaced by F.W. de Klerk as President of South Africa, in this year the ban was also lifted on the ANC. Both of these important changes led to the release of Nelson Mandela in 1990 and the beginning of negotiations between the ANC and the NP. For his part Nelson Mandela disbanded Umkhonto we Sizwe, the militant counter part of the ANC.

Political negotiations began in earnest in 1990, with the signing of the Groote Schuur Minute an Agreement which made allowances for the return of exiles and committed both sides to peaceful negotiations.

In 1991 the Convention for a Democratic South Africa (CODESA) saw the ANC and the NP discuss power-sharing. This was in important meeting as it brought all major parties together for talks for the first time.

Five working groups were also established, focusing on the establishment of a free political climate, constitutional principles and the constitution-making process, transitional government, the reincorporation of the homelands, and the time frames for the transition movement. Finally, al participants signed a Declaration of Intent in which they pledged themselves to the creation of a united, non-racial, non-sexist state and multiracial democracy (Bouckaert, 2000, 247)

CODESA talks finally broke down in 1992 due to escalating violence and what the ANC saw as the government's unwillingness to deal with this. In June 1992, an ANC stronghold in Boipatong was targeted killing forty-nine people. Nelson Mandela said at the time that he could "no longer explain to our people why we continue to talk to a government which is murdering our people" (Greenberg et al, 2000, 247).

Violence continued on the streets of South Africa for much of 1992, but both the ANC and the NP began to realise that neither side could win with this strategy and so returned to the negotiation table. In 1993 the Interim Constitution was written. An interesting aspect of this Constitution was the "sunset clause" which "required power-sharing for a specified period of time, an informal agreement on regional powers and federalism, an amnesty for past political crimes, and an agreement on job security and retirement compensation for the mostly white civil service" (Bouckaert, 2000, 248).

Ethnicity and ethnic divisions are facts of life in South Africa. It is tempting to play down the ethnic factor both because it superficially appears to have been declining in importance during the last decades and because it would be much easier to find a democratic solution for South Africa if the country were a basically homogenous or an only mildly divided society. Unfortunately - I, too, wish it were otherwise – the latter does not stand up to sober comparative scrutiny. South Africa's ethnic divisions cannot be wished away (Lijphart, 1989, 23)

In 1994 the first multiracial elections were held. The ANC won with a landslide of votes, Nelson Mandela was elected as President. At this stage almost all apartheid-related legislation has been revoked. A National unity government was then formed in line with the terms of the interim constitution. This included the ANC, the NP and the IFP (Inkatha Freedom Party). A permanent constitution came into law in 1996. Thabo Mbeki Nelson Mandellas successor led the ANC to another land slide victory in the 1999 and 2004 elections. It has not been all plain political sailing for South Africa's (relatively) new democracy however, there have been growing tensions

between the ANC and its allies over issues such as the HIV/AIDS epidemic that is so prevalent in South Africa, land reform and economic policies. The new constitution prohibited discrimination of any form; it specifically prohibits discrimination based on race and sexual orientation. State bodies such as the South African Human Rights Commission (SAHRC) and the Office of the Public Prosecutor (OPP) are empowered to investigate and prosecute cases of discrimination.

Ongoing controversies surrounding former deputy president Jacob Zuma also exposed rifts, both in the governing alliance and within the ANC proper. Mbeki had sacked Zuma in 2005 after he was implicated in the corruption trial of his financial adviser, Schabir Shaik. Zuma's supporters—including COSATU, SACP, the ANC Youth League, and many ethnic Zulus—claimed that the scandal was engineered by Mbeki's allies in the ANC and the media; these accusations were redoubled after Zuma was accused of raping a family friend. In 2006, he was acquitted of the rape charge, and his corruption trial was dismissed on procedural grounds. At the ANC's national conference in December 2007, Zuma defeated Mbeki in a heated battle for the party presidency, and Zuma's allies were elected to a majority of other ANC executive positions. By late 2008, relations between the ANC and Mbeki's government had grown seriously strained. In September, a High Court judge set aside the remaining corruption charges against Zuma due to prosecutorial misconduct. Later that month, the ANC's national executive committee called on Mbeki to resign; he did so the following day.

South Africa is a country with a rich and complex history. To transition to democracy South Africa had to over come a colonial past and an oppressive system of institutionalised racism. The transition can be characterised by widespread mobilisation of the black majority (particularly in suburban areas) mixed with a low level of guerrilla warfare (Van Kessel, 2000). The democracy that was created and its effectiveness will be reviewed in chapter 6 to test the hypothesis of this thesis the Northern Ireland model of consociational power-sharing is more successful in creating democracy in deeply divided societies than the integrative power-sharing model used in South Africa. The next section will look at the Northern Ireland case.

Northern Ireland

> There is among the people of Northern Ireland a growing desire to change the present image of that area from a place where time never seemed to move, where old animosities are carefully fostered, and where bigotry and intolerance seem to be preserved as a way of life, to one in closer conformity to the spirit of the age. (Sean Lemass, Irish Prime Minister in 1964 http://www.see-belfast.com/political-quotes.html)

The main religious denominations in Northern Ireland are: Catholic – 40.03 per cent, Church of Ireland – 15.3 per cent, Presbyterian – 20.7 per cent, Methodist 3.5 per cent. 6.1 per cent belonged to other Protestant, Christian or Christian related denominations. 0.3 per cent belong to other religions and 13.9 per cent had no religious affiliations at all (Census 2001).

For the purpose of this analysis the two major groups that will be focused on are Catholics and Protestants. From the 2001 census we can see some very interesting trends and disparities between Catholics and Protestants in Northern Ireland. For example:

> Roman Catholics experience a higher incidence of factors related to disadvantage in labour market participation or which can affect participation including: higher levels of full-time students; higher proportions living in public or privately rented accommodation; higher rates of lone parenthood and a higher incidence of families with dependent children. (Office of the First Minister and Deputy First Minster 2007 http://www.northernireland.gov.uk/news/news-ofmdfm/news-ofmdfm-june-2007/news-ofmdfm-200607-labour-force-survey.htm)

In the labour market Protestants of working age have a higher rate of employment than Catholics, the figures being 74 per cent verses 62 per cent. In 2005, Roman Catholics comprised approximately six out of every ten unemployed people in Northern Ireland with 19,000 Roman Catholics unemployed compared to 12,000 Protestants. Where the real disparity appears is when you compare employment rates of Catholic women with that of Protestant women. In 2005, 56 per cent of Roman Catholic females were employed while 69 per cent of Protestant females were employed (Northern Ireland Life and Times Survey, 2008).

Despite the strides that the people of Northern Ireland have made over the past twenty years they still perceive there to be a high level of discrimination and prejudice against minority groups. In the 2008 Northern Ireland Life and Times survey 93 percent of those polled felt that there was a either "a lot" or "a little" prejudice in Northern Ireland against minorities. With only 7 percent of respondents believing that there was "hardly any" (Table 3.3 Northern Ireland Life and Times Survey, 2008). While 53 percent of respondents believe that in five years time there will be more racial prejudice.

Table 3.3: Do you think there is generally more racial prejudice in Northern Ireland now than there was 5 years ago, less, or about the same amount, and how what about in 5 years time?

	%		%
More Now	53	More in 5 Years	31
Less Now	18	Less	32
About the Same	27	About the Same	34
Don't know	2	Don't Know	2

Source: Northern Ireland Life and Times Survey 2008

Despite these figures only 5 percent of people in Northern Ireland consider themselves to be a minority and figures relating to relations between Catholics and Protestants seem promising. In 1998 50 percent of those polled believed that relationships between Catholics and Protestants were better than in 1993 (table 3.4). This figure jumped to 62 percent when asked again in 2008 reflecting the positive change that the Good Friday Agreement and its implementation have had on the two communities.

Table 3.4: What about relations between Protestants and Catholics? Would you say they are better than they were 5 years ago, worse, or about the same now as then, and how about in 5 years time?

	1998 % - better or worse than 5 years ago	2008 % - better or worse than 5 years ago	1998 % - how will they be in 5 years time	2008 % - how will they be in 5 years time
Better	50	65	62	59
Worse	5	2	2	3
About the same	42	31	29	36
Other	1	0	1	0
Don't know	3	1	6	2

Source: Compiled based on information from Northern Ireland Life and Times Survey 1998/2008

It is not just socially and economically that differences occur between Catholics and Protestants, it is also in their political views and in particular their views regarding the United Kingdom. In 1995 the Northern Ireland Social Attitudes Survey showed that 90 per cent of Protestants wished to remain part of the United Kingdom. This figure dropped to 24 per cent of Catholics. On the other hand 60 per cent of Catholics would like to see a united Ireland. When in the same study respondents were asked a question about their political affiliations 76 per cent of Protestants considered themselves to be Unionists. When asked the same question 54 per cent of Catholics described themselves as Nationalists. What some would call a true testament to the positive feeling at grass roots level to consociationalism in Northern Ireland is the dramatic difference when Protestants were asked this question again in 2008. Now on 24 percent of Protestants wished to remain part of the United Kingdom. From the figures in the 2008 Northern Ireland Life and Times Survey it would seem that the consensus amongst Catholics and Protestants is the devolved rule is the way forward with 53 percent of the total population believing this to be the best long term policy for Northern Ireland (Northern Ireland Social Attitudes Survey, 1995).

The contentious partition of Ireland in 1920 was seen by both Nationalists and Unionists as a temporary measure, Nationalists believing that Ireland would be reunited as a sate independent of the UK and Unionists believed that Ireland would be more closely tied to the UK in the future. Ultimately this was not to be the case and this temporary measure sowed the seed for the Northern Ireland conflict. In the 1930's the relationship between the North and the South grew more distant, with the Republic branding itself a Catholic state and the North a Protestant one James Craig the Prime Minister of Northern Ireland (1921-1940) stated "In the South they boasted of a Catholic state. All I boast of is that we are a Protestant Parliament and a Protestant state" (as quoted in Dixon, 2001, 50). Attitudes such as this led to an increase in discrimination against the minority Catholic population who were seen as something of an enemy within the state. Discrimination against Catholics is something of a theme in the history of Northern Ireland. The main areas in which they were discriminated against are:

1. Electoral Practices – Gerrymandering was used in to move local government boundaries so Unionist could achieve majorities in Catholic majority areas. An example of this is in the 1967 the UUP won 60 percent of the seats in the Londonderry Corporation with only 32.1 per cent of the vote.

2. Public employment – Catholics were discriminated against in public sector employment and often did not make it to management levels

3. Private employment - many employers were protestant and catholic applicants were discriminated against.

4. Policing – The Royal Ulster Constabulary was disproportionately made up of Protestant officers and was seen by Catholics as a protestant police force who discriminated against them.

5. Public housing – the allocation of public housing was unfairly weighted in favour of protestants

6. Regional Policy - regional development was often concentrated in Protestant areas (ibid, 68).

1968 saw the beginning of the modern day troubles in Northern Ireland. Rising unemployment gave way to political unrest and an increased media focus highlighted the inequalities and brutality of the RUC. Terrorist attacks on government targets and wide spread rioting continued to plague Northern Ireland in 1969 until the decision was made in August of that year to deploy British troops in Northern Ireland. August 1971 saw the first instance of internment without trial in Northern Ireland. The introduction of this new policy by the British government saw an upsurge in violence across Ulster, homes were burned to the ground leaving almost 7,000 people homeless, most of these being Catholics. 140 people died between August and December compared with 32 people in the first part of the year. House searches increased from 3,107 in 1970 to 30,002 in 1975. Far from doing anything to quell violence or dissuade terrorism internment strengthened the resolve of the IRA and surely won it more recruits and sympathisers amongst the general population.

The militancy of the young men of Derry, Belfast and an increasing number in rural areas was deepened by the experience, to the point where some of the Provisional leaders believed that a full-scale encounter with the British force was now feasible. More significantly they had been handed an endlessly productive mine of propaganda. Internment succeeded in uniting the IRA's fiercest enemies inside the Catholic community behind them and lent some credence to their claims to legitimacy (Bew & Gillespie 1993, 37)

During a civil rights March in Derry in January 1972, the Parachute Regiment opened fire on an unarmed crowd killing 14 people and wounding 17. The day became know as *Bloody Sunday*. The killing of these unarmed men and the subsequent claims by the Parachute Regiment and the British Government that they had been fired upon first caused outrange and deep anger amongst the Catholic community. The British government was internationally condemned for this attack and as a result in February of that year the British Embassy in Dublin was burned down. Bloody Sunday left a mark on the psyche of the Catholic community in Northern Ireland and served to strengthen their resolve for a united Ireland. Reaction in the South was equally hostile. A headline in the Irish Press stated "If there was an able-bodied man with Republican sympathies within the Derry area who was not in the IRA before yesterday's butchery there will be none tonight" (Bew & Gillespie, 1993, 45). The Bloody Sunday killings were the prelude to the suspension of the Stormont parliament later that year and the introduction of Home Rule. 1972 proves to be the bloodiest year of the troubles with almost 500 lives lost.

In December 1973 the Sunningdale conference is held. It is the first such conference where heads of government from Britain, Northern Ireland and the Republic of Ireland are present since 1925. Initially Sunningdale was seen as a triumph for consensus politics, but the power-sharing executive introduced as part of the agreement lasted a mere five months before collapsing. The Sunningdale Agreement later went on to form the basis for the Good Friday Agreement or as christened by the SDLP's Seamus Mallon "Sunningdale for slow learners" (Tonge, 2006, 27).

Between 1974 and the ceasefires of 1994 there were seven attempts to reach a political and constitutional settlement and all included some element of power-sharing between Catholics and Protestants (Darby, 2003). In December 1974 the IRA announced an indefinite cease-fire as negotiations took place between the British

Government and the IRA. The IRA believed that these negotiations would lead to the British withdrawal from Northern Ireland. To this end the IRA outlines twelve points that the British government had to agree to.

1. Release of 100 detainees within two to three weeks.
2. Phasing out of internment within a specific period.
3. Effective withdrawal of the army to barracks meaning 3,000 to 4,000 troops returning to Britain within six months.
4. An end to the system of arrests and screening and large scale searches in catholic areas.
5. The establishment of incident centres, manned by Sinn Fein members and connected with an incident room at Stormont to monitor the ceasefire.
6. Provision for "army to army" discussion at local level.
7. The ending of military check points and road blocks at the edge of Catholic areas.
8. Immunity from arrest for specific persons.
9. Firearms licences for specific persons.
10. No immediate attempts to introduce the RUC and UDR into Catholic areas.
11. A formal ceasefire agreement to be drawn up by the British.
12. Further talks to take place between IRA leaders and senior British representatives (Bew & Gillespie, 1993, 98).

The cease-fire last until January 1975 but ultimately failed when negotiations to reach a date for the British withdrawal from Northern Ireland failed.

The hunger strikes of 1981 dramatically changed the political context of the Northern Ireland conflict. It showed that Republican prisoners were now willing to take their fight in a different direction. The main aim of the strikes was to achieve political status for Republican prisoner.

To achieve this goal the IRA had 5 main demands:

1. The right of prisoners to wear their civilian clothes at all times;
2. The right to free association within a block of cells;
3. The right not to do prison work;
4. The right to educational and recreational facilities;
5. The restoration of lost remission of sentence.

These hunger strikes had a major influence on the Nationalist community; testament to this is Bobby Sands election as an MP during a 1981 by election. The hunger strikes ended in October of 1981. James Prior the then Secretary of State for Northern Ireland made a number of changes, which incorporated some of the five demands above.

The hunger strikes were extremely important in the history of the Northern Ireland conflict. It helped to bring the international spotlight on the conflict and garnered huge sympathy for the IRA. On the home front support for the IRA increased, as did political support for Sinn Féin. This increased support showed Sinn Féin as a significant political force in Northern Ireland. "The British government's fear that SF would overtake the Social Democratic and Labour Party (SDLP) as the main representative of the Catholic population of Northern Ireland was a key reason for the government signing the Anglo-Irish Agreement (AIA) on 15 November 1985" (http://cain.ulst.ac.uk/events/hstrike/summary.htm).

During the late 1980's and early 1990's strides were made to make an agreement possible. The Anglo Irish Agreement has also shown a respect for both Unionist and Nationalist traditions. New legislation was introduced to counter act the imbalanced that existed in terms of educations and employment between the two communities. Civil society too flourished during this time, creating the grass roots supported needed for change. Changes were also taking place in the republican movement during this time. The *long war* strategy was being reassessed as it had taken a heavy toll on the republican community "in terms of lives, prison sentences and quality of life" (Darby, 2003, 6). Republicans were also beginning to realise that acts of violence were leading to a lack of legitimacy. "The move towards a more political approach was confirmed by the emergence of new leaders, predominantly from the north, and the

election of Gerry Adams as President of Sinn Féin in 1983" (ibid). The IRA ceasefire in 1994 was a continuation of this new desire for legitimacy and rejections of violence. The cease-fire was reciprocated by loyalist paramilitaries. And while the subsequent peace process was not without periods of violence (the Canary Wharf and Omagh bombings being two particularly gruesome examples of this) agreement was finally reached in 1998 with the signing of the Good Friday Agreement.

The thirty-year period from the beginning of the troubles in 1968 to the signing of the Good Friday Agreement in 1998 saw a major era of change in Northern Ireland from bloody civil war with 3,600 people killed and over 30,000 injured to the politics of accommodation. The peace process had brought about change that seemed unimaginable pre 1994.

Conclusion

The histories of both South Africa and Northern Ireland have played a major role in their conflicts. In the case of South Africa the implementation of apartheid laws categorising the black majority as second-class citizens, denying them the right to vote, denying accesses to education and creating a massive socio economic divide between black and white sowed the seed for racial unrest. In the case of Northern Ireland the partition of Ireland in 1920 was the catalyst for Nationalist and Unionist battle lines to be drawn bases on religion and political viewpoints. Nationalist believing that the island of Ireland would be reunited as an independent state and Unionists believing that Northern Ireland should remain part of the United. South Africa country was divided along racial lines and Northern Ireland divided along religious lines. What both countries had in common, however, is that they were deeply divided and they needed a negotiated power-sharing agreement to bring an end to their conflicts. Chapter 6 will review the democracy that was created as a result of the Good Friday Agreement to test the hypothesis of this thesis that the Northern Ireland model of consociational power-sharing is more successful in creating democracy in deeply divided societies than the integrative power-sharing model used in South Africa.

Chapter 4 will look at the agreements used to end both conflicts.

Chapter 4 – Agreements used to end the conflicts

Introduction

The Agreements used to end the conflicts in Northern Ireland and South Africa were innovative and ground breaking. They played a pivotal part in bringing the conflicts to a peaceful end and in transitioning both countries from civil war to peace. This chapter will analyse the agreements used in both countries to bring about peace and democracy. The chapter will start with the agreements used in Northern Ireland and then move on to the agreements used in South Africa. These agreements are being analysed to test the hypothesis of this thesis that the Northern Ireland model of consociational power-sharing is more successful in creating democracy in deeply divided societies than the integrative power-sharing model used in South Africa

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Northern Ireland

The Sunningdale Agreement

The British policy objectives for Northern Ireland between 1972 and 1975 sought to reinvigorate consociational policies (McGarry and O'Leary, 2004). To do this, they not only needed the backing of political elites but also the ability of these elites to bring their followers with them. At this stage in its history Northern Irelands political culture was not elite dominated. The UUP has ousted two leaders in as many years, the DUP leader Ian Paisley's was not in an unassailable position and the 1973 Proportional Representation Assembly Elections split the Unionists into six different groups. Like other deeply divided societies Northern Ireland has seen previous attempts to produce an agreement. All of these have ended in failure or stalemate, Hortwitz (2002) asserts that all of these attempts despite their failures had left a residue of ideas and concepts on the political landscape of Northern Ireland tracing back to the Sunningdale Agreement. In 1973 a consociational agreement was negotiated at Sunningdale. This agreement established new structures of government, which would institutionalise co-operation between Nationalist and Unionists and between Northern Ireland and the Republic of Ireland. The Agreement came after the suspension of the Stormont Parliament. The Agreement was made between the British government and the willing Northern Irish parties: the Ulster Unionist Party,

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the S.D.L.P and the Alliance Party. The new alliance was led by Faulkner, with Fitz as the deputy Chief Executive. Cross border co-operation would come in the form of the Council of Ireland. The council would be made up of seven members of the Irish government and seven members of the Northern Ireland Executive, a secretariat and a 60 member consultative assembly also compiled from the Irish government and the Northern Ireland Executive.

The purpose of the Council was to promote co-operation, and to discuss shared policy. Mutual veto's were to operate, which, highlighted the consociational nature of the Council. In the immediate aftermath of the Agreement all seemed well and it appeared to be a convincing victory for consensus politics but the groups involved were too close to the issues and could not see the growing opposition amongst the Unionist community.

The main flaw of the Sunningdale Agreement was that the parties who made it all seemed to have completely different ideas of what it actually involved. The Council of Ireland proved to be one of the main stumbling blocks. Faulkner believed it to be an advisory body and raised few objections to the nature of the Council or the areas that it was to deal with such as agriculture, electricity, tourism and transport. Other SDLP members however saw the council as a stepping-stone to a single state for Ireland. Some blame for this confusion does rest at the feet of the British Government by not clearly defining the role of the Council they raised loyalist fears that a united Ireland would be forced upon them and raised Nationalist hopes that such a feat was possible. Despite Article 5 of the agreement specifically outlining "that there could be no change in status of Northern Ireland until a majority of the people of Northern Ireland desired a change in status" (Anglo Irish Agreement, 1973) the Unionist community remained unconvinced and in May 1974 continued strikes toppled the power-sharing institutions and confirming that Sunningdale and its consociational elements had been a failure.

After the failure of Sunningdale the next major step in brining peace to Northern Ireland came in the form of the Anglo Irish agreement. The next section will look at this agreement.

The Anglo-Irish Agreement (AIA) was the most important development in both the troubles and Anglo-Irish relations generally for more than half a century. The main objective of the Agreement was to bring peace and reconciliation to Northern Ireland. Both governments saw the Agreement as a chance to promote and develop power-sharing arrangement between unionists and nationalists. It was also the first time that the government of the Republic would have a consultative role in Northern Ireland in the form of the Anglo-Irish Intergovernmental Conference.

In November 1985 British Prime Minister Margaret Thatcher and Taoiseach Garret Fitzgerald signed the Anglo Irish Agreement at Hillsborough. The agreement was seen as a break through in the Politics of accommodation. The Agreement shows a definite shift from the Sunningdale Agreement in that it has been premised on the assumption that only moderate Unionists and Nationalists should be included in discussions and should band against those who opposed them. Having seen this model fail previously a more inclusive approach was taken in the new agreement (Horowitz, 2002).

> The agreement produced in Belfast is strongly consociational. It provides for a grand coalition, power-sharing by proportional inclusion of parties in the executive, a certain amount of cultural autonomy (particularly in education and language), and group vetoes to assure Protestant and Catholic communities that important decisions will only be made with the broad consent of representatives of the relevant community. The agreement is lush with group guarantees of the sort advocated by proponents of the consociational approach to ethnic conflict management (Horowitz, 2002, 3)

The Anglo Irish Agreement contained thirteen articles. These articles saw a renewed commitment to peace, reform and co-operation in Northern Ireland. Both the British and Irish governments reiterated their co-operation on matters of politics, legality, security, economics, cultural matters and cross border co-operation.

Article one of the agreement like article five of the Sunningdale Agreement guarantees that the status of Northern Ireland cannot be changes without a majority referendum vote by the people of Northern Ireland.

The two Governments

(a) affirm that any change in the status of Northern Ireland would only come about with the consent of a majority of the people of Northern Ireland;

(b) recognise that the present wish of a majority of the people of Northern Ireland is for no change in the status of Northern Ireland;

(c) declare that, if in the future a majority of the people of Northern Ireland clearly wish for and formally consent to the establishment of a united Ireland, they will introduce and support in the respective Parliaments legislation to give effect to that wish.

Article two established an intergovernmental conference (IGC) which would see bother governments discuss public policy matters. The AIA also saw both governments commit to promote a devolved government in Northern Ireland. This would be achieved in the spirit of "constitutional representatives within Northern Ireland of both traditions there" (Article 4c AIA, 1985).

Each side involved in the AIA has its own interpretation of it, however there is agreement on a few issues; the AIA did formalise British and Irish co-operation, give the Irish government a role in the Northern Ireland (and more specifically in the government of Northern Ireland) and made the conflict international in nature. Another important thing to note about the AIA is that Unionists no longer had veto rights over British Policy in Northern Ireland. Also important from this studies perspective is the coercive nature of the AIA. As O'Leary (2004, 120) notes

> The AIA also marked the abandonment of attempts to achieve consociation through voluntary means. It was in part a new experiment to create the conditions for consociationalism. Many of its framers, on both the British and Irish sides, saw it as an attempt to create the conditions for power-sharing to work, as a master plan to coerce key fractions of the Unionist bloc into accepting some version of the Sunningdale 1973 – 4 settlement, as the lesser of several evils

The change in approach highlighted the importance of external actors in bringing peace to Northern Ireland. In the case of Northern Ireland external actors came in the guise of the British and Irish governments. External ethno-guarantors can have both a negative and positive effect on peace agreement but in this case both governments were committed to working together to bring peace to Northern Ireland. The AIA illustrated this new give and take attitude, as it was the first time that an Irish government recognised in an international agreement that Northern Ireland would remain part of Britain as long as the North's Unionists wanted it to. The AIA was the first real attempt by the British and Irish governments to coerce both Nationalists and Unionists into a form of power-sharing.

Table 4.1 The content of the Sunningdale and Belfast Agreements compared

	Sunningdale Agreement	Belfast Agreement
Signatories	UK, RoI, UUP, SDLP, APNI	UK, RoI, UUP, UDP, PUP, NIWC, L, APNI, SF, SDLP
Consent principle	X	X
Self-determination	O	X
Reform of the policing system	X	X
Prisoners	X	X
Bill of Rights	X	X
Abandonment of violence	X	X
Security co-operation	X	X
Cross-border co-operation	X	X
Recognition of both identities	O	X
Intergovernmental co-operation	X	X
Institutional role for the RoI	X	X
Power-sharing	(X)	X
Inter-island co-operation	O	X
Devolution of powers	X	X

Notes: X-issue addressed; (X) -issue implicitly addressed; O-issue not addressed
UK-United Kingdom of Great Britain and Northern Ireland, RoI-Republic of Ireland,
UUP-Ulster Unionist Party, UDP-Ulster Democratic Party; PUP-Progressive Unionist Party,

NIWC-Northern Ireland Women's Coalition, L-Labour, APNI-Alliance Party of Northern Ireland, SF-Sinn Fein, SDLP-Social Democratic and Labour Party
Source: http://www.bbc.co.uk/northernireland/schools/agreement/agreement/support/ba_c081.shtml

The Good Friday Agreement

The Good Friday Agreement came into being on the 10th of April 1998. The Agreement is the result of on going multi-party negotiations involving politicians, paramilitaries, officials, negotiators and ordinary citizens. It finally emerged after years of failed talks and initiatives (O'Leary, 2006).

The Good Friday Agreement meets all four of Lijpharts criteria for a consociational democracy. These will now be looked at in more detail.

Executive Power-sharing

An executive power-sharing is one of the most important components of any consociational democracy. The Good Friday Agreement established the two important roles of First Minister and Deputy First Minister in the Northern Ireland Assembly. Neither the First Minister nor the Deputy First Minister appoint Ministers to the Executive Committee, instead these roles are allocated to parties based on their strength in the Assembly under the d'Hondt rule. Therefore any part that receives even a small share of seats and is willing to abide by the rules of the Good Friday Agreement is likely to gain access to the Assembly. The Good Friday Agreement differs from previous agreements including Sunningdale in that although it created strong incentives to promote power-sharing and division of power it did not require formal coalition agreements between parties.

Proportionality

Another vital element of a consociational agreement is that of proportionality in elections, the allocation of state resources and the civil service roles. Elections for seats in the 108-member Northern Ireland Assembly will be by proportional representation and the single transferable vote (STV). The Droop quota used in STV (Total Vote/N+1) + 1, where N = number of Assembly members to be elected) is 14.3 per cent. Lijphart does not advocate this type of voting system for consociational democracies; instead he prefers the list PR system. He believes this system helps to

make political leaders more powerful and better able to manage the inter-ethnic nature of this type of democracy (Coakley, 2009).

Table 4.2 The shares of blocs in the 1998 Assembly

Bloc	Seats won	First preference vote (%)	Seats won (%)
Nationalists	42	39.8	38.8
"Yes" Unionists	30	25.0	27.7
"No" Unionists	28	21.3	25.9
Others	8	9.4	7.4
Total	108	100*	100*

Source: O'Leary 2004, 268

* Percentages do not add up to 100 because of rounding

Table 4.3 Party Performances in the 1998 Assemble election

Party	Seats won	First preference vote (%)	Seats Won (%)
SDLP	24	22.0	22.2
Sinn Fein	18	17.7	16.6
Other nationalists	-	0.1	-
UUP	28	21.0	25.9
PUP	2	2.5	1.8
UDP	-	1.2	-
Other "Yes" Unionists	-	0.3	-
DUP	20	18.0	18.5
UKUP	5	4.5	4.6
Other "No" Unionists	3	3.0	2.8
Alliance	6	6.4	5.5
Women's coalition	2	1.7	1.8
Others	-	1.3	-

Source: O'Leary 2004, 269

* Percentages do not add up to 100 because of rounding

Proportionality in the political process of a country while important, alone cannot ensure success. Proportionality must be consistently employed across all sectors, including the civil service, judiciary and the police service. The Good Friday Agreement provided for this especially in respects to the revamping of the RUC, which was seen by many in the North as a mononational entity.

Segmental Autonomy

Consociational settlements try to avoid the one size fits all approach to ethnic identity. It does not try to force people to integrate instead it tries to recognise different identities and deal with them equally and fairly. The Good Friday Agreement ensures that Catholic and Protestant schools receive equal funding and seeks to protect the Irish language and Irish nationalist culture.

Minority Veto

Veto rights are an important part of any consociational agreement as it protects minorities from decisions made by the counties majority. The Good Friday Agreement does this across the boards, providing minority vetoes in the Assembly and the courts. The Assembly "had cross community procedures, including parallel consent, weighed majority, and petition procedures that protect nationalists from unionist dominance" (O' Leary, 2006, 271).

Criticism of the Good Friday Agreement

Two main criticisms that are levelled at the Good Friday Agreement are; firstly that it does not solve the conflict but further polarises the groups involved. Smaller political parties not affiliated to the two main religious/political groups criticise the Good Friday Agreement calling it "a pact between the dominant sectarian political parties against the others who are trying to transcend difference" (McGarry, 2004, 340). Taylor, 2001 (as quoted in McGarry and O'Leary, 2004, 340), claims that the institutions of the agreement "solidity intra-communal networks" when they should be trying to promote "inter-communal association".

Secondly critics argue that the Grand Coalition outlined in the Agreement is unstable because of its inclusive nature. McGarry, sums up the argument of Unionist commentators and politicians well, "rather than a grand coalition they recommend a voluntary coalition of moderates, by which they mean a coalition without Sinn Fein" (2004, 340).

Consociationalism in Northern Ireland

Before reviewing Northern Irelands credentials as an electoral democracy first let us look at its credentials as a consociational one. Consociational power-sharing accommodates groups by including all communities in both legislative and executive institutions, it grants communities autonomy on specific cultural affairs, and by promoting proportionality in all areas of the public and civil services of the state including elections, the courts, and public administration. In some cases this also includes enshrining minority vetoes in the constitution (McGarry & O'Leary, 2009).

Conflict Categorisation

One of the main problems facing politicians with the Northern Ireland case was actually categorising the conflict. In general states that employ consociationalism as a means to end a conflict have been dived along linguistic or religious grounds. On first glance at the Northern Ireland case many would categorise it as a religious conflict even Lijphart's 1975 analysis of the case categorised it as a conflict between Catholics and Protestants. Lijphart believed that the core cleavage was religious.

McGarry & O'Leary instead class it as "a self determination dispute spanning two states" (2006, 45). They put Lijphart's classification down to his earlier casework in the Netherlands, which was divided along religious lines (Catholic and Protestant). Unionist Nobel Prize winner David Trimble too rejected the idea that the Northern Ireland conflict was simply a religious one instead suggesting that "conflicts over rival national allegiances had often emerged in many of Europe's border regions in the last century. Northern Ireland was no exception" (Interview with David Trimble on the BBC in 2005 as quoted by Kissane, 2006, 667). Even now in the Northern Ireland Assembly members designate themselves as Nationalist, Unionist or other, not

as Catholic or Protestant, a further indication that religion is not the main cleavage in Northern Ireland.

McGarry & O'Leary categorise Northern Ireland as a "binational place, a subset of the category of pluri-national places, which have more than one mobilised national community" (2009, 39). The cultural and national identity of residents of a pluri-national place can vary dramatically. They may identify with the nation sate that they inhabit but are just as likely to identify with groups that cut across national lines or in fact not identify with any nation state at all. Traditional consociational democracy was not developed with such places in mind consequently the theory does not outline what institutions are needed for a pluri-national place to be both democratic and stable. Revisionist Consociationalists such as McGarry & O'Leary believe that a pluri-national place like Northern Ireland needs consociationalism and territorial autonomy as well as inter-state and trans-border institutions, recognition of each group's language and identity to become both democratic and stable.

External Actors

The Northern Ireland conflict is certainly a complex one with both internal and external factors playing an important role. Ian Lustick (1985) equated Northern Ireland to a settler colony largely outside the control of London and that divisions established in the seventeenth century were still having a profound effect on the politics of the twentieth century. This then opens the questions of outside kin states and their role in coercive consociationalism. Undoubtedly Britain and Ireland played a major role in coercing consociationalism in Northern Ireland. 1972 was the year that the term *power-sharing* became synonymous with the Northern Ireland conflict as this was the year that the British and Irish governments tried to establish the first power-sharing executive in Northern Ireland. In fact since then all government led initiatives to return devolved government to Northern Ireland have involved some form of power-sharing. External actors played a major role in bringing about peace in Northern Ireland; we have already mentioned Britain and the Republic of Ireland but the Americans also played a large part in encouraging Britain to cooperate more closely with the Republic of Ireland in the 1980's, President Ronald Regan was a driving force behind. When President Clinton took office in 1992 he gave

unprecedented attention to Northern Ireland. He also allocated resources to bring an end to the conflict; these resources took the form of leading American diplomats such as Anthony Lake and George Mitchell. The powerful Irish American lobby at the time in the United States and President Clinton's willingness to listen to it put the Irish Government in a much stronger negotiating position. (McGarry & O Leary, 2009). The European Union and a vast array of international mediators also contributed to the process and helped to make it more legitimate (Kerr, 2009). Of the Good Friday Agreement Michael Kerr (2005) believes that this agreement truly is coercive consociationalism in practice as without involvement from external actors, internal factors would not have been great enough to bring about change and ultimately the agreement.

Institutions of Implementation

North South co-operation is one of the aspects unique to the Northern Ireland case and its implementation is an important factor in the success of the Good Friday Agreement. Six implementation bodies were proposed in 1998:

- Inland waterways
- Food Safety
- Trade and business development
- Special EU programmes
- Language
- Agriculture and Marine matters

North-South Ministerial Council (NSMC)

The Good Friday Agreement is not only internally consociational but also promotes
co-operation internationally. The North-South Ministerial Council (NSMC) was
created as part of the Good Friday Agreement. Its purpose is to improve co-operation
between the North and South. The NSMC meets in a number of formats, the first
beings it's plenary, this involves a delegation from the Northern Ireland Executive led
by the Firsts Minister and deputy First Minister and the Irish Government delegation
led by the Taoiseach. The function of this meeting is to discuss North South
institutions and co-operation in a broad sence. The second format of the NSMC
meeting is that of a sectoral format. In this instance both the Irish government and the
Northern Irish government are represented by a relevant Minister.

The third format is Institutional. The purpose of this sitting is to discuss institutional
and EU issues. This meeting is attended by the Minister for Foreign Affairs and the
First Minister and deputy First Minister. The Good Friday Agreement specifies that
participation in the NSMC must be done on a cross-community basis.

The set up of the NSMC in the Good Friday Agreement is very effective in that it is
linked to the Assembly, one cannot function independently of the other. This offers
the NSMC the protection it needs to function. (www.northsouthministerialcouncil.org
O'Leary 2005).

The British – Irish Council

The British – Irish Council (BIC) was created as part of the Good Friday Agreement.
Its main function is"...to promote the harmonious and mutually beneficial
development of the totality of relationships among the peoples of these islands... the
BIC will exchange information, discuss, consult and use best endeavours to reach
agreement on co-operation on matters of mutual interest within the competence of the
relevant Administrations" (Good Friday Agreement 1998).

The Council is composed of representatives of the Irish, British and Northern Irish governments. Also represented are Scotland, Wales, the Isle of Man, Guernsey and Jersey. All members of the council are accountable to their own respective elected institutions.

The main areas of discussion are:
- The environment
- Drugs
- The knowledge economy
- Social Inclusion
- Transport
- Health
- Tourism
- Minority languages
- Demography

Civic Forum

"The Civic Forum is a consultative body, with no formal legislative or governmental powers consisting of 60 members plus a Chairperson. Members are representative of the voluntary, business, agriculture, trade union, education, culture, community relations and fisheries sectors" (www.ofmdfmni.gov.uk).

The civic forum offers an opportunity for those who do not feel represented by conventional political parties to have a voice. This kind of institution does not exist anywhere else in the United Kingdom. McGarry, (2004), believe the civic forum to show that not only are Nationalist and Unionist identities recognised by consociationalism but that the agreement leaves room for other identities to form and develop.

"The various sectors were allocated the following number of nominations: business (7), agriculture and fisheries (3), trade unions (7), voluntary/community (18), churches (5), culture (4), arts and sports (4), victims (2), community relations (2), education (2), First and deputy First Minister (6)" (www.ofmdfmni.gov.uk)

The Northern Ireland Human Rights Commission

> The Northern Ireland Human Rights Commission will work vigorously and independently to ensure that the human rights of everyone in Northern Ireland are fully and firmly protected in law, policy and practice. To that end the Commission will measure law, policy and practice in Northern Ireland against internationally accepted rules and principles for the protection of human rights and will exercise to the full the functions conferred upon it to ensure that those rules and principles are promoted adopted and applied throughout Northern Ireland. In carrying out its functions the Northern Ireland Human Rights Commission will be independent, fair, open and accessible, while maintaining the confidentiality of information conveyed to it in private. It will perform its functions in a manner which is efficient, informative and in the interests of all the people of Northern Ireland (Mission Statement of the Northern Ireland Human Rights Commission http://www.nihrc.org/)

A number of institutions were set up to oversee the implementation of these lofty goals. Among them was the Northern Ireland Human Rights Commission. Apart from the funding it receives from the government the Human Rights Commission is completely independent and impartial. The commissions remit under section 69 of the Northern Ireland Act is to monitor the implementation of human rights law in Northern Ireland, to advise the Secretary of Sate on legislation needed to protect human rights and to promote the importance of human rights. The commission also has the power to investigate allegations of human rights violations and to bring legal proceedings concerning the protection of human rights.

The Northern Ireland Ombudsman

The Northern Ireland Ombudsman is a title, which covers two key roles The Assembly Ombudsman for Northern Ireland and The Northern Ireland Commissioner for Complaints. The office deals with complaints from people on a broad number of matters including, maladministration by government departments and public bodies,

complaints about doctors and dentists. The Ombudsman can also investigate local councils, education boards and also social services. As with the other bodies the Northern Ireland Ombudsman is completely impartial and independent from the government. (http://www.ni-ombudsman.org.uk/whatdo.htm).

The Police Ombudsman for Northern Ireland

"We provide a complaints system that is independent, impartial and effective. By doing this we can help to make sure everyone in Northern Ireland receives their entitlement to the best possible policing service" (http://www.policeombudsman.org/). The Police Ombudsman for Northern Ireland was also created under the 1998 Northern Ireland Act. Its main duties are to receive and investigate complaints received about the PSNI in an impartial and professional manner (see appendix 4). The Ombudsman then releases a report at the end of every calendar year outlining the work the office has undertaken in that year. The Police Ombudsman is appointed by the Queen for a sever year term.   The Police Ombudsman is accountable to the Assembly via the Justice Minister. The Ombudsman is vital in ensuring that the PSNI treat the communities they serve with impartiality and respect and if they do not, that citizens have someone to turn too. The report produced also helps to improve transparency (http://www.policeombudsman.org/modules/pages/about.cfm).

The Parades Commission

Parades and the route they travel have always been a major bone of contention in Northern Ireland. Parades are still an issue in modern day Northern Ireland. The Parades Commission was set up in 1997. The parades commission is not a government body it is an independent quasi-judicial body. Parades are still allowed in Northern Ireland because of their cultural significance and because of the people of Northern Irelands rights to freedom of assembly and of expression. The commission is made up of a chairperson and six other members; appointments are made by the Secretary of State.

Its main functions are

- To promote greater understanding by the general public of issues concerning public processions.

- To promote and facilitate mediation as a means of resolving disputes concerning public processions.

- To keep itself generally informed as to the conduct of public processions and protest meetings.

- To keep under review, and make such recommendations as it thinks fit to the Secretary of State concerning the operation of the Act.

While it would be easy for the Parades commission to say no to every parade that may cause a disruption this is not its goal. It seeks to open meaningful dialogue between the parties who want to hold the parade and who are opposed to it, and to find a resolution to the issues. Often conditions are imposed on parades to help them pass off peacefully. These include restricting a parade from a particular area, restrictions on music or banning people previously found to have caused trouble at such an event. A determination (see appendix 3) made by the parades commission is a legally binding document and if a group are found to be in breach of these determinations then the matter is passed on to the PSNI (www.paradescommission.org).

Despite initial difficulties with the implementation of some of the bodies since their creation they have proved vital and integral in the development of Northern Ireland as not only a consociational democracy but as a democracy in its own right.

The next section will look at the agreements used to end the conflict in South Africa.

Table 4.4 Estimated Population of Northern Ireland by Sex

Estimated population by sex and
age, 30 June 2007

Table 6

Age	Persons	Males	Females	Age	Persons	Males	Females	Age	Persons	Males	Females
ALL AGES	1,759,148	862,000	897,148								
0-4	115,309	59,246	56,063	30-34	114,904	56,503	58,401	60-64	90,081	43,695	46,386
0	24,211	12,512	11,699	30	22,148	10,875	11,273	60	19,558	9,472	10,086
1	23,293	11,893	11,400	31	22,592	11,163	11,429	61	17,860	8,756	9,104
2	23,110	11,825	11,285	32	22,213	10,933	11,280	62	17,629	8,505	9,124
3	22,674	11,698	10,976	33	23,555	11,525	12,030	63	17,774	8,659	9,115
4	22,021	11,318	10,703	34	24,396	12,007	12,389	64	17,260	8,303	8,957
5-9	114,945	59,039	55,906	35-39	127,820	62,674	65,146	65-69	71,162	33,880	37,282
5	22,110	11,229	10,881	35	24,846	12,239	12,607	65	15,545	7,468	8,077
6	22,199	11,461	10,738	36	25,626	12,560	13,066	66	14,152	6,773	7,379
7	22,846	11,833	11,013	37	25,512	12,535	12,977	67	13,961	6,640	7,321
8	23,709	12,094	11,615	38	25,757	12,542	13,215	68	14,051	6,615	7,436
9	24,081	12,422	11,659	39	26,079	12,798	13,281	69	13,453	6,384	7,069
10-14	123,860	63,463	60,397	40-44	130,870	64,167	66,703	70-74	60,658	27,556	33,102
10	24,896	12,740	12,156	40	26,145	12,841	13,304	70	13,444	6,228	7,216
11	24,511	12,738	11,773	41	26,231	12,915	13,316	71	12,615	5,785	6,830
12	24,495	12,614	11,881	42	26,610	12,974	13,636	72	11,909	5,489	6,420
13	24,805	12,596	12,209	43	26,321	12,882	13,439	73	11,545	5,176	6,369
14	25,153	12,775	12,378	44	25,563	12,555	13,008	74	11,145	4,878	6,267
15-19	128,165	65,747	62,418	45-49	120,189	58,539	61,650	75-79	48,931	20,367	28,564
15	25,954	13,327	12,627	45	25,002	12,082	12,920	75	10,759	4,750	6,009
16	26,369	13,506	12,863	46	24,880	12,162	12,718	76	10,457	4,387	6,070
17	25,430	12,987	12,443	47	24,112	11,800	12,312	77	9,854	4,111	5,743
18	24,510	12,629	11,881	48	23,071	11,250	11,821	78	9,248	3,767	5,481
19	25,902	13,298	12,604	49	23,124	11,245	11,879	79	8,613	3,352	5,261
20-24	132,330	67,972	64,358	50-54	104,700	52,459	52,241	80-84	35,276	13,087	22,189
20	26,566	13,692	12,874	50	22,249	10,912	11,337	80	8,436	3,328	5,108
21	27,214	14,032	13,182	51	21,654	10,843	10,811	81	7,790	2,908	4,882
22	26,374	13,611	12,763	52	20,620	10,457	10,163	82	6,963	2,611	4,352
23	26,200	13,384	12,816	53	20,265	10,290	9,975	83	6,381	2,345	4,036
24	25,976	13,253	12,723	54	19,912	9,957	9,955	84	5,706	1,895	3,811
25-29	116,416	57,941	58,475	55-59	96,254	47,479	48,775	85-89	18,922	6,188	12,734
25	24,485	12,125	12,360	55	19,313	9,609	9,704	85	5,171	1,706	3,465
26	23,799	11,877	11,922	56	19,215	9,612	9,603	86	4,560	1,514	3,046
27	23,565	11,935	11,630	57	19,321	9,503	9,818	87	3,985	1,361	2,624
28	22,670	11,219	11,451	58	19,150	9,402	9,748	88	2,907	915	1,992
29	21,897	10,785	11,112	59	19,255	9,353	9,902	89	2,299	692	1,607
								90 & over	8,356	1,998	6,358

Source: www.nisra.gov.uk

South Africa

> The outlook for democracy of any kind is poor, but if there is to be democracy at all it will most certainly have to be of the consociational type (Lijphart 1985, 118)

Lijphart was a champion of consociationalism as the political alternative to apartheid for South Africa. In 1985 Lijphart published his influential study of South Africa *Power-sharing in South Africa.* In this study he outlined the reasons that consociationalism was a viable alternative to Apartheid. He believed in the one-man one vote system and that everyone in the country including black people should be entitled to this. To ensure all groups of society were represented equally and fairly he advocated elections based on proportionality (Steiner 1987).

The Buthelezi Commission

The Buthelezi Commission 1981 saw Lijphart (amongst others) act as an advisor to the Chief Minister of the Kwazulu homeland. The commission was tasked with considering the requirements for stability and development in Kwazulu and Natal. The commission findings recommended consociationalism as a sound political choice to bring stability to the homeland. To come to this conclusion the commission reviewed other political options such as the Westminster model, majoritarianism, partition, and separate development. These were all dismissed as unworkable.

> Far better prospects, therefore, attended the consociational option whose overriding merit was presented as acknowledging the right of every group to be involved in the governmental process, and whilst allowing for universal suffrage, also ensuring protection of minority rights and minority representation in the executive. Furthermore, consociationalism could provide for a period of co-operative decision-making which might lead on to a new form of consensual government (Southall 1983, 88).

It was hoped that if the consociational experiment worked in Kwazula Natal then it could have positive implications for the rest of the country.

Southall (1983, 82) outlines three factors, which could prevent Consociationalism from being successful in Kwazula Natal:

- Imposed group membership instead of voluntary association, whilst only the latter would facilitate the reconciliation of the liberal notion of individual rights with the consociational concept of participation through communal units.
- Enforced restriction of segmental leadership, when only genuinely representative spokesmen, back by constitutional and actual bargaining power, could partake in an inter-group bargaining process generally perceived as legitimate.
- Unequal distribution of power and resources among competing groups, where only a redistribution of wealth, education and other resources from White to Black would provide a workable basis for consociationalism.

It is fair to say that these concerns were mirrored by many in South Africa during later country wide consociational agreements.

The 1983 constitution and the tri-cameral parliament

From the late 1970's to the mid 1980's The NP government under P.W. Botha made a number of political reforms in South Africa in an attempt to deflect foreign and domestic criticism of the apartheid regime. These changes included making black trade unions legal in 1979 and the repealing of the 1949 prohibition of mixed marriages act and the prohibition of political interference act of 1968, both of these changes took place in 1985 and made it legal for mixed race couples to marry and for multiracial political parties to be formed. During this time the pass laws were also abolished and some hotel, restaurants, trains and buses were desegregated.
The National party's popularity began to wane among Afrikaners during this period, and extreme right wing groups such as Herstigte Nassionale Party (HNP; Reconstituted National Party) grew in popularity. In 1982 when constitutional reform and a form of power-sharing between all racial groups in South Africa was proposed by the Presidents council. Both the Conservative Party and Inkatha Freedom Party were against the proposed reforms. The former because they believed it would undermine Apartheid and the later because of the potential for violence among the excluded majority. Despite the potential political consequences, Botha moved to implement them.

In 1983 the proposed new constitution was submitted to a referendum of the white electorate and it was a positive sign of things to come that the new constitution was supported by a sizeable margin (66.3 percent for, 33.7 percent against) (http://electionresources.org/za/system/). In 1983 a new constitution was introduced which formed the tri-cameral parliament. As outlined in chapter 3 the tri-cameral parliament had three separately elected chambers one for whites, one for colored, and one for Indians. Despite the changes made to legislation and the new constitution, black South Africans were still being moved to the homelands and were not being included in the electoral process in South Africa, instead the government expected them to exercise their political rights in the homelands. Although the reforms were significant, in essence the balance of power remained unchanged. In truth the tri-cameral parliament was just another attempt by the government to mask its attempts to hold onto power for the white minority. In reality The House of Representatives and he House of Delegates had little power and it remained mainly in the House of the

Assembly. While consociationalism "helped create the pre-conditions for a non-consociational yet democratic outcome" (Taylor 2009, 6) it was not part of the final democratic solution used in South Africa.

International pressure intensified on the government in 1985 and it was becoming clear that South Africa would struggle to get short-term injections of capital from the international community. This realisation triggered a financial crisis and saw inflation rise to 20 percent in 1986. In the same year the United States of America imposed sanctions on South Africa including bans on loans and direct flights between the two countries. Direct foreign investment was dwindling and foreign companies began to pull out of the country. The international sense of unrest was mirrored internally as South Africa saw a wave of violence grip the country. So much so that a state of emergency was declared in 1985. South Africa was becoming more polarised, the resistance to apartheid amongst black, colored and Indians was increasing and the country was tittering on the brink of a civil war. In 1989 P.W Botha suffered a stroke and was replaced as National Party leader by F.W de Klerk. Under de Klerks leadership the National Party campaigned for the 1989 national elections to the tricameral Parliament. Their manafesto showed that they wanted to move away from apartheid but did not want to move to full majority rule. Instead it indorsed group rights. Under the group rights banner no racial or ethic group could take precedence over another. This proposal was logical to the National party, as they knew if the new system went to majority rule then white people would be in the minority and they would lose all political power. "By 1991, three out of every four South Africans were black, while whites constituted just over one-eight of the country's population" (http://electionresources.org/za/system/). The National Party new manifesto did not resonate with voters, however, as they had one of their worst election results since 1948, they were none the less returned to power with a reduced majority.

While formal negotiations in the peace process began in 1991 for the proceeding five years unofficial talks had been conducted between the ANC and the NP. An imprisoned Nelson Mandela held some forty-seven meeting with government officials to discuss the political situation during this time. In 1987 at a meeting between Afrikaner intellectuals and the ANC in Dakar, one observer comments:

> The meetings began to melt down the propagandised visions of the enemy that permeated white society during the years of the total onslaught ideology. These meetings helped inculcate an understanding among political elites on both ends of the spectrum that negotiations could in fact yield a mutually beneficial outcome. In terms of pre negotiation, such track-two diplomacy served to help the parties arrive at a common definition of the problem, explore negotiations as the most attractive alternative available to the players, create a core of moderation in an environment of overwhelming polarisation and begin to lay the groundwork for public acceptance of a negotiated solution (Bouckaert, 2000,243).

Under de Klerks leadership the speed of change began to quicken. In February 1990 he lifted the ban on the ANC and other previously outlawed political parties. Two weeks later on the 12th of February Nelson Mandela was released from prison and he was elected deputy president of the ANC, Mandela went on to become president of the ANC in 1991. The ANC suspended the armed struggle that it has declared in 1961 and in December 1990 after more than thirty years in exile Oliver Tombo the ANC president returned to South Africa.

> In the immediate aftermath of the legalisation of the ANC on 2nd February 1990, polls showed that under both a constituency-based and conventional proportional representation electoral system the ANC could confidently expect to win more than 60 percent of the seats. This would relegate the NP to a perpetual minority give the ANC the victory it could not achieve in the revolutionary struggle (Giloimee, 1995, 92).

The National Party now under De Klerks leadership was not prepared to let this happen. The National Party was prepared to enter power-sharing negotiations and abolish apartheid. It demanded however, that a constitutional settlement be reached in which the white minority would not be dominated by the black majority. In May 1990 one of the first agreements to be reached was the Groote Schuur Minute while lay out a frame work for exiles to return to South Africa the Pretoria Minute followed in August of the same year which saw an end the ANC's military actions. The Harare Declaration was signed in Zimbabwe in 1991. This agreement signed by commonwealth countries, looked to promote democracy, good governance, human rights, the rule of law, equality, and social and economic development. It sought to apply these principles to a transitional South Africa.

- We believe that international peace and order, global economic development and the rule of international law are essential to the security and prosperity of mankind;
- We believe in the liberty of the individual under the law, in equal rights for all citizens regardless of gender, race, colour, creed or political belief, and in the individual's inalienable right to participate by means of free and democratic political processes in framing the society in which he or she lives;
- We recognise racial prejudice and intolerance as a dangerous sickness and a threat to healthy development, and racial discrimination as an unmitigated evil;
- We oppose all forms of racial oppression, and we are committed to the principles of human dignity and equality;
- We recognise the importance and urgency of economic and social development to satisfy the basic needs and aspirations of the vast majority of the peoples of the world, and seek the progressive removal of the wide disparities in living standards amongst our members.
(http://www.anc.org.za/ancdocs/history/oau/harare.html)

Convention for a Democratic South Africa (CODESA)

Formal negotiations began on the 20th of December 1991, less than a year after all political parties has been legalised. Nineteen groups were represented at the Convention for a Democratic South Africa (CODESA), including the South African government, the National Party, the African National Congress, the Inkatha Freedom Party, the Democratic Party, the South African Communist Party, the South African Indian Congress, the Coloured Labour Party, the Indian National People's Party and Solidarity Party, and the leaders of the nominally independent bantustans of Transkei, Ciskei, Bophuthatswana and Venda. Both the Conservative Party and the Pan Africanist Congress boycotted CODESA. CODESA I lasted only a few days but in that time a Declaration of Intent was signed by all participants "in which they pledged themselves to the creation of a united, non-racial, non-sexist state and multiracial democracy" (Bouckaert, 2000, 246). Also at the meeting five main topics were set up and strategy groups formed, these topics were free political climate, constitutional principles, constitution-making process, transitional government, reincorporation of the homelands, and time frames for the transition (ibid). CODESA II began in May 1992, the political environment was very charged at this time for both parties. The NP had just lost an important by-election and De Klerk called a white-only referendum on the negotiations. A record 67.8 percent of voters were in favour of continued negotiations. The ANC too had a different outlook on negotiations. They felt that the NP was unwilling to negotiate on certain key issues. CODESA II came to an abrupt end on June 16th when agreement could not be made on the time line for transition. The NP wanted agreement over a constitution and a ten year transition period while the ANC fearful of being tied into a long and fruitless process wanted a freer hand in the writing of the constitution and a shorter transitional period. With negotiations at standstill violence across South Africa increased (Giloimee, 1995). After the breakdown of negotiations the ANC favoured a new campaign of mass mobilisation.

Despite the government's commitment to halt its use of illegitimate violence, it continued to be part of the security forces modus operandi when dealing with public order incidents. In 1991 seventeen people died and 447 people were injured in Sebokeng when police fired without warning into a crowd of 50,000 protesters. Other massacres occurred in Sebokeng in July and September 1990 and in Daveyton and Alexandra townships in March 1991.

In response to the excessive violence used by the government the ANC placed an advertisement in the Sowetan calling for reform (See Appendix 2).

This period of increased violence saw a downturn in the NP's popularity among black people and a surge in the ANC's. The ANC's policy of mass mobilisation although initially successful with the general strikes of August 3rd & 4th 1992 realised that the only way to bring true change was through political reform, "the major parties in South Africa realised that the future of the country could not be determined in the streets, but would require the negotiation table" (Bouckaert, 2000, 248).

Talks resumed and it soon emerged that both sides wanted a different road to transition, De Klerk's government wanted a two-phase transition including a transitional government with a rotating presidency. The ANC on the other hand wanted a straight transition from apartheid to democracy. Other points of contention were property rights and minority rights. A proposal by Joe Slovo the leader of the South African Communist Party in 1992 broke the deadlock. He suggest a *sunset clause* this would involve forming a coalition government for the first five years following a democratic election. The sunset clause would also include guarantees and concessions for all racial and ethnic groups involved in negotiations.

> Slovo listed a number of permissible compromises, most of which were ultimately adopted: a "sunset clause" requiring power-sharing for a specified period of time, an informal agreement on regional powers and federalism, an amnesty for past political crimes, and an agreement on job security and retirement compensation for a mostly white civil service. Slovo also suggested a list of impermissible compromised that would permanently prevent the creation of a non-racial, democratic South Africa, a minority veto power during the constitution-writing process, a permanent compulsory power-sharing regime: a binding agreement on regional powers and boundaries and any agreement that would prevent the future government from

redressing the racially accumulated imbalances in all spheres of life
(Bouckaert, 2000, 249).

By the end of 1992 the ANC had accepted a deal (through the records of
understanding), both parties had made major concessions, the NP's first casualty was
its idea of a rotating presidency, it agreed that the president would be elected by the
majority party. The ANC in turn agreed that a power-sharing government would be
in operation for a set period of five years, and that all parties with over five percent of
the vote would be given seats in cabinet on a proportional basis. The 1993 interim
constitution was an integral part of the negotiations to transition South Africa from
apartheid to democracy. One of the main stumbling blocks to reaching consensus on
this issue was not the constitution itself but how it would be adopted. The interim
constitution will be discussed further in chapter 6.

> The starting point of the process would be the drafting by all parties of both an
> interim constitution and bill of rights (an NP demand) formulating the general
> constitutional principles on which the final constitution had to rest. Elections
> would then be held for a constituent assembly (an ANC demand), which
> would also serve as an interim government (an NP demand) for five years.
> The final constitution would be drafted during this time (Giloimee, 1995, 97).

The interim constitution adopted by South Africa and its use of the sun set clauses
have been held as an example for other conflict societies to follow. An example of
this is the Bonn process in Afghanistan (Samuels & Wyeth, 2006).

The ANC had a landslide victory in the 1994 elections, the then 75 year old Mandela
initially turned down the Presidency but it seems almost unimaginable to think of the
new democratic South Africa without Mandela at the helm. The new ANC led
government inherited a country in economic decline, new ministers and ministries as
well as a high level of administrative bureaucracies. One thing that the government
did have was the sense of accomplishment, pride, and national identity felt by many
South Africans after the transition. Much of this good feeling was because the final
solution for their problems was brought about by South African's themselves with
little direct input from the international community. The strength of both Nelson
Mandela and F.W. de Klerk and the roles they played in brining an end to the conflict

in South Africa cannot by underestimated. If Botha was still in power it is unlikely that the NP would have entered into negotiations as readily or unbanned the ANC and other previously outlawed political groups. This was recognised by other leaders when in 1996 John Hume of the SDLP "claimed that what Northern Ireland needs is a unionist version of F.W. de Klerk, the South African whites' leader who freed Mandela, entered negotiations with the opposition and ultimately reach a settlement with it" (John Hume as quoted by Mc Garry, 2004, 239).

Table 4.5 – Results of the 1994 South African Election

April 26-29, 1994 General Election Results - Republic of South Africa Totals: National Assembly

Voters	19,726,610	
Invalid (Spoilt) Ballots	193,112	1.0%
Valid Votes	19,533,498	99.0%

Party	Votes	%	Seats
African National Congress (ANC)	12,237,655	62.6	252
National Party (NP)	3,983,690	20.4	82
Inkatha Freedom Party (IFP)	2,058,294	10.5	43
Freedom Front (FF-VF)	424,555	2.2	9
Democratic Party (DP)	338,426	1.7	7
Pan Africanist Congress of Azania (PAC)	243,478	1.2	5
African Christian Democratic Party (ACDP)	88,104	0.5	2
Africa Muslim Party (AMP)	34,466	0.2	
African Moderates Congress Party (AMCP)	27,690	0.1	
Dikwankwetla Party of South Africa (DPSA)	19,451	0.1	
Federal Party (FP)	17,663	0.1	
Minority Front (MF)	13,433	0.1	
Sport Organisation for Collective Contributions and Equal Rights (SOCCER)	10,575	0.1	
African Democratic Movement (ADM)	9,886	0.1	
Women's Rights Peace Party (WRPP)	6,434	0.0	
Ximoko Progressive Party (XPP)	6,320	0.0	
Keep It Straight and Simple Party (KISS)	5,916	0.0	
Workers' List Party (WLP)	4,169	0.0	
Luso-South African Party (LUSO)	3,293	0.0	

Source: http://electionresources.org/za/provinces.php?election=1994

The Truth and Reconciliation Commission

The Truth and Reconciliation Commission (TRC) was a court-like body created after the end of apartheid as part of the Promotion of National Unity and Reconciliation Act 1995. Its purpose was to investigate crimes committed in apartheid era South Africa from 1 March 1960 until 10 May 1994. It also recorded these cases and in some cases granted amnesty to the perpetrators.

Anybody who felt they had been a victim of violence or human rights violations during apartheid could have their case heard at The Truth and Reconciliation. The most prominent member of the commission was its chairperson Archbishop Desmond Tutu. Sixteen other people were part of the commission. Dr Alex Boraine (Deputy Chairperson), Mary Burton, Advocate Chris de Jager, Bongani Finca, Sisi Khampepe, Richard Lyster, Wynand Malan, Reverend Khoza Mgojo, Hlengiwe Mkhize, Dumisa Ntsebeza (head of the Investigative Unit), Wendy Orr, Advocate Denzil Potgieter, Mapule Ramashala, Dr Faizel Randera, Yasmin Sooka and Glenda Wildschut. The committee completed its work via three committees, the Human Right Violations Committee investigated human rights violations that occurred between 1960 and 1994. The Reparation and Rehabilitation Committee helped to restore victims dignity and help with rehabilitation. The Amnesty Committee reviewed applications that were received for amnesty. The committee could grant amnesty but the crimes must have been politically motivated and those seeking amnesty had to disclose the entire truth of the circumstances surrounding the crime. Amnesty was not a given, of the 7112 people that applied for amnesty 5392 were refused and 849 were granted amnesty. When the commission presented its final report in 1998 atrocities committed not only by the apartheid government but also the ANC forces were revealed. The commission condemned acts committed by both sides (http://www.justice.gov.za/trc/, Slaugher, 2007).

The Truth and Reconciliation Commission undoubtedly helped with the transition from apartheid to democracy and without it some of the incidents that occurred during

apartheid would not have come to light and the victims would not have been able to tell their stories and get some reparation.

Conclusion

There are both similarities and differences in the agreements used to end the conflicts in South Africa and Northern Ireland. In both cases a series of attempts at peace led to the ultimate solutions, each agreement building on the success of the last. While consociationalism played a major role in the peace agreements used in Northern Ireland, it also played a role in South Africa in laying the foundation for democracy. And while not used in the final constitution the spirit of the politics of accommodation can be seen in the interim constitution. A difference in the cases comes in the form of external actors and their level of involvement in the transitions. In the case of Northern Ireland external actors such as the British, Irish and American governments played a pivotal role in brokering peace. In the case of South Africa while it can be argued that sanctions played a role in bringing an end to apartheid, this role was minor at best. The impetus for change came from internal pressure not external actors. This lack of external help has been both an advantage and a disadvantage for South Africa, on a positive note the momentum to make such a massive political change came from all levels of society so it feels inclusive. By arriving at the integrative power-sharing model voluntarily existing ethnic and political divides rather than being magnified may actually have been lessened. The voluntary nature of the agreement shows a commitment by political actors to work together to reach consensus and good government rather than having a formal set of political rules in place. If the goal of an integrative governance is to bridge the divide between groups and encourage political cooperation, then it is fair to say that South Africa is a strong example of this (Samuels & Wyeth, 2006).

The sun set clause used in South Africa was another important element of the integrative power-sharing approach used. Without this, negotiations may have remained deadlocked. All of the groups involved in the negotiation process had fears and something to loose. The clause gave the political elites some security and guarantees. For example, the white minority had the bulk of South Africa's land and as a result its wealth, for them a guarantee of private property rights, and the IFP received guarantees about regional autonomy for the provinces (Traniello, 2008).

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The sun set clause guaranteed compromise on a number of issues amnesty for political crimes, job security for the mostly white civil service as well as a number of political compromises a promise of compulsory power-sharing.

On the negative side of this, however is the lack of guidance and input from a functioning stable democracy, which, in Northern Irelands case comes from the British and Irish governments in the form of close relations and cross border bodies. While South Africa now has one of the most forward thinking and liberal constitutions in the world at times the implementation of this and the checks and balances needed to achieve a true democracy are not present due to lack of resources, training and in some cases corruption (corruption will be discussed further in chapter 6).

Peace Agreements are contracts put in place to end conflict or to significantly change it so that it can be more constructively addressed. While not all agreements are successful they all serve a role in building positive momentum for the final binding agreements. In the cases of Northern Ireland and South Africa the failures of previous agreement ultimately led to both countries successfully negotiating peace agreements. Northern Ireland reached this stage with the help of coercive consociationalism and external actors such as America and the British and Irish Governments. South Africa reached a peace agreement internally with integrative power-sharing as its key structure.

While both were successful the next two chapters will take a closer look at the democracies created by both models to test the hypothesis of this thesis that the Northern Ireland model of consociational power-sharing is more successful in creating democracy in deeply divided societies than the integrative power-sharing model used in South Africa

Chapter 5 – Northern Ireland Case Study

Introduction

As we have seen in the previous chapter the political path to peace has not always been an easy one for Northern Ireland and had many obstacles along the way. The 1985 Anglo Irish Agreement paved the way for peace and highlighted the need for both consent and consensus of the Unionist majority before any changes could be made to Northern Irelands status (Jeong, 2008). Eventually the agreements used to end the conflict, these being The Anglo Irish Agreement and the Good Friday Agreement employed consociationalism as their corner stone. With that in mind this chapter seeks to assess the implementation of this agreement to test the hypothesis of this thesis that the Northern Ireland model of consociational power-sharing is more successful in creating democracy in deeply divided societies than the integrative power-sharing model used in South Africa.

To assess if the Northern Ireland model of consociationalism was implemented successfully the following areas will be assessed:

- Levels of democracy in the country
- Levels of violence & corruption
- Civil liberties
- Policing

Levels of Democracy

The criteria that the freedom house index puts forward for a country to be considered an electoral democracy are as follows:

- A competitive, multiparty political system;
- Universal adult suffrage for all citizens (with exceptions for restrictions that states may legitimately place on citizens as sanctions for criminal offenses);
- Regularly contested elections conducted in conditions of ballot secrecy, reasonable ballot security, and in the absence of massive voter fraud, and that yield results that are representative of the public will;
- Significant public access of major political parties to the electorate through the media and through generally open political campaigning (www.freedomhouse.org).

A competitive, multiparty political system

Britain officially handed over power to the new 108-member Northern Ireland assembly in Belfast on December 1st 1999. The power-sharing agreement between the Ulster Unionists and Sinn Fein was a direct result of the Good Friday Agreement of 1998. The assembly was suspended in 2002 after it emerged that Sinn Fein was found to be spying on other ministers. In elections held in 2003, Sinn Fein and the Democratic Unionist Party (DUP) fared best but the two did not reach agreement to form a new government until fresh elections were held 2007, a move which saw Ian Paisley become first minister of Northern Ireland. The confirmed dismantling of paramilitary structures by the IRA in 2006 paved the way for the 2007 to take place. In order to maintain the consociational approach to government that is the characteristic of the Northern Ireland Assembly two primary mechanisms have been established these being the way in which ministers are appointed to the Northern Ireland executive and the need for cross community support on some issues (Tannam, 2006).

The first is the manner in which ministers are appointed to the Northern Ireland Executive. These are not nominated by a simple majority vote. Rather all parties with a significant number of seats are entitled to at least one minister, and ministerial portfolios are divided among the parties in proportion to their strength in the Assembly, through a method known as the d'Hondt system. The second power-sharing mechanism is the requirement that certain resolutions must receive "cross community support", or the support of a minimum number of MLAs from both communities, to be passed by the Assembly (www.niassembley.gov).

Northern Ireland employs the D'Hondt system of voting; also know as the highest average method. Unlike single transferable voting systems it does not use quotas (see appendix 5). Any party who reaches this quota is entitled to seats in the Executive. The D'Hondt system allows a party with a much smaller share of the vote (than would be needed in the Westminster model) to take up a seat in the executive.

The quality of the democracy created by consociation is often questioned. One of the main criticisms is that the system lacks opposition. "For Taylor, Northern Ireland Executive is "insulated from any effective opposition or censure", while for Wilford and Wilson, the Assembly is "bereft of any effective opposition to challenge executive dominance" (McGarry & O'Leary, 2009, 77). This lack of opposition can lead to a lack of accountability; if the government makes a significant mistake then no opposition exists to replace them. McGarry & O'Leary argue that opposition can come from within in the form of back benchers and other smaller parties (2009). This does not seem to be the most robust argument to defend this criticism. Steiner, puts forward a better approach to this issue. He cites the Swiss case, which uses referendums to challenge decisions made by the government. In essence the public is the government's oppositions and watchdog. In the Swiss case in order for a referendum to pass it must receive a majority of votes but also pass in a majority of the cantons. This safety net approach protects minorities and makes the process more democratic (2009). Northern Irelands experiences of referendums so far has been a good one, voters reacted positively to the referendum held on The Good Friday Agreement. Further criticism of the level of democracy in Northern Ireland are that "The 6 counties is inherently undemocratic" (Pat Doherty MP MLA, West Tyrone,

interview with author, August, 2010) and that the best and only way to improve the quality of democracy in Northern Ireland "is a united Ireland" (ibid).

Another criticism of consociation is that it has limited voter's freedom to choose (Dixon, 2005). There are currently 56 political parties registered in Northern Ireland and while the Westminster model is not followed that is not to say that voters do not have as much (or as little as the case may be) of a choice of political representation as in any other democratic country. While this seems like a considerable amount many are parties for such a small region, which have registered on the Great Britain electoral register and have when doing so, also registered, as political parties in Northern Ireland as it do not incur any additional costs in doing so. Below is a list of the main parties and their recent election results (table 5.1).

Table 5.1 – Main Political Parties in Northern Ireland

Party	Recent Election Results
Democratic Unionist Party (DUP)	The DUP is the largest Unionist party in Northern Ireland; it was founded in 1970 by Rev Ian Paisley. Recent election results range from 14% to 28%.
Sinn Fein (SF)	SF is the largest Nationalist party in Northern Ireland. It has been led by Gerry Adams since the mid 1980's. Recent election results range from 16% to 24%.
Ulster Unionist Party (UUP)	The UUP was the largest Unionist party until it was surpassed by the DUP in 2003. It still remains popular however with recent election results range from 18% to 33%
Social Democratic and Labour Party (SDLP)	The SDLP was the largest Nationalist party until it was surpassed by SF in 2001. It still remains popular with voters, Recent election results range from 19% to 28%
Alliance Party of Northern Ireland	The Alliance Party of Northern Ireland is the countries larges cross-community party. Recent election results range from 2% to 8%.
Progressive Unionist Party (PUP)	The PUP is a smaller Unionist party formed in the 1970's. Recent election results range from 0.6% to 3%.
United Kingdom Unionist Party (UKUP)	The UKUP is a smaller Unionist party formed in the 1970's. Recent election results range from 0.5% to 5%.
Northern Irelands Women's Coalition (NIWC)	Founded in 1996, this cross-community ground only nominates women candidates. Recent election results range from 0.4% to 2%.

Source: Table compiled from information at http://www.ark.ac.uk/elections/gparties.htm

Universal adult suffrage for all citizens

Northern Ireland offers universal suffrage to all persons over the age of 18. It excludes convicted prisoners and non-residents, which is in line with Freedom House norms.

Who can vote

- A British, Irish or Commonwealth citizen, or a citizen of a Member State of the European Union (EU). EU citizens have the right to vote in European parliamentary elections and Northern Ireland Assembly elections if they live in Northern Ireland
- 17 or over (though you are only eligible to vote when you are 18 or over).
- Resident in Northern Ireland for the past three months.
- Not be a person who is excluded from voting

Who cannot vote

- anyone who is not on the electoral register on polling day
- people from abroad, (other than EU citizens, citizens of the Republic of Ireland and qualifying Commonwealth citizens who are resident in the UK - see above)
- people aged under 18
- convicted prisoners who are in prison and have been sentenced or who are unlawfully at large
- people who are detained in a psychiatric hospital as a consequence of criminal activity
- certain people convicted of corrupt or illegal electoral practices
- peers of the realm who remain members of the House of Lords (for British parliamentary elections only)
- People who have a severe mental illness and are unable to understand the voting procedure.

Regularly contested elections conducted in conditions of ballot secrecy, reasonable ballot security, and in the absence of massive voter fraud, and that yield results that are representative of the public will

Consociationalists are often accused of not having faith in the public instead preferring to put their trust in political elites. Taylor charges that consociationalist seek to engineer a "passive and demobilised population" (2009, 221). While it is true that consociationalism focuses on a strong political elite, politicians still have to yield to the will of the people who have elected them and who ultimately they represent. Elections are free and fair and the Good Friday Agreement itself was passed by referendum.

In 1998, a referendum was held in Northern Ireland on the Good Friday Agreement. 71.12 percent voted in favour of the Agreement, as it was the will of the people the Good Friday Agreement came into being. It is outlined in the constitution of Northern Ireland that "The participants endorse the commitment made by the British and Irish Governments that, in a new British-Irish Agreement replacing the Anglo-Irish Agreement, they will recognise the legitimacy of whatever choice is freely exercised by a majority of the people of Northern Ireland with regard to its status, whether they prefer to continue to support the Union with Great Britain or a sovereign united Ireland" (The Good Friday Agreement 1998). So the will of the people will be carried out as assured by law.

In 2007 elections were held to vote in ministers to fill the 108-seat assembly. The DUP emerged as the largest party in this election race winning 36 seats. Then secretary of state Peter Hain warned that for the Northern Ireland assembly to reconvene (it had been suspended in 2002) all parties would have to sign up to power-sharing. This is an excellent example of an external actor (in this case the British government) using coercive measures to ensure that a new government was formed. This was reinforced with statements by Tony Blair and Bertie Ahern calling for parties to work together to form a new government. Tony Blair said of the matter "Restoration of the devolved institutions represents an opportunity of historic

proportions" (Blair, 2007, http://www.dailymail.co.uk/news/article-441211/Ulster-parties-seize-historic-opportunity.html).

A power-sharing executive governs Northern Ireland (Coakley, 2009). Ian Paisley of the Democratic Unionist party was sworn in as first Minister with Martin McGuinness of Sinn Fein as his deputy in Stormont on the 8th of May 2007. Ian Paisley was replaced by Peter Robinson in 2008 as first Minister but Martin McGuinness still holds the post as deputy first minister. Both the first minister and deputy hold equal power within the Northern Ireland Assembly. This new executive was a result of the St Andrews Agreement in October 2006. Previous attempts to forge a coalition after the historic Good Friday Agreement has failed most notably in 2002. Although Northern Irelands grand coalition is still in its infancy to date it has succeeded in bring peace to the region.

Figure 5.1 – Proposed new electoral map (January 2012)

Source: http://www.bbc.co.uk/news/uk-northern-ireland-16801102

In January 2012 the Boundary Commission in an attempt to reduce the number of MP's at Westminster and to create more equally sized constituencies (with an average of 76,641 voters) re drew the electoral maps (Figure 5.1). The new electoral map would see Belfast loosing a seat moving from four to three MP's. The seats in West Tyrone and East Londonderry would also cease to exist. In response to this the DUP said that this was a form of *gerrymandering*, and that the change would have a negative effect on Unionism. The SDLP also criticised the proposal, maintaining that the electoral map needs to be more than a numbers game, it needs to reflect the communities that it represents. Sinn Fein too is against the change to number of seats in Belfast saying that the change could damage relationships in the local community.

Regularly contested elections conducted in conditions of ballot secrecy, reasonable ballot security, and in the absence of massive voter fraud, and that yield results that are representative of the public will

Northern Irelands elections are regularly contested and are representative of the public will, however there are still some issues that can arise which are emotive for the people of Northern Ireland, for example the redrawing of the electoral lines. The term *gerrymandering* is an evocative one for the people and politicians of Northern Ireland (as outlined in chapter 3) and the use of the term by the DUP could be seen as inflammatory and focusing on issues from the past rather than the future.

Significant public access of major political parties to the electorate through the media and through generally open political campaigning

The media in Northern Ireland is free and open. It has two national newspapers, The Belfast Telegraph and The Irish News as well as a number of regional papers as well as internet access, radio and television provided by the BBC. During the troubles however, there were some restrictions put on the press through the 1960's Broadcasting Authority Act. This act was primarily focused at the South so that support would not be shown for violence carried out by the IRA. A case in June 2008 involving journalist Suzanne Breen has brought up some of these old issues however. The PSNI ordered Ms Breen to hand over notes that she had involving a report she was writing about the real IRA. Overall the press in Northern Ireland is fair and open and since 1994 there have been few barriers to reporting from there. In a cruel irony the most famous attack on a journalist, the murder of Sunday Independent crime correspondent Veronica Guerin was not political in its motivation.

Since November 2007, donations to registered political parties have been regulated. Parties must now insure that they do not accept donations from disqualified sources such as terrorist groups and must record all donations great than £200. Larger donations must be reported to the Electoral Commission and there is a cap on the

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amount that any one candidate can spend on campaigning. In the case of Northern Ireland it is £30,000 per constituency. This new legislation has helped to ensure that campaigning is more transparent.

http://www.electoralcommission.org.uk/elections/election-spending/party-campaign-expenditure

From this analysis we can see that Northern Ireland has all of the elements of a democracy consociational or otherwise.

- A multiparty political system
- Free and fair elections
- Universal suffrage
- Open political campaigning

As with all democracies, however, there are still issues which need to be addressed such as the quality of the democracy created by consociationalism and the issues raised by the redrawing of the electoral may. The next section will look at violence levels in Northern Ireland.

Levels of Violence/Corruption

Violence

The levels of violence seen in the Northern Ireland conflict between 1969 and 1998 were some of the worse in Western Europe since the end of World War II. Up to 2002 some 3,665 people had been killed in the struggle for a united Ireland. The 1970's was the worst effected decade in the history of the troubles with some 2,176 people loosing their lives. Much of this violence was carried out by the IRA in its campaign to unite Ireland. Generally its targets were British security forces although occasionally civilians were injured. A prime example of this being the 1996 IRA bombing of Canary Wharf (Tonge 2006). The making of both the AIA and the Good Friday Agreement has been associated with a highly significant reduction in political violence. From 1987 to 1994, the year of the first IRA and loyalist cease fires 622

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people lost their lives in the conflict. In the years 1995 to 2001 the total loss of life was 140 persons. This is a fall in deaths of early four-fifths. The noteworthy decrease happened despite intermittent breakdown in the ceasefires and is a very positive indication that the implementation of both the AIA and the Good Friday Agreement helped to reduce political violence (McGarry & O'Leary 2004). As we can see from table 5.2 below this trend continues to the present day with levels of shooting down since the Northern Ireland Assembly was re-instated in 2007.

Figures compiled by the PSNI (www.psni.police.uk/index/statistics) have shown a drop in lethal political violence since the Good Friday Agreement has been signed. Lethal political deaths from 1989 – 1997 account for 509 deaths while this figure dropped significantly to 134 deaths from 1998 to 2006 (table 5.2). It is important to note that a large proportion of these deaths are made up of those killed in the 1998 Omagh bombing, carried out by The Real IRA. The death rates for PSNI offers has also fallen dramatically, pre Agreement 105 members of the security forces were killed between 1989 and 1997, since the PSNI's conception only one officer has died in political violence. "Northern Ireland was one of the most dangerous places in the democratic world to be a police officer during the 1970's and 1980's; it is now, arguably, one of the safest" (Mc Garry & O' Leary, 2009, 51).

Table 5.2: Security related incidents (number) in Northern Ireland (only), shootings, bombings, and incendiaries, 1969 to 2009

Year	Shooting incidents	Bombings [1]				Incendiaries	
		Incidents	Devices used			Incidents	Devices Used
			Bomb Explosions	Devices Neutralised	Total Devices Used		
1969	73	n/a	9	1	10	n/a	0
1970	213	n/a	153	17	170	n/a	0
1971	1,756	n/a	1022	493	1515	n/a	0
1972	10,631	n/a	1382	471	1853	n/a	0
1973	5,019	n/a	978	542	1520	n/a	0
1974	3,208	n/a	685	428	1113	n/a	270
1975	1,803	n/a	399	236	635	n/a	56
1976	1,908	n/a	766	426	1192	n/a	236
1977	1,081	n/a	366	169	535	n/a	608
1978	755	n/a	455	178	633	n/a	115
1979	728	n/a	422	142	564	n/a	60
1980	642	n/a	280	120	400	n/a	2
1981	1,142	n/a	398	131	529	n/a	49
1982	547	n/a	219	113	332	n/a	36
1983	424	n/a	266	101	367	n/a	43
1984	334	n/a	193	55	248	n/a	10
1985	238	n/a	148	67	215	n/a	36
1986	392	n/a	172	82	254	n/a	21
1987	674	n/a	236	148	384	n/a	9
1988	538	n/a	253	205	458	n/a	8
1989	566	n/a	224	196	420	n/a	7
1990	557	236	166	120	286	26	33
1991	499	312	231	137	368	144	237
1992	506	318	222	149	371	86	126
1993	476	257	206	83	289	45	61
1994	348	207	123	99	222	88	115
1995	50	2	1	1	2	10	10
1996	125	17	8	17	25	4	4
1997	225	78	43	50	93	9	9
1998	211	127	n/a	n/a	243	20	20
1999	125	82	n/a	n/a	100	7	7
2000	302	117	n/a	n/a	135	22	22
2001	355	349	n/a	n/a	444	5	6
2002	350	188	n/a	n/a	239	3	3
2003	229	77	88	n/a	88	8	8
2004	185	64	69	n/a	69	21	28
2005	167	83	105	n/a	105	9	9
2006	69	22	31	n/a	31	11	11
2007	47	21	22	n/a	22	0	0
2008	42	37	43	n/a	43	5	7
2009 (to 31st Oct)	64	42	46	n/a	46	0	0

Police Service of Northern Ireland (PSNI). (2009) Security Related Incidents 1969-2009 (by calendar year):

The decrease in the levels of violence can also be attributed to a renewed confidence in the PSNI. While Catholic confidence was at 60 percent in the RUC in 1996 a report carried out in 2006 showed that Catholic confidence in the PSNI was at 80 percent a 5 percent increase on the 2005 figure. The confidence level among Protestants remained high at 80 percent (http://www.rte.ie/news/2006/1220/psni.html). This a further example of how the implementation of the Good Friday Agreement which called for a total rejuvenation of the police service in Northern Ireland led to improved consumer confidence and thus lower crime rates.

Table 5.3 Conflict related deaths in Northern Ireland 1998 – March 2007

	1998	1999	2000	2001	2002	2003	2004	2005	2006	2007
Catholics killed by loyalists	14	1	1	4	2	1	0	0	0	0
Catholics killed by Republicans	16	4	3	1	0	3	0	2	0	2
Protestants killed by Republicans	15	0	1	1	1	0	0	0	0	0
Protestants killed by loyalists	3	2	13	8	7	7	3	6	0	0
Catholics killed by unknowns	1	1	1	1	3	2	1	2	0	0
Protestants killed by unknowns	0	0	0	0	3	0	0	0	2	0
Others killed	6	0	0	1	0	0	0	0	0	0
Total	55	8	19	15	16	13	4	10	4	2

Source: Malcolm Sutton, An Index of Deaths from the Conflict in Northern Ireland

www.cain.com

Up to and including 1997, 709 soldiers were killed in Northern Ireland during the troubles. The last person to be killed during this period was Lance Bombardier Stephen Restorick who was shot by an IRA sniper. Following negotiations, the establishment of the GFA and the Assembly levels of violence decreased significantly until 2009 when two British soldiers were shot in Antrim, both died. The sudden outbreak of violence was worsened by the killing of policeman Stephen Carroll in Craigavon by the Continuity IRA; this incident took place two days after the soldiers were killed in Antrim. This was a litmus test for the peace process; it could have divided the two communities once again and triggered a return to violence. Fortunately the people on both side of the conflict did not want a return to violence and there was universal condemnation of both attacks from politicians and civic leaders. Sinn Fein's Martin McGuinness went as far as to call the dissident republicans "traitors to the island of Ireland" (McGuinness, 2011 http://www.belfasttelegraph.co.uk/news/local-national/northern-ireland/wikileaks-sinn-fein-deeply-alarmed-by-martin-mcguinness-death-threat-16006470.html). This was not the first challenge that the peace process had faced but it was undoubtedly one of its most serious. There was a sense that the peace process was being taken for granted by some political leaders, this bump in the road highlighted that the transition from conflict to democracy could not be taken for granted and that it needed to be worked on. What was positive to see from this incident is that both politicians and community leaders pulled together to unite their communities and violence did not return to the streets of Northern Ireland. Since the signing of the Good Friday Agreement there does seem to be a shift away from paramilitary violence but an increase in the amount of rioting and attacks on "symbols of tradition such as Orange Halls, GAA property and churches" (Cash, 2009. 250). This shift in the emerging patterns of violence in Northern Ireland needs to be monitored closely. The next section will review corruption in Northern Ireland.

Corruption

In general corruption is not seen as a wide spread issue in current day Northern Ireland, in fact little reference is made to it in most literature. It is more difficult to get corruption figures on Northern Ireland from usual sources such as the Transparency Internationals Corruption Perceptions Index or the Freedom House Index because Northern Ireland is encompassed in the broader banner of the United Kingdom. Although "corruption is not pervasive in Britain" www.freedomhouse.org This is not to say that corruption does not exist, Northern Ireland was rocked by political scandal in 2009 when First Minister Peter Robinson's wife Iris was accused of breaking the law by failing to disclose her financial interests and having an affair with a 19 year old man. After twenty years in politics Mrs Robinson ended her career because of the scandal. Figures released in 2009 showed that forty-two police offers were suspended from their duties; this is the highest number since the PSNI's conception. These officers were allegedly involved in drink driving, running a brothel and downloading porn while at work. The figures are particularly high when compared to 19 suspensions over the same period at the Metropolitan Police in London, which is three times the size of the PSNI. "Board member Basil McCrea denied the figures suggested more wrongdoing within the police and said they were instead proof that the service was starting to deal more effectively with such incidents" (Belfast Telegraph, 22nd January, 2009).

Before the signing of the Good Friday Agreement Nationalists claimed that inequality and corruption were rife in the justice system of Northern Ireland (Farry, 2009). It is true that corruption during the troubles was a widespread issue. This took many forms, from the abuse of emergency laws, to unjust killings, and the harassment and intimidation of civilians. As discussed in chapter 3 gerrymandering and corruption in the allocation of public housing was also an issue at this time. However an independent commission was appointed early in the negotiation process to fully review the criminal justice system and make recommendations for its reform. This pre-emptive action stopped this becoming a stumbling block in the peace process (Lynch, 2005, 215).

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Legislation is in place to deal with corruption, the Prevention of Corruption Acts 1889-1916 was updated in 2003 to provides a more simplified and up to date mechanism to deal with corruption.

The main amendments made are as follows:

- Reformulating the definition of corruption based upon a simplified understanding;
- Redrafting the terminology of the proposals to refer to "bribery" in place of "corruption". "Bribery" is a term widely understood in both domestic and international law;
- Abandoning the attempt to define "corruptly";
- Developing separate offences for public and private sectors;
- Broadening the powers of the Serious Fraud Office Director in cases of the corruption (bribery) of foreign public officials (http://www.nio.gov.uk/media-detail).

Also organisations such as the Serious Fraud Office are in operation, their main aim is to deter fraud and corruption in the criminal justice system. No corruption cases were prosecuted in Northern Ireland in 2001, 2002, or 2003.

While corruption was an issue during the troubles it does not appear to be a prevalent issue now, it is interesting to compare this with the findings on corruption in South Africa in chapter 6. The next section will look at civil liberties in Northern Ireland.

Civil Liberties

> The participants endorse the commitment made by the British and Irish Governments that, in a new British-Irish Agreement replacing the Anglo-Irish Agreement, they will: affirm that whatever choice is freely exercised by a majority of the people of Northern Ireland, 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 (The Good Friday Agreement 1998)

For the purpose of this analysis civil liberties will relate to freedom of expression, assembly, association, education and religion. It will also refer to equal opportunity for all, including women and minority groups.

The Good Friday Agreement entrenched in law a number of key policies and institution in relation to civil liberties and the protection of minorities. The document itself is easy to understand and without much of the political and legal jargon so often found in this kind of legislation. At its core it put forward the importance of respect, equality and fairness for all sections of society

It ensures

- The right of free political thought;
- The right to freedom and expression of religion;
- The right to pursue democratically national and political aspirations;
- The right to seek constitutional change by peaceful and legitimate means;
- The right to freely choose one's place of residence;
- The right to equal opportunity in all social and economic activity, regardless of class, creed, disability, gender or ethnicity;
- The right to freedom from sectarian harassment; and
- The right of women to full and equal political participation.
- A right to education is guaranteed to all children in Northern Ireland.

It is interesting to note the shift in attitudes of parents however to how their children should be schooled. When asked in 1998 if they would prefer to send a child to a mixed religion school or to a school, which taught only their religion only 56 percent of those poled opted for the mixed school option. When asked the same question in 2008 an impressive 70 percent of respondents opted for the mixed school (Northern Ireland Life and Times Survey 1998 & 2008).

5.4: If you were deciding where to send your children to school, would you prefer a school with children of only your own religion, or a mixed-religion school?

	1998 %	2008
Own religion only	35	27
Mixed religion school	56	70
Don't know	9	3

Source: Northern Ireland Life and Times Survey 1998 & 2008

Table 5.5: Results for people of different religions

	% 1998			% 2008		
	Catholic	Protestant	No Religion	Catholic	Protestant	No Religion
Own religion only	38	37	10	31	29	4
Mixed religion school	53	54	86	66	67	90
Don Know	10	9	4	0	1	0

Source: Northern Ireland Life and Times Survey 1998 & 2008

It is also interesting to note at this stage the shift in perception of the way people in Northern Ireland view themselves. The trend seems to indicate people identifying more with being Northern Irish rather than British or Irish. This percentage moved from 23 percent in 1998 to 29 percent in 2008. The biggest move in regards to this identity question came in the Protestant group. 18 percent of Protestants identified themselves as being Northern Irish in 1998 but his jumped to 32 percent in 2008 (table 5.5). This change is significant and show that policies implemented as part of the Good Friday Agreement are working and bring a once divided society back together under the umbrella of a common identity.

Table 5.6: Which of these best describes the way you think of yourself?

	% 1998	% 2008
British	41	37
Irish	27	26
Ulster	6	4
Northern Irish	23	29
Other	2	4
Don't know	1	0

Source: Northern Ireland Life and Times Survey 1998 & 2008

Table 5.7: Results for people of different religions

	% 1998			% 2008		
	Catholics	Protestants	No religion	Catholics	Protestants	No religion
British	8	67	34	8	57	45
Irish	65	3	16	61	4	14
Ulster	0	10	0	1	6	5
Northern Irish	24	18	38	25	32	29
Other	2	2	4	6	1	7
Don't know	1	0	2	0	0	1

Source: Northern Ireland Life and Times Survey 1998 & 2008

Policing in Northern Ireland

Often academic work on ethnic conflict does not focus on policing instead it looks more at political institutions and electoral systems but "satisfactory resolution of disputes over policing is often pivotal in the attainment of political settlements in divided territories" (McGarry, 2004, 371).

The Royal Ulster Constabulary (RUC) was established in 1922 after partition to police Northern Ireland (Farrell, 1983) The RUC was seen by many Catholics as a Protestant Police force. Sinn Fein as the more radical of the nationalists parties saw the RUC as "a participant in the conflict rather than a neutral law enforcement agency" (McGarry & O'Leary 1999, 7). Sinn Fein also believes that repression, torture and the killing of nationalists can be linked to members of the RUC. This trend of the RUC being seen as a Unionists police force is also seen in survey data. In 1978 only 17.9 percent of Catholics believed that the RUC was doing a good job, while 60.6 percent of Protestants believe that they were doing a good job. In a 1985 survey 53 percent of Catholics believe that the RUC was carrying out its duties either unfairly or very unfairly while only 4 percent of Protestants believed this to be true.

Even towards the end of the troubles in the mid 1990's the perception amongst Catholics was that the RUC treated Protestants better than Catholics with 48.2 percent believing this to be the case. Although the figures were down from 51.8 percent in the late 1980's, the improvement is not significant (table 5.8).

Table 5.8 - How do the RUC treat Catholic and Protestant members of the public?

Q. How do the RUC treat Catholic and Protestant members of the public?	Protestants who think the RUC treat Protestants better than Catholics	Catholics who think the RUC treat Protestants better than Catholics
1989	13.2	51.8
1990	12.0	53.9
1991	17.7	47.7
1993	16.8	47.4
1995	14.4	48.2

Source: McGarry & O'Leary, 1999, 19

Although the RUC was legally required to be made up of one third Catholic, the number of Catholics in the service never reached over twelve per cent. In 1992, only 7.78 per cent of the RUC was Catholic (table 5.9). There are many reasons why Catholics did not join the RUC the main ones appear to be fear of intimidation or attack, both personal and against relatives as well as fear of loosing contact with friends and family because of their role in the RUC (Ellison & Smyth, 2000).

Table 5.9 - Which, if any, of the reasons given do you think might deter Catholics from joining the police force in Northern Ireland?

Q. Which, if any, of the reasons given do you think might deter Catholics from joining the police force in Northern Ireland?	Protestants %	Catholics %
Fear of intimidation or attack on them and their relatives	68	63
Fear they couldn't maintain contact with family and friends	51	53
Other Catholics put pressure on them not to join	55	44
Don't join because they don't support the system of government	33	30
They feel they would be treated badly in the police	13	22
They try to join, but are not chosen because of their political beliefs	7	14
They try to join, but are not chosen because of their religion	6	14
Other reasons	1	2
None of these	2	1

Source: McGarry & O'Leary, 1998, 10

In light of nationalist feeling towards the RUC it would have been unacceptable to them to reform the RUC, it needed to be disbanded and a new police service for Northern Ireland needed to be established. However the obstacles to police reform are many questions needed to be answered before a new police force could be put together. McGarry and O'Leary (1999, 44) sum these questions up succinctly.

- Who should be in the police?
- What kind of policing should Northern Ireland have?
- Where should the boundaries of policing units be drawn?
- What mechanisms should be used to hold the police to account?

One of the key questions here is who should be in the police force; an easy answer to this question is that the police force of Northern Ireland should be representative of the community that it polices, both Catholics and Protestants should be equally represented. This level of true representation is hard to foster organically however. To achieve this proportionality needs to be applied. There are several merits to a representative police force including, the police force being more widely accepted by

both communities, increase nationalist support and co-operation with policing, reduce the employment gap between Catholics and Protestants (ibid).

> The participants believe it essential that policing structures and arrangements are such that the police service is professional, effective and efficient, fair and impartial, free from partisan political control; accountable, both under the rule of law for its actions and to the community it serves (The Good Friday Agreement 1998)

The Police Service of Northern Ireland (PSNI) came into being in November 2001 (Mawby & Wright, 2005).

In 1996 the government published the White Paper, proposing reforms and restructuring of the police force in Northern Ireland. The paper outlined the main issue facing policing in Northern Ireland as the divide between Unionists and Nationalists and the fact that Nationalists associated the RUC with Unionism and the British State. The main changes called for were to its name, badge, structure, recruitment practices and a change of focus, the report called for a new human-rights based approach to policing.

The PSNI operates a policy of positive discrimination. Its recruitment policy looks to have a mix of 50 percent Catholic and 50 percent non-Catholics (table 5.10). Following on from the call for a more inclusive police force in the Good Friday Agreement and the White paper the PSNI is now a more inclusive organisation with Catholics now making up almost 28 percent of police officers. It is hoped that 30 percent of the force will be made up of Catholics by 2011. "We don't want to turn back the clock on policing we want to be more accountable and work for both communities" (PSNI Officer, interview with author, May 2009).

Table 5.10 – Break down of Police Officers in PSNI by Religion

Figures accurate as at 01-11-09	% Perceived Protestant	% Perceived Roman Catholic	% Not determined	% Female	% Male	% Ethnic Minority	Total
Police Officers	70.10	27.59	2.31	24.60	75.40	0.44	7297
Police Staff	78.53	17.58	3.89	63.53	36.47	0.39	2594

Source:

http://www.psni.police.uk/index/updates/updates_statistics/updates_workforce_comp
osition_figures.htm

A report published by the Northern Ireland executive in July 2007 shows that Catholics are under-represented in the Civil Service at senior management level but that the gap between Catholics and Protestants in this respect is closing.

> The latest statutory review by the Northern Ireland Civil Service shows that employment and selection policies and systems are fair, objective and non-discriminatory. Protestants and Catholics are fairly represented in many grades and good progress has been made in some areas of under-representation. I urge community and political leaders to play their part in helping us achieve this objective, by encouraging everyone to recognise the Northern Ireland Civil Service as a career of choice which is open to all (Peter Robinson Minister for Finance & Personnel 2007)

A 2010 report by the Police Ombudsman's Office has shown that complaints about the PSNI are up year on year (2009 vs. 2010) by 14 percent. 47 percent of the complaints made were by Protestants and 34 percent by Catholics. Young men are the mostly people to make a complaint, of more that 16,000 complaints received in the lat five years almost 50 percent of them have been from men under 45. This increase in complaints is in line with the decreasing satisfaction levels with the PSNI (table 5.11). The main topics of the complaints were supervision of prisoners in police cells, the use of the officers personal protection weapons off duty and the use of stop and search powers by off duty officers.

Table 5.11 - Are you satisfied or dissatisfied with the way you were treated by the police officers and staff who dealt with you?

	Level of Satisfaction 1 Proportion of respondents Completely/ Very/ Fairly Satisfied			Level of Satisfaction 2 Proportion of respondents Completely/ Very Satisfied		
	2006/2007	2007/2008	2008/2009	2006/2007	2007/2008	2008/2009
Male	87%	86%	84%	72%	70%	69%
Female	88%	90%	88%	72%	76%	76%
16-34	82%	84%	82%	64%	65%	66%
35-44	88%	87%	86%	69%	73%	72%
45-54	89%	89%	86%	76%	71%	73%
55+	93%	93%	93%	84%	83%	81%
Protestant	87%	86%	84%	73%	72%	70%
Catholic	89%	91%	87%	74%	76%	74%
Urban	87%	87%	71%	72%	73%	
Rural	88%	90%	86%	74%	73%	71%
Total	87%	88%	86%	72%	73%	72%

Source: http://www.psni.police.uk/psni_victim_user_survey_report_200809.pdf

Conclusion

At the outset of this chapter its stated purpose was to assess the implementation of consociationalism in Northern Ireland through the vehicle of the Good Friday Agreement. The purpose of this analysis is to test the hypothesis of this thesis that the Northern Ireland model of consociational power-sharing is more successful in creating democracy in deeply divided societies than the integrative power-sharing model used in South Africa. To do this its level and quality of democracy were reviewed as well as proportionality, levels of violence and civil liberties. From this analysis we have seen that Northern Ireland is both democratic in theory and in practice. Proportionality is practiced in all aspects of the civil service. Levels of violence have dropped significantly in the past ten years and citizens enjoy all of the civil liberties associated with democracy. In short the democracy and institutions created in the Good Friday Agreement to support it tick all of the boxes. However when you scratch the surface of the democracy that has been created there are undoubtedly issues. A 2012 report conducted by the University of Surrey suggests that people who were seriously injured during the troubles feel disenfranchised from the peace process, as most of the focus is on those who were killed and their families, the impact on those severely injured and their families can be forgotten. Issues faced by people injured during the troubles, includes; having to rely on state benefits, issues finding work, seeing their attacker in the locality and facing prejudice linked to their attacks (i.e. assumptions that they were involved in illegal activates during the troubles which brought about their injury) http://www.bbc.co.uk/news/uk-northern-ireland-17301179. The violence that erupted in 2009 serves as a constant reminder that despite the advances that have been made there is still a paramilitary element in Northern Ireland that does not want peace and is prepared to shed blood to achieve this goal. Northern Ireland must remain vigilant against this threat and continue to nurture it fledgling democracy. Northern Ireland has transitioned from conflict to a functional, modern democracy with the help of the model of consociationalism.

Consociationalism as a system has imperfections and draw backs like any other but at present it is the only one that has brought about consensus between the governments of Britain and Northern Ireland as well as Unionists and Nationalists to answer the question of what comes next for Northern Ireland both academics and policy makers

agree that "it is best to leave consociation to decay organically and to let the people change consociation within their own frames and rules" (Kerr, 2009, 217).

Chapter 6 - South African Case Study

Introduction

Few countries have come under the political science spotlight as consistently as South Africa. A mere twenty year ago its dramatic transition from apartheid to democracy was unimaginable. Yet in 1990 the ruling National Party took the first steps on a road that would lead to the end of over 40 years of white minority rule. On the 27th of April 1994, Nelson Mandela was elected President in South Africa's first all inclusive democratic elections. This election was the final nail in apartheids coffin (Nhlapo 1994, Roberts, 1994, Owusu 1997). Since its transformation from apartheid to democracy it has almost been assumed that all is in working order democratically speaking and although much has been written about the South African transformation not as much focus has been put on the implementation of the final constitution. This chapter seeks to do this by analysing South Africa's democratic credentials and the implementation of the power-sharing agreement used to transition the country from apartheid to democracy. The finding of this chapter will then be compared in chapter 7 with the finding from chapter 5 to test this thesis hypothesis that the Northern Ireland model of consociational power-sharing is more successful in creating democracy in deeply divided societies than the integrative power-sharing model used in South Africa.

As with the Northern Ireland case the criteria below will be used to make this assessment.

- Levels of democracy in the country
- Levels of violence & corruption
- Civil liberties
- Policing

Levels of Democracy

The criteria that the freedom house index puts forward for a country to be considered an electoral democracy are as follows:

- A competitive, multiparty political system;
- Universal adult suffrage for all citizens (with exceptions for restrictions that states may legitimately place on citizens as sanctions for criminal offences);
- Regularly contested elections conducted in conditions of ballot secrecy, reasonable ballot security, and in the absence of massive voter fraud, and that yield results that are representative of the public will;
- Significant public access of major political parties to the electorate through the media and through generally open political campaigning.
  www.freedomhouse.org

South Africa's democracy will be assessed using these criteria.

A competitive, multiparty political system

At present there are 104 political parties registered on a national level in South Africa. 16 of these parties are represented in the National Assembly (Table 6.1). It is clear however since the first election in South Africa in 1994 that the ANC dominates politics. The ANC has consistently polled a high sixty per cent in national elections. With hindsight the results of the 1994 election was always clear, the ANC were always going to win by a landslide (table 6.2). As Daniels, puts it the 1994 election was more "a rite of passage" (2004, 13) than an electoral race between parties. In 1994 a random sample of voters showed that 75.2 percent of blacks voted for the ANC, while only 0.8 percent of whites voted ANC. The lack of creditable opposition has seen many still voting according to racial identity this has served to entrench the ANC's position as it is seen a the liberator of black people in South Africa. "I'm not sure that politics are still "dominated" by race in South Africa, but race is obviously still very important element in voting patterns" (Dr Arend Lijphart 2009, interview with author, May 2009).

Table 6.1 - Main Political Parties in South Africa

Party	Recent Election Results
African National Congress (ANC)	Founded in 1912 the ANC is the largest political party in South Africa. In the historic 1994 elections it won 62% of the vote. The four main principles of the party are Meeting the people's basic needs, such as housing, water and electricity Developing the country's human resources Building the economy Democratising state institutions and society. The party is led by Jacob Zuma and currently holds 293 seats in the National Assembly
Democratic Alliance	The DA seeks to promote: A prosperous, open opportunity society in which every person is free and equal before the law; A spirit of mutual respect, and participation among the diverse people of South Africa; A free enterprise economy driven by choices, risks and hard work; and A vigorous, critical and effective opposition that is loyal to the constitutional order and promotes the well-being of the country. The Democratic Alliance currently holds 47 seats in the National Assembly
Inkatha Freedom Party (IFP)	The IFP, led by Mangosuthu Buthelezi, was founded in 1975. Its main support comes from Zulu-speaking South Africans. Its economic policies include Attracting increased levels of direct fixed investment; Facilitating the competitive development of business in South Africa; Managing the high expectations and demand for social delivery; and Introducing more cost-effective fiscal management in government. IFP currently holds 23 seats in the National Assembly
United Democratic Movement (UDM)	The UDM was formed in 1997 by Bantu Holomisa. UDM currently holds Six seats in the National Assembly
Independent Democrats (ID)	The Independent Democrats (ID) is South Africa's newest political party, formed in March 2003 under the leadership of Patricia de Lille. De Lille has gained massive support for her forthright stand against corruption. A 2004 survey revealed her to be South Africa's favourite opposition politician. ID's policies are very similar to the ANC's

	on the economy, health and jobs. Their policies differ, however in relation to HIV/AIDS ID currently holds Five seats in the National Assembly
African Christian Democratic Party (ACDP)	The (ACDP) was formed in December 1993 with the aim of representing South African Christians in parliament. The ACDP was the only party in the National Assembly that voted against the adoption of the Constitution in 1994, citing moral and Biblical objections to some of the document's clauses. According to its manifesto, the ACDP stands for "Christian principles, freedom of religion, a free market economy, family values, community empowerment and human rights in a federal system". ACDP currently holds Four seats in the National Assembly
Christian Democratic Association	The Christian Democratic Alliance is an amalgamation of a number of smaller Christian parties. Its aim is to represent Christians and establish a Biblical Democracy. The Christian Democratic Association currently holds one seat in the National Assembly
Freedom Front Plus	The Freedom Front was formed in 1993 by Constand Viljoen, the former chief of the SA Defence Force. Its support base is mainly Afrikaners. The Freedom front plus currently holds four seats in the National Assembly
Pan Africanist Congress (PAC)	The (PAC) was formed in 1959 as a breakaway from the ANC. The PAC promotes the return of the land to the indigenous people. PAC currently holds three seats in the National Assembly

Table complied from information at

www.southafrica.info/about/democracy/polparties.htm#da

The 1999 elections gave us a better insight into the political structures in South Africa after the emotionally charged "liberation election" of 1994 (Louw, 2000, 218). The ANC vote increased to 66.35 percent during this election, again another decisive win. This election also showed that South Africa was on a democratic path and that the 1994 elections had not been a fluke. Southall believes that these elections showed that South Africa had accepted democracy as "the only game in town" (Southall, 1999, 9).

"Its political dominance has also had some negative effects, "it has spurned the withdrawal from the democratic of those sections of the electorate who do not identify with the dominant party" (Brooks, 2004, 2). While there is no doubt that the election results are valid and that South Africa is a democracy, the lack of creditable opposition and high margins of victory does pose questions about accountability and the erosion of democratic principles. "Increasingly the debate is not whether democracy in South Africa will survive, but about the quality of that democracy" (Southall, 2001, 1).

After the 2004 election despite their landslide victory rifts began to be apparent between the ANC and its alliance with the South African Communist Party (SCAP) and the Congress of South African Trade Unions (COSATU). The political landscape was dominated by petty intra party squabbles and ongoing controversies involving formed deputy president Jacob Zuma. Mbeki fired Zuma in 2005 because of allegations of corruption. "Zuma's supporters—including COSATU, the SACP, the ANC Youth League, and many ethnic Zulus—claimed that the scandal was engineered by Mbeki's allies in the ANC and the media; these accusations were redoubled after Zuma was accused of raping a family friend" (www.freedomhouse.org). A charge which he was acquitted of in 2006. Mbeki was forced to resign as president in 2008. Former defence minister Mosiuoa Lekota left the ANC in 2008 to set up a new party called the Congress of the People (COPE). He was joined by a number of ANC leaders most of them Mbeki supporters. COPE appeared to be one of the few parties that could beat the ANC in the 2009 elections but despite this new competitions the ANC went on to another resounding victory.

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Table 6.2 Election Results 1994 - 2009

Party	% of votes 1994	% of votes 1999	% of votes 2004	% of votes 2009
African National Congress – ANC	62.65	66.35	69.68	65.90
Congress of the People – COPE	-	-	-	7.42
New National Party – NNP	20.39	6.87	1,65	-
Inkatha Freedom Party – IFP	10.54	8.58	6.97	4.55
Democratic Alliance – DA	1.73	9.56	12.37	16.66
United Democratic Movement – UDM	-	3.42	2.28	0.85
Independent Democrats – ID	-	-	1.73	0.92
African Christian Democratic Party – ACDP	0.45	1.43	1.6	0.81
Pan Africanist Congress of Azania – PAC	1.25	0.71	0.73	0.27
Minority Front – MF	0.07	0.30	0.35	0.25

Source: Complied from information at www.elections.org.za

While there are many political parties in South Africa few can match both the political power of the ANC and the emotional hold the party has over so many people in South Africa. From the first to the most recent democratic elections in South Africa the ANC has dominated elections. COPE looked to be a new and more capable opposition for the ANC but they too failed in stopping the ANC's hold on politics in South Africa. The next section will look at universal adult suffrage in South Africa.

Universal adult suffrage for all citizens

All South African citizens over the age of 18 and who are resident in the country at the time of the election are eligible to vote providing their name appears on the voters roll.

To be entered on the roll you must:

- Apply for registration in person;
- Be a South African citizen;
- Possess and show a valid barcoded identity document (ID) or valid temporary identity certificate (TIC)

Table 6.3 - In this country how free are you to join any political organisation you want?

	Urban	Rural	Male	Female
Not at all	8	6	6	8
Not very free	10	11	10	11
Somewhat free	20	19	20	20
Completely free	60	60	61	59
Don't know	2	3	2	2

Source: Afrobarometer – www.afrobarometer.org

The right to a vote for all is protected in the constitution. It is understandable that this is a sensitive issue in South Africa and that nobody is excluded from voting given the countries apartheid history. Since the first democratic elections voter turn out has been very high in South Africa but turn out figures are dropping. While declining voter turn out is a feature of a maturing democracy the concern for this case is that it is more symptomatic of voter apathy because of the dominance of the ANC and that figures will continue to decline. "The worrying connotations of these figures, is that in a political system in which the outcome is a foregone conclusion voters can tend to think that there is no point in casting their vote" (Brooks, 2004, 14).

Table 6.4 Election Turnout Figures 1994 - 2009

Election Year	Population	Voting Age Population	Registered Voters	Voter turn out	Voter turn out %
2009			23,181,997	17,919,966	77.30
2004	42,768,678	27,944,	20,674,923	15,863,558	76.73
1999	42,424,823	25,411,573	18,177,000	16,228,462	89.30
1994	40,436,000	23,063,910	N/a	19,726,579	N/a

Source: Complied from information at www.idea.in

All South African citizens are equal and free in the eyes of the law, this freedom covers the right to form a political party and run for office. The one man one vote system is something that the people of South Africa have wanted for many years and it is now a reality with every adult citizen having the right to vote and stand for office.

Regularly contested elections conducted in conditions of ballot secrecy, reasonable ballot security, and in the absence of massive voter fraud, and that yield results that are representative of the public will.

While the holding of elections does not in itself define democracy, elections, if free, fair and without fraud, do play a key role in ensuring that democratic that the electorates voice is heard by those in power. The electoral process in South Africa is generally free and fair although the state-owned South African Broadcasting Corporation (SABC) is often accused of pro-ANC bias.

Although South Africa is a relatively new democracy it already has four successful national elections under its belt, the most recent in 2009. The ANC, which has won supermajorities in every democratic election, dominates the political landscape. Many people in South Africa feel that despite allegations of corruption within the ANC and certain election promises not being met that "The ANC is a home for black people, its somewhere we've always been and somewhere we couldn't leave behind even if there are problems" (Member of the ANC, interview with author, April 2009).

Parliamentary politics are entirely absolutely dominated by race. Mainly because this is the primary category in which people see themselves. Black South Africans still have a struggled history and mentality and whites still see themselves as being threatened (Dave Stewart Executive Director F.W. de Klerk Foundation, 2009, interview with author, April 2009).

Political violence has decreased with every democratic election but political violence during campaigning is still an issue. In the run up to the 2006 municipal elections several ANC and IFP candidates were killed in KwaZulu province. The DA is the leading opposition party, followed by the IFP; COPE was set to become another opposition force after the 2009 national elections. What is real testament to the fact that public will is adhered to in South Africa is the abolition of apartheid. Many would argue that it was the will of the people of South Africa to change their system of government that was the real driving force behind change rather than economic sanctions or international pressure (Decalo, 1992, Taylor, 2009). This call for change was heard and acted on by political elites from all sides of the debate.

The primary agent of change in South Africa was the mass struggle; from an ideological point of view the primary agent of change was the conflict to the racist or ethnic divisions of the apartheid regime, it was a non-racial vision. The primary engine of change was the rejection of racial politics through the non-racialism of the ANC but not purely the ANC. The non-racial ideas were there in the churches in liberal parties in the media and some NGO's. The main agent of change was an adherence to and a commitment to a non-racial struggle (Dr Rupert Taylor 2009, interview with author, April 2009)

It is also interesting to note that although on paper elections are free and fair the feelings of the people of South Africa would seem to paint a different picture. In a survey carried out in 2008 by Afrobarometer some 20 percent of South Africans believe that elections are not free and fair/are free and fair but have major problems. This 2008 figure is back at the 2000 level suggesting a drop in confidence in the fairness of the election process in South Africa.

Table 6.5 - Are Election Free and Fair?

	2000	2004	2006	2008
Not Free and Fair/Free and Fair with major problems	20	13	18	20
Free and fair with minor problems/Completely free and fair	73	83	75	72
Don't understand the question/don't know	8	4	7	8

Source: Afrobarometer -
www.afrobarometer.org/Democracy%20Indicators/saf_dem.indicators_5aug09_final.
pdf

While on the surface elections appear to be both free and fair following the one man one vote system it is somewhat worrying that 20 percent of the populations still see the electoral process as not free or fair or free and fair but with major problems. This may have something to do with the high levels of corruption in South Africa. This will be discussed in more detail later in this chapter.

Significant public access of major political parties to the electorate through the media and through generally open political campaigning

Most South Africans get their new from radio stations and TV. Internet access is unrestricted and utilisation among the middle classes is rising although most South Africans cannot afford the connection fees.

As previously state SCBA has been accused of ANC bias this in part may be due to an increased government sensitivity to criticism.

"A 2006 internal SABC report found that government critics had been barred from the airwaves, and in 2007, groups including COSATU and the Johannesburg-based Freedom of Expression Institute accused the government of conducting political purges at the broadcaster" (www.freedomhouse.org).

At present there are no laws regulating the private funding of political parties in South Africa. This is a major issue in regards to campaign transparency. This system can allow the private sector or even criminals to exert power over politicians and in turn the political process.

Citizens do not appear to have a great amount of access to candidates running for office or members of the National Assembly. In 2008 only 1 percent of the population contacted a member of the National Assembly often while 88 percent had never contacted a member of the assembly.

Table 6.6 During the past year, how often have you contacted a representative of the National Assembly about a problem, which is important to you or to express your views?

	Urban	Rural	Male	Female
Never	88	83	85	88
Only once	5	6	7	4
A few times	4	6	5	1
Often	1	1	1	1
Don't know	1	3	2	2

Source: Afrobarometer - www.afrobarometer.org

From this analysis we can see that South Africa has both a multiparty political system and universal suffrage. On paper elections are free and fair but 20 percent of the South African population does not feel that they are. Political campaigning is relatively open, however, focus needs to be put on private funding of political parties and candidates assembly members need to be more accessible to their constituents. These issues may go some way to explaining why 38 percent of South Africans believe that South Africa is not a democracy/a democracy with major problems (table 6.7) and why 49 per cent of the population are either not very satisfied/not at all satisfied with the way democracy works in South Africa or do not consider South Africa to be a democracy (table 6.8).

Table 6.7 - In your opinion how much of a democracy is South Africa today?

	2000	2002	2004	2006	2008
Not a democracy/A democracy with major problems	32	44	22	28	38
A democracy with minor problems /A full democracy	60	47	67	64	58
Do not understand question/democracy	8	10	11	7	4
Don't know	2	3	2	3	

Source: Afrobarometer -
www.afrobarometer.org/Democracy%20Indicators/saf_dem.indicators_5aug09_final.
pdf

Table 6.8 - Overall how happy are you with the way democracy works in South Africa?

	Urban	Rural	Male	Female
South Africa is not a democracy	2	2	2	2
Not at all satisfied	18	17	18	17
Not very satisfied	29	26	28	28
Fairly satisfied	34	38	36	35
Very satisfied	14	13	14	13
Don't know	3	4	3	4

Source: Afrobarometer - www.afrobarometer.org

Elections in South Africa are free and fair and in comparison with other more mature democracies voter turn out is high. South Africa's unique history has without doubt shaped its current political structure. The massive support that the ANC had in 1994 and continues to have today has certainly had a stabilising effect on this fledgling democracy. But if the ANC continues to poll such massive numbers then there seems to be little chance of credible opposition emerging to rival the "moral legitimacy" (Brooks, 2004, 8) enjoyed by the ANC. While it was understandable for the emotional first election to be won by hearts and not heads, sixteen years on elections still do not seem to be won on policy choices or issue based voting but on old loyalties and race. 2002 polls showed that "only 11 per cent of ANC supporters felt that poor people and the unemployed benefited most from government policy while 77 per cent felt that poor people were the most neglected group" (ibid, 9) yet despite this the black majority of South Africa continues to vote ANC.

**Levels of Violence/Corruption**

Corruption

"There is general agreement about what constitutes political corruption. It is the unsanctioned or unscheduled use of political resources for private ends. It might take the form of misperformance or neglect of a recognised duty, or the unwarranted exercise of power, with the motive of gaining some advantage more or less directly personal. Political corruption can be described as a method of exploitation by which a constituent part of the pubic order sphere is exploited as if it were part of the market sphere" (Lodge 1998, 158).

Political corruption is a major issue for any democracy but in particular a fledgling one such as South Africa, corruption can curtail economic development and prevent good government. Corruption also erodes the peoples trust in their elected representatives and the stability of the democracy (United Nations Office on Drugs and Crime, Country Assessment Report, South Africa, 2003).

There is no single cause of corruption in South Africa. According to Johnston entrenched corruption features in societies with the following characteristics:

- Low political competition;
- Low and uneven economic growth;
- A weak civil society; and
- The absence of institutional mechanisms to deal with corruption. (Johnston, 1997, 19)

Figure 6.1 - Respondents' perceptions of the causes of corruption in government

Source: http://www.iss.co.za/Pubs/Monographs/No65/Chap4.html
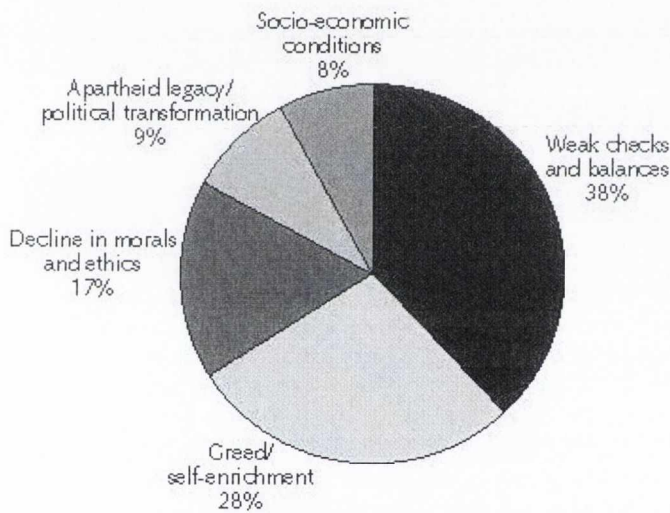
Corruption seems almost entrenched in South African society. In a 1998 survey conducted by Statistics South Africa 2 percent of respondents had experienced corruption in 1997 and of these people 25% had experienced two or more instances of corruption (Orkin, 1998). 69 percent of the urban population surveyed in 2008 believe National Assembly members to be involved in some kind of corruption. In the same survey they believe 86 percent of police officers to be involved in corruption and 68 percent of judges and magistrates. Several agencies have been set up to deal with corruption but they have proved inefficient and ineffective.

Public servants regularly fail to declare their business interests as required by law, and the ANC has been criticized for charging fees to business leaders for access to top government officials. In 2007, police commissioner Jackie Selebi was arrested on charges of corruption related to his association with an organized crime boss; Selebi was set to stand trial in 2009. While the corruption charges against Zuma were dismissed in September 2008, prosecutors were granted leave to appeal that decision the following month (www.freedomhouse.org)

As we can see from the table 6.11 below 69 percent of the urban population believe that some most or all members of the National assembly are involved in corruption. 69 percent of the population also believes that magistrates are involved in some kind of corruption (table 6.9). The figure rises to 86 percent when respondents were asked how many police they believe to be involved in corruption (table 6.10).

Table 6.9 - How many of the following people do you believe are involved in corruption?

Judges and Magistrates

	Urban	Rural	Male	Female
None	17	26	19	21
Some of them	41	34	36	40
Most of them	21	15	21	16
All of them	7	7	7	7
Don't know	14	18	15	16

Source: Afrobarometer – www.afrobarometer.org

Table 6.10 - How many of the following people do you believe are involved in corruption?

Police officers

	Urban	Rural	Male	Female
None	7	12	8	9
Some of them	36	39	37	37
Most of them	40	26	35	34
All of them	10	11	11	10
Don't know	7	11	8	9

Source: Afrobarometer –
www.afrobarometer.org/Summary%20of%20Results/Round%204/saf_R4SOR_9apr0
9_final.pdf

Police corruption will be discussed in the section on policing in South Africa.

Table 6.11: How many people do you believe are involved in corruption? –
Representatives to the National Assembly

	Urban	Rural	Male	Female
None	13	19	15	15
Some of them	43	35	39	40
Most of them	19	16	18	18
All of them	7	6	8	6
Don't know	18	24	20	21

Source: Afrobarometer –
www.afrobarometer.org/Summary%20of%20Results/Round%204/saf_R4SOR_9apr0
9_final.pdf

Corruption was an issue pre democracy in South Africa but the implementation of democracy and its institutions does not seem to have helped with the issue.

"A 1991 inquiry discovered dishonesty and abuse to be rife, concluding that the majority of officials have developed a syndrome of lack of enthusiasm to the extent sometimes of apathy." (Lodge 1998, 167). Irregularities uncovered in the 1991 enquiry included fictitious tenders, payments to firms for work that they had not completed, nepotism and various other types of fraud.

In democratic South Africa new kinds of corruption are emerging, including nepotism arising from political solidarity. "At a workshop in January 1997 participants agreed that comradeship was becoming more of an issue. Senior black officials felt duty bound to support comrades who fought with them in the struggle for democracy, regardless of their skills or qualifications" (ibid, 183).

> Imagine a company with a board that hasn't seen financial figures for years, where no audited set of financial statements have been produced for a decade, and the CEO isn't sure where the monthly cash flow is coming from, yet the costs are huge. That picture looks remarkably like the ANC now (Patron, 2007, Financial times article 19th January http://secure.financialmail.co.za/07/0119/cover/coverstoryd.htm)

As mentioned earlier political parties in South Africa do not have to disclose campaign donations, which affects transparency. The ANC is a large organisation; it has offices in 53 regions in South Africa, to run an operation like this is extremely costly; its salary bill alone is in the region of 5 million Rand per month. This does not include the cost of premises, transport and of running political campaigns. With more political parties and voters expecting more slick campaigning political parties are more dependent than ever on private funding this can leave them open to criticism and corruption. In 1994 the ANC accepted a secret R500,000 donation from a business man Sol Kerzner who at the time was facing bribery charges. In 2003, the ANC's donations came under the spot light again as it accepted an 11 million Rand donation from a management company linked to the Iraqi government. But the ANC remain defiant and do not apologise for the donations accepted or seems to want to have more transparency around the donations process despite calls from the Institute for

Democracy in South Africa (IDASA). The ANC are not alone in taking donations from dubious sources. The IFP accepted funding from illegal casino operations (Ibid, 2007).

Internally the ANC seems too indulgent with members of the party accused of corruption. A prime example of this is Nelson Mandelas ex-wife Winnie. A year after an internal ANC investigation found that she has misappropriated funds in the social welfare department she was head of; she was promoted to deputy minister. Indeed corruption charges hit the highest ranks of the ANC and the government in 2005 when Jacob Zuma the then deputy prime Minster was formally charged with corruption. In a sense this was a positive step for South Africa as it showed that its control measures were effective. But Zumas corruption trial was eventually dismissed on procedural ground leaving us to wonder if corruption had played a part in this.

The ANC is not the only political party that have had issues caused by their fund raising. In 2002 formed Western Cape Premier Peter Marais was charged with accepting a bride of 100,000 Rand (Patron, 2007).

At present corruption seems to be something of a given in South Africa. Its rapid restructuring coupled with its transition to democracy has left if vulnerable. As the political institutions become more transparent and the control measures become more stringent then levels of corruption should begin to fall.

Nepotism also appears to be an issue in the new administration. While the government was trying to make government departments and other civil and public services more representative of the diverse population nepotism seems to have taken hold. In these cases people who are not necessarily the most qualified for the posts or the most suitable are being picked over more suitable candidates.

> So you have somebody's brother or sister in law and they have no competence or training but they are hired so you have huge service delivery problems through out the country by the government's own admission. This is the same with a number of national departments too. One of the reasons we've done so badly is that because so many guys have just moved into the public sector without qualifications (Dave Stewart Executive Director F.W. de Klerk Foundation, 2009, interview with author, April 2009)

As outlined above corruption was an issue in South Africa during apartheid but the problem appears to have carried over to the new democratic sate. The government implemented several anti-corruption initiatives post 1994 including the adoption of a code of conduct for civil servants in 1997, the 1999 anti-corruption summit which outlined the development of South Africa's National Anti-Corruption Programme. The government has also worked with the United Nations to help support the Public Service Anti-Corruption Programmes and workshops. Despite these initiatives the culture of nepotism and bribes shows now signs of abating despite the prosecution of high ranking civil and public servants.

South Africa has comprehensive legal framework (including the Prevention of Corruption Bill, 2002), which deals with transparency and empowers the public to request information from the public sector and challenge decisions made by the administration under the Promotion of Administrative Justice Act and the Promotion of Access to Information Act. Despite the mechanisms in place in reality "there are serious weaknesses and shortcomings in the capacity and will of the public sector bodies to implement and to comply with the laws" (United Nations Office on Drugs and Crime, Country Assessment Report, South Africa, 2003, 12). Some bodies also believe that the publics right of access to information is too demanding on their limited resources.

If we look at the corruption issues in South Africa through the prism of a western democracy then we can see many flaws (this is not to say that western democracies do not experience corruption) but if we look at it in the context of other African countries what does this show us? In the 2006 International Crime Victim Survey of the thirteen African countries analysed South Africa had one of the lowest reported corruption rates at 2.9 percent, the highest corruption rate were found in Uganda 34.7 percent, Mozambique 30.5 percent and Niger 29.8 percent (Naude, Prinsloo, Ladikos, 2006). If we look at corruption in South Africa versus other South African countries then it shows it in a favourable light but it cannot be over looked that there are issues of corruption in South Africa that need to be addressed. The next section will look at levels of violence in South Africa.

Violence

Figure 6.2 – South Africas Crime Statistics 1995 - 2008

SOUTH AFRICA CRIME STATISTICS
Number per 100,000 of population
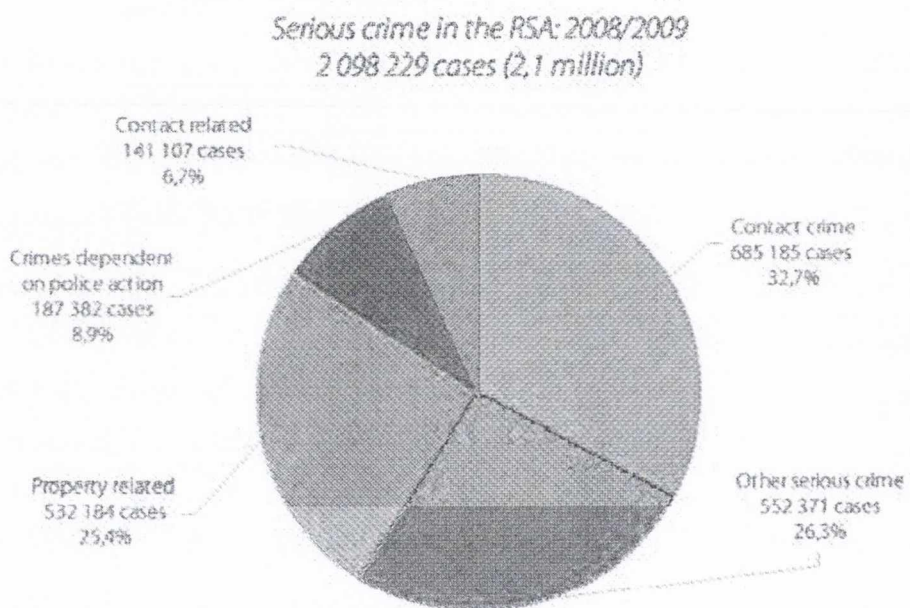

SOURCE: Institute for Security Studies
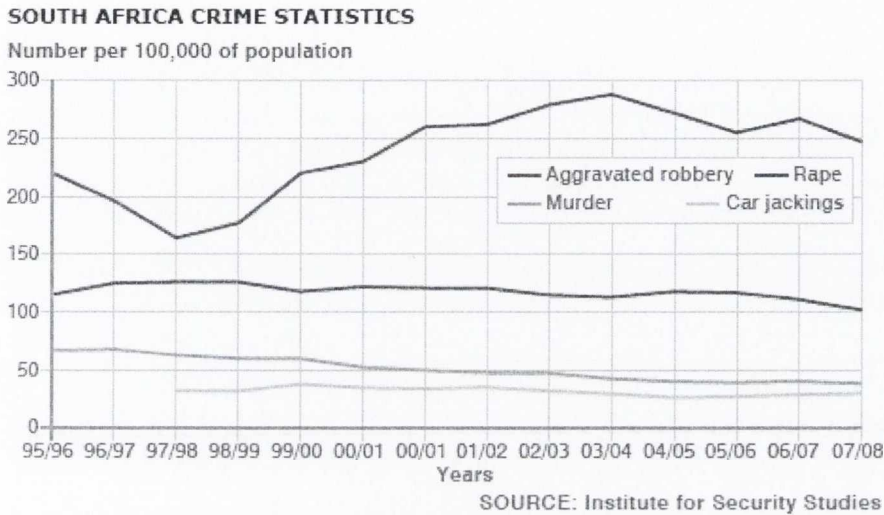
South Africa is classed as a post conflict society, the 1994 transition to democracy marking an end to its conflict era. However, unlike other post conflict societies South Africa is still haunted by one of the highest crime rates in the world. New figures released in September 2009 show that the murder rate has fallen by 3 percent but this still represents some 18,000 people being killed every year. This is one of the highest murder rates in the world for a country not a war. Overall this does represent a major improvement in the murder rate over the past fourteen years, in 1995 the murder rate peaked at 67.9 percent per 100,000. As yet little progress has been made to discover why violence is still so high. "Popular explanations typically concentrate on the immediate environment, including poverty and joblessness, a new criminal friendly constitution, a corrupt and ineffective national police force and the post-apartheid influx of African migrants" (Kynoch, 2005, 493).

So why are crime rates in South Africa still so high when this has not been the trend in other post conflict societies? The answer seems to be evident in the high levels of violence experienced by people in the townships even before the political violence of the 1980's and 1990's. Residents of the formally segregated townships have endured high levels of violence since the townships creation. "There is no running water, we have no electricity that is why people are angry, that is why they fight violence is never too far away from me and my family" (Interview with author, April, 2009).

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The political violence of the 1980's and 1990's saw a flood of guns and a wave of violence spread through the townships but still political violence only accounted for a smaller number of the total murders during this time. "South Africa's endemic urban violence, in other words, is not a post-conflict affair, but rather a continuation of generations of violence" (Kynoch, 2005, 495).

Figure 6.3 – Serious crimes in South Africa 2008 - 2009

Serious crime in the RSA: 2008/2009
2 098 229 cases (2,1 million)

Contact related
141 107 cases
6,7%

Crimes dependent
on police action
187 382 cases
8,9%

Property related
532 184 cases
25,4%

Contact crime
685 185 cases
32,7%

Other serious crime
552 371 cases
26,3%

Source:
http://www.saps.gov.za/saps_profile/strategic_framework/annual_report/2008_2009/2_crime_situation_sa.pdf

Car jacking, business robbery and house robbery continued on an upward trend, with house robberies at a particularly high level. "Violence is not geographic, you don't have to go to it, it finds you, like all the car jackings that go on, that could happen to you at any time. This is a highly violent society that places little value on human life. We all live in mobile prisons, you may have noticed that all of the windows here have bars. That's just the reality of life here" (Stefan Gilbert, Governance Specialist, Institute for Democracy in Africa, interview with author, April 2009).

Table 6.12 – Violent Crimes 2002 - 2009

	Car Jacking	Business Robbery	House Robbery
2002/03	14691	5498	9063
2003/04	13793	3677	9351
2004/05	12434	3320	9391
2005/06	12825	4387	10173
2006/07	13599	6689	12761
2007/08	14201	9862	14481
2008/09	14915	13290	18438

Source: http://www.issafrica.org

South Africa has an extremely high level of sexual assault and the 2009 figures show that sexual assault was up by 10%.

"Earlier this year, a survey in parts of South Africa reported that one in four men admitted to having forced a woman to have sex against her will" (www.bbc.co.uk).

One of the startling issues that has come out of the new Rainbow Nation is a strong xenophobic attitude in particular aimed at foreign Africans. In 2008 a wave of attacks on foreigners saw 56 people killed 650 injured and some 100,000 people displaced. The worst affected group by the 2008 violence were the Zimbabweans. Immigration and police forces have been accused of abusing illegal immigrants and detaining them longer than allowed under the Immigration Act. It is estimated that over 3 million Zimbabwean are currently living in South Africa having fled political and economic oppression in their own country (Misago et al, 2009, NCHR Report, 2010). Hostility against Zimbabweans in South Africa seems to be based on unfounded accusations that Zimbabweans are responsible for the escalating crime rate in South Africa. Interviews with locals in the Johannesburg area seem to support this.

"Life in the townships is still hard makwerekweres are always coming now, they are thugs and cause trouble," (Interview with author, April, 2009).

"Without them (the Zimbabweans) things would be better here, they take everything, they are thieves" (Ibid).

South Africa continues to have one of the highest crime and murder rates in the world. Dr Brigalia N. Bam (Chairperson, Independent Electoral Commission) in a 2008 speech at the South Africa Peace Indaba Summit outlined that there were worrying signs of a resurgence of political violence and intolerance and if not addressed could undo the progress made since South Africa was democratized. Below is a list of some examples as outlines by Dr Bam indicating that political violence is on the rise.

- The violent nature of many service delivery protests often aimed at local municipalities.
- The violent security guards strike of 2007.
- The violent and often coercive rhetoric that marked a buildup to ANC leadership contest in Polokwane.
- Violent rhetoric surrounding possible trial of the ANC leader.
- Assassinations of local and municipal leaders particularly in KZN.
- More recently, disruption of meetings of ANC breakaway group.
- The violent incidents in our university campuses as students contest SRC elections.
- Resurgence of racial incidents of attacks and killings.
- Violent nature of some of ANC's provincial congresses as well as its Youth League congress.

Vigilantism and the rise in "kangaroo" courts also continues to be an issue in South Africa. This increase in vigilantism seems to be a direct result of the publics perception that the police and outnumbered and unable to cope with the countries ever rising crime rates. The publics seeming belief that they have the right to police crime and morality and administer justice as they see fit undermines the legitimate execution of power by state sanctioned bodies such as the police and the courts.

In a ten-day period in 2006, 6 significant vigilante incidents took place in South Africa:

1. Villagers beat a would-be robber to death after he held up a shopkeeper in a Pomeroy, KwaZulu-Natal store. Wielding a shotgun, the intruder demanded money. He was immediately tackled by the storekeeper and in the struggle the weapon went off. Nearby villagers heard the gunshots and rushed to investigate. They grabbed the robber, dragged him outside and beat him with sticks. He died later in hospital.

2. A financial deal gone sour was apparently the cause of the shooting to death of a Dalton, KwaZulu-Natal businessman and his wife in ambush gunfire allegedly by contract killers.

3. A man accused of stealing a teenage girl's mobile phone was allegedly handed over by the police to the young woman's father in Dobsonville township near Johannesburg. The man's body was found the following day, severely beaten and shot three times.

4. A Liberian trickster was beaten to within an inch of his life, shot in both legs and stabbed after he was tracked down to East London in Eastern Cape province by a man he had allegedly cheated out of thousands of rands. The man and his accomplices, along with the aggrieved fraud victim, have since been arrested and are awaiting trial.

5. The people of Ivory Park township near Johannesburg became so fed up with a serial hooligan that they eventually beat him up, tossed him into a wheelbarrow and set fire to him. The 25-year-old burned to death. Two township dwellers have been arrested and charged with his murder.

6. In an instance that illustrates how civic anger eventually overcomes fear, vendors, shoppers and storekeepers in Durban chased an armed man who had held up a service station owner and grabbed a bag of money. Ignoring shots by the robber, the throng caught up with him and beat him senseless. Police took

him in a serious condition to hospital. (Tom Nevin, African Business, February 1, 2007).

The South African government has also been accused of using private security firms as something of a state sponsored vigilante groups, in particular in the run up to the 2010 world cup. The government has employed groups such as the "Red Ants" a private security firm with a bad reputation among locals.

"They are essentially a militia that ruthlessly and forcefully displaces people from their shelters under government instructions, they (red ants) are notorious for their brutal and violent approach towards the poor." (Braam Hanekom, chairman of Passop, a refugee rights charity based in Cape Town, as quoted in 2010 FIFA World Cup: Slum Clearance, South African Style, Sunday Times, April 2010, article by Dan McDougall).

High levels of violence are a major issue for South post apartheid South Africa. In fact this is one of the main things that could de-stabilise its democracy. There is still a massive gulf between rich and poor and this is undoubtedly one of the main reasons for the high crime rate. Another factor is the rise in xenophobic crimes committed by South Africans on people from other African countries again this can be attributed to the fight for scarce resources such as jobs and housing. A more worrying facet to violence in South Africa is the high level of rapes and murders committed and the tradition of violence that is still prevalent in many areas, and in particular in the townships.

Civil liberties

Freedom of religion and association are constitutionally guaranteed in South Africa. Civil society and protest culture have deep seeded roots at all levels of society.

The constitution prohibits discrimination based on a range of categories, including race, sexual orientation, and culture. State bodies such as the South African Human Rights Commission (SAHRC) and the Office of the Public Prosecutor (OPP) are empowered to investigate and prosecute cases of discrimination. Affirmative-action legislation has benefited previously disadvantaged groups (defined as "Africans,"

"Coloureds," and "Asians") in public and private employment as well as in education. Racial imbalances in the workforce persist, and a majority of the country's business assets remain white-owned. The government's Black Economic Empowerment (BEE) program aims to increase the black stake in the economy, mostly by establishing race-based ownership thresholds for government tenders and licenses. In June 2008, the Pretoria High Court ruled that Chinese South Africans should also enjoy access to such benefits and thus included them in the official definition of "black." The year featured a number of racist attacks on black South Africans, including a shooting spree in North-West province that killed four people and wounded nine (The United Nations Refugee Agency, 2009, U.S Department of State, 2007).

South Africa has one of the world's most liberal legal environments for homosexuals. The 2006 Civil Unions Act legalized same-sex marriage, and a 2002 Constitutional Court ruling held that homosexual couples should be allowed to adopt children. Nevertheless, a report issued by the Human Sciences Research Council in 2006 documented a recent increase in hate crimes against homosexuals.

The state generally protects citizens from arbitrary deprivation of their property. However, some 80 percent of farmland is owned by white South Africans, who make up 14 percent of the population. As a result, thousands of black and colored farm workers suffer from insecure tenure rights; illegal squatting on white-owned farms is a serious problem, as are attacks on white owners. The government has vowed to transfer 30 percent of land to black owners by 2014 and has agreed to reconsider its *willing buyer, willing seller* policy in favour of a more expedient approach. In 2007, the government for the first time expropriated a farm, compensating the owners with $4.9 million. The government presented legislation in 2008 that would allow it to seize farmland and other assets more rapidly, but the bill was shelved in August. Separately, a state-sponsored effort to revamp downtown Johannesburg has evicted hundreds—and potentially thousands—of squatters from inner-city buildings. In January 2008, police evicted about 1,500 people living in the Central Methodist Church in Johannesburg, detaining scores. The raid was ostensibly a search for illegal drugs, guns, and immigrants, but human rights groups said the police used excessive force, violated detainees' due process, and lacked proper warrants (Freedom in the world, 2011, UNHCR, 2011).

Equal rights for women are guaranteed by the constitution and promoted by the constitutionally mandated Commission on Gender Equality. While the constitution allows the option and practice of customary law, it does not allow such law to supersede the rights assured to women as South African citizens. Nevertheless, women suffer de facto discrimination with regard to marriage, divorce, inheritance, and property rights. Domestic violence and rape, both criminal offences, are serious problems: South Africa has one of the world's highest rates of sexual abuse. A long-awaited sexual offences bill became law in December 2007; among other changes, the law replaces the country's common law approach to defining and punishing rape with a broad statute and stricter punishments. Women are also subject to sexual harassment and wage discrimination in the workplace and are not well represented in top management positions. However, women hold 131 seats in the National Assembly, and head 12 of 28 ministries and 4 of 9 provincial governments. In 2005, Mbeki appointed a woman, Phumzile Mlambo-Ngcuka, as deputy president, but she resigned with him in 2008.

A recent trend of protests over the pace and extent of public-service delivery continued in 2008. While the government has made significant progress in providing potable water and electricity to most of the country's households, since 2004, there have been thousands of service-related protests in over 90 percent of municipalities. In many cases, both protesters and police have employed violent tactics.

South Africans are free to form, join, and participate in independent trade unions. Labour rights under the 1995 Labour Relations Act are respected, and more than 250 trade unions exist. COSATU—which claims over two million members—is part of a tripartite governing alliance with the ANC and the SACP. Strike activity is common.

In 2008, COSATU and affiliated unions organized a series of strikes and demonstrations to protest rising food, fuel, and electricity costs. In June, a strike by local police turned violent when strikers and national police exchanged gunfire, but no one was injured. It is clear that a culture of violence still exists in South Africa; this is undoubtedly one of the main blights on post apartheid South Africa.

Precisely because apartheid didn't die via a social revolution it was via a negotiated compromise which has left certain legacies in tact which I think has fundamental implications for the post apartheid era. I think that had in hindsight obliviously had people allowed the civil rights movement to run its course terrible as it may have been ugly as it may have been it might have just been necessary (Zwelethu Jolobe, Comparative Politics Lecturer, University of Cape Town 2009, interview with author, April, 2009).

South Africa has one of the most forward thinking constitutions on the world enshrining the rights of all of its citizens regardless of colour, creed or sexual orientation.

Policing in South Africa

The South African Police Service was created by the Interim Constitution ion the 27th of April 1994. This new police service was made up of the former South African Police and the Police services of the ten Homelands. The process of police transformation has sought to:

- Improve community relations
- Improve policing facilities in communities that suffered discrimination under apartheid
- Improve the representation of previously disadvantaged groups in police ranks
- Change policing symbols such as uniforms and insignia
- Introduce training on human rights and a code of conduct
- Improve the system of public order policing
- Prevent torture of people in police custody (Bruce & Neild, 2005)

In addition to this new framework for policing in South Africa important new legislation was also brought into being during this time. Legislation of particular note was the 1998 domestic violence act which created a responsibly on police offers to help a victim of domestic violence find shelter and be informed of their rights in regards to restraining orders.

Another mechanism created to ensure police transparency is the Independent Complaints Directorate which has the power to investigate any member of the police force or particular incidents.

Despite the mechanism put in place the amount of people who do not trust the South African police force has risen since 2000. The 2000 figure was 21.1 percent while the 2008 figure stands at 22.9 percent. So why then do so many South Africans mis-trust their police force? A major contributory factor must be the high level of corruption within the police force. In a 2006 survey 53.6 percent of police officers had received a bride (www.afrobarometer.org). While the clandestine nature of corruption itself makes it hard to measure accurately there is little doubt that corruption existed both during apartheid South Africa's time and post 1994. One way in which corruption can be measured is reports in the media. The table below is a snap shot of corruption related headlines in the South African press in late 2000 and early 2001.

Table 6.13 – Corruption Headlines 2000 - 2001

Headline	Newspaper	Date
'Gauteng police chief facing fraud charges'	*The Star*	12 November 2000
'Rotten heist cops still on the beat—Officer supplied armour-piercing bullets for highway robbery'	*Sunday Times*	4th March 2001
'Police admit link to child brothels—Three officers are being investigated for accepting bribes or owning Hillbrow establishments, police chief says.'	The Star	7th March 2001
'MEC speaks out on police corruption—Mokonyane shocked that senior officers worked hand-in-hand with criminals'	The Star	29th March 2001
'Stiff sentence for guilty officer urged'	The Star	30th March 2001
'Prisoner bribed cops to be with me, says girlfriend'	Sunday Times	8th April 2001
'Give me R300 and I'll drop charges—Police sergeant arrested in sting involving woman and Anti-Corruption Unit'	Saturday Star	12th May 2001

http://www.csvr.org.za/wits/papers/papoli14.htm

An example of apartheid era police corruption was Vlakplass security police commander Colonel Eugene de Kock, who is currently serving two life sentences in prison for murder, fraud, and illegal possession of firearms. During apartheid era South Africa De Kock killed anti-apartheid protestors at will, he claims at the behest of high ranking politicians such as PW Botha.

One of the most recent and highly publicised corruption cases involves South Africa's first black police chief and former President of Interpol Jacob (Jackie) Sello Selebi. Selebi was appointed police commissioner in 2000 having served as South Africa's permanent representative at the United Nations in Geneva for three years. Selebi was a controversial figure recommending that prostitution be legalised for the 2010 world cup but ultimately it was his links with organised crime boss Glenn Agliotti that saw him facing charges including accepting 1.2 million rand in bribes. Agliotti claimed that he bought designer clothes for Selebi. A reluctant Thabo Mbeki

suspended Selebi in January 2008 when he was formally charged. Corruption at such high levels of power and with a person of Selebis pedigree highlighted the issue of corruption in South Africa. Selebi was the head of the ANC youth league in the 1980's while in exile in Zambia and in the 1990's he oversaw the repatriation of ANC exiles. He returned to South Africa in 1991 and was elected to parliament in 1994. He now faces up to 15 years in prison (http://www.bbc.co.uk/news/10489457

http://www.sahistory.org.za/people/jacob-sello-jackie-selebi).

A major issue with policing in South Africa seems to be a distinct lack of police on patrol to act as a deterrent to criminals. This issue may have more to do with the ineffective use of the resources at hand than the lack of them.

> One of the problems here is collapse of service delivery. The reality is that we have a rather large police force but the police force is really inefficient. That is to a very large extent due to affirmative action people are appointed to jobs because they are loyal members of the ANC rather than through any capacity. This has happened throughout municipal, national and provincial government. (Dave Stewart Executive Director F.W. de Klerk Foundation, 2009, interview with author, April, 2009).

Corruption even at the highest level of public service is still a very real issue in South Africa. Nepotism is also playing a role in slowing progress in the public and civil service with unqualified people getting roles over more suitable people simply because of who they know. With service delivery still one of the key issues in South Africa corruption at all levels needs to be eliminated so that resources are used to ensure more people have access to housing and clean water.

Conclusion

Transitioning from conflict to democracy has been a major struggle for South Africa. The inherited structure of South African society had to be knocked down and built back up again to achieve this monumental change. Ultimately this was done not through violence but through negotiations. The peace process has seen many ups and down, periods of consultations and periods of extreme violence but the constitution bears witness to new principles of transparency and accountability. While the ANC has taken to politics like the proverbial duck to water questions have to be asked about why people vote ANC? Is it because they genuinely believe that this is the best part to run their country or because they feel that ANC is like an old friend to whom they owe a debt of gratitude? Either way it is clear that there are still major inequalities in regards to distribution of wealth, education, housing and health care. Corruption is still prevalent even at the highest levels of office and violence of all kinds is a major concern. The recent world cup held in South Africa was a triumph for the country but then even as this event came to a close in a blaze of fire works xenophobic violence was erupting in the townships close to Cape Town. Has power-sharing created a democracy in South Africa? The answer is yes, is it an effective one? The high levels of violence and corruption in the state as well as the millions of people without homes or running water would lead us to believe that South Africa is not an effective democracy.

Chapter 7 – Conclusion

Introduction

The purpose of this chapter is to provide a summary of this thesis and to assess the validity of its hypothesis that the Northern Ireland model of consociational power-sharing is more successful in creating democracy in deeply divided societies than the integrative power-sharing model used in South Africa. Democracies whether new or long established needs to be regularly reviewed and assessed. It is this level of vigilance that ensures that a democracy is fully functioning, stable, tolerant, fair and free of corruption.

Power-sharing

The use of power-sharing as a conflict management tool is increasing. The two most popular forms of power-sharing are integrative and consociational. Northern Ireland is an example of a country that used a consociational power-sharing model, while South Africa is an example of a country that used an integrative power-sharing model. The main differences between the theories are that consociationalism sees ethnicity as the building blocks of a post war society and builds it political structure around this, integrative theory recognises ethnicity but does not use it as a basis for post war politics.

Northern Ireland

The Northern Ireland conflict and the agreements used to end it were complex and it would be fair to say slow moving. It was not until the signing of the Good Friday Agreement in 1998 that peace became a reality. The Good Friday Agreement allowed both sides of the conflict to buy into a common future. For the agreement to be a success it required that factions who had previously been hostile towards one another to now work together and sell the agreement to the people of Northern Ireland. When the referendum was held the Agreement was ratified by seventy-one per cent. Once the referendum had been won and the elections were over the more arduous task of implementing the agreement took place. The British Government who along with the Irish Government had been instrumental in negotiating the agreement took a step back from implementation, while they carried out all of the legal tasks that were required of them in the agreement they did not want to be as involved in the overall implementation of it. With this move the British Government hoped to avoid the appearance that it was being heavy handed. While its intentions may have been good, ultimately its lack of involvement in over seeing the implementation of the Agreement did lead to delays as the fledgling Northern Ireland government needed more help from an experienced democracy to guide it.

The election of David Trimble and Seamus Mallon as First Minister and Deputy First Minister on the 1st of July 1998 was the first step in the implementation process. Their first task was to produce a report outlining the new administrative departments and cross-border implementation bodies needed. This initial task was not as easy as it seemed for both men, who were at the time leaders of their respective parties, David Trimble of the UUP and Seamus Mallon of the SDLP, this role as well as their new ministerial roles made it difficult for them to focus on implementation. While David Trimble and Seamus Mallons task was proving hard to complete other parts of the agreement such as the releases of prisoners was being carried out more quickly. The Unionists saw this as bias against them and something that favoured Republicans. These tensions led to delays and missing the first deadline of 31st of October 1998. By this date parties were expected to have a view on areas of co-operation and implementation that would be of mutual benefit. The lack of round table talks was a major factor in the hostilities between all parties at this time. Conversely the process

to decide on the composition of the Civic Forum was conducted more in the spirit of the politics of accommodation, with round table meetings being used to reach consensus (McWilliams & Fearon, 1999).

Following intensive talks and some coercion from the British and Irish governments, consensus was reached on the number of government departments in Northern Ireland and the remit of the cross-border institutions. Still outstanding was the major issue of policing. It was not until eight years after the signing of the agreement that the main paramilitary actor in the conflict the IRA formally decommissioned. Once the IRA did stand down the peace process again picked up momentum with the number of British troops being halved and two-thirds of army bases being closed down.

Despite the signing of the Good Friday Agreement Northern Ireland has not been free of violence. Sectarian attacks have continued, one of the bloodiest being the 1998 Omagh bombing, which saw 29 people, lose their lives and many others injured. The Real IRA claimed responsibility for this attack. As discussed in chapter 5 two British soldiers were killed in Northern Ireland in 2009 for the first time in 11 years, two days after this attached a policeman was also killed. A recent of example of this violence was the riots that took place during marching season in Belfast in July 2010, which left 82 PSNI offers injured. Both the PSNI and Sinn Fein blamed this outbreak of violence on dissident Republicans. While these acts of violence were condemned by all sides of the conflict and are not representative of the vast majority of people in Northern Ireland, it is still a worrying trend that needs to be monitored to ensure Northern Ireland does not slip back into violence. The number of deaths as a result of violence have been declining from a high of 55 in 1998 to 1 in 2011 (http://cain.ulst.ac.uk/issues/violence/deaths2011draft.htm).

For the purpose of this study we assessed the implementation of consociationalism in Northern Ireland through the vehicle of the Good Friday Agreement. The purpose of this analysis is to test the hypothesis of this thesis that the Northern Ireland model of consociational power-sharing is more successful in creating democracy in deeply divided societies than the integrative power-sharing model used in South Africa. The implementation of the Good Friday Agreement was assessed under the banners of levels of democracy, levels of violence and corruption, civil liberties and policing to assess how effectively it had been implemented. From this we have seen that

Northern Ireland is democratic in principal and practice, civil liberties are observed, levels of violence and corruption are low and the transition of the police service from the RUC to the PSNI has made it a more inclusive and modern policing service. Undoubtedly external actors in the form of The British, Irish and American governments helped Northern Ireland reach this point.

Despite the political institutions of Northern Ireland being relatively stable, and levels of shootings and bombings being down by twenty seven per cent year on year 2010 vs 2011 (Nolan, 2012) Northern Ireland is certainly not a perfect democracy. A 2012 report published by the Community relation's council has shown that despite the strides made Northern is in some ways still a society divided along religious and ethnic lines. Flags and emblems are still a part of marching season with the people of Northern Ireland very much identifying with this symbolism. The number of interface walls has increased from twenty-two pre the signing of the GFA to forty-eight currently (ibid). Ethnic barriers also continue to be evident in the spheres of housing and education with ninety per cent of social housing being segregated and ninety three per cent of Northern Ireland children going to either protestant or catholic schools (ibid). Paramilitary campaigns despite having less intensity then at the height of the troubles remain a threat. Dissident republicans are playing a zero sum game, they do not have a political avenue to end their campaign and therefore continue to be a threat to peace and the political institutions of Northern Ireland (ibid). Northern Ireland continues to be one of the poorest parts of the United Kingdom. Socio-economically Catholics lag behind their Protestant counter parts. This is a trend that was evident before the GFA and has continued post implementation. Although some progress has been made (increased Catholic share of the job market, better access to education for Catholics, more managerial roles for Catholics in the public sector) the global recession is having an impact on the job market in Northern Ireland and this will impact all parts of society in Northern but in particular the younger Catholic population. In 2011 youth unemployment in Northern Ireland stood at 19%, there is an understandable fear in the communities that unemployed young people may turn to violence and that disenfranchised youths could be recruited by paramilitary organisations. It is evident then that the conflict resolution model used to bring peace to Northern Ireland has very much shaped its post conflict society. Consociationalism was successful in significantly decreasing levels of violence in Northern Ireland and

creating stable institutions of democracy but the system also promotes segmental autonomy and this has not helped the people of Northern Ireland to bridge and close the ethnic barriers that exist (Horowitz, 1985, Sisk, 1996, Reilly, 2001).

Despite set backs the people of Northern Ireland want a future without violence. They showed this commitment when the Good Friday Agreement was signed in 1998 and they continue to show it now as they reject violence in their community.

Consociationalism as a system has imperfections and draw backs like any other but at present it is the only one that has brought about consensus between the governments of Britain and Northern Ireland as well as Unionists and Nationalists to answer the question of what comes next for Northern Ireland both academics and policy makers agree that "it is best to leave consociation to decay organically and to let the people change consociation within their own frames and rules" (Kerr, 2009, 217).

South Africa

As South African democracy reaches its fifteenth birthday, it is important to reflect and evaluate the progress that has been made and the challenges still left to face. It is also a good time to assess the implementation of democracy in South Africa as it has now has four successive national elections as well as several local elections so more accurate trends and conclusions can be drawn from this. South Africa has been put forward as an example of a successful model for other deeply divided societies to follow The South African case can be looked on as even more of a success when its taken in the context of other African countries that tried to transition from conflict to peace using power-sharing but failed, Rwanda being a particularly poignant example of this. South Africa found itself at a turning point as a nation, and despite facing many obstacles, used the power-sharing model as a bridge from conflict to democracy. Undoubtedly this was driven by strong leadership, in the form of De Klerk and Mandela and a realisation that both sides needed the other to transition South Africa from conflict and uncertainty to peace and democracy. The National Party needed the black majority on side while the ANC needed the white economy (Traniello, 2008).

As discussed in chapter 4 the sun set clause used in the South African case helped to make the transition a successful one. The 1993 interim constitution was constructed so as to elevate the fears (in particular of minority parties) and give some assurances to the parties involved that their rights would be protected. The choice of proportional representation was also significant.

Democracy still captures the minds of people in South Africa, despite their opinions on corruption the 2009 national elections drew in a 1.6 million new voters; bringing the overall live register to 21.6 million, with 20,000 voting stations set up to allow the record number of people on the live register to cast their vote. Since the first historic election in 1994 South Africa has held three further national elections that have been acknowledged as free and fair.

The government has been successful in ensuring all citizens have freedom of speech, freedom to join any political party. Also numerous policies have been put in place

ensuring that South African legislation and its constitution is one of the fairest in the world in the areas of race equality and gender equality.

Violence, both political and non political as well as intolerance are still major issues in South Africa. One of the reasons for this may stem from the fact that despite apartheid ending the apartheid regime was not the only source of violence and intolerance in apartheid South Africa. In the 1980's there were also many instance of political violence between political parties such as AZAPO and the UDF, and in the 1990's between IFP and the ANC. While may observes believed that the transition to democracy would plunge South Africa in to civil war, this did not happen. South Africa's "peaceful" transition to democracy is widely haled as something of a miracle. While the country did not degenerate into civil war, it is not also correct to say that the transition was peaceful.

Despite the efforts of the government to pass legislations such as the 1996 crime prevention strategy and 2000 National Crime Combating Strategy crime rates in the country remain staggeringly high. With the highest reported rape levels in the world at 52,000 per year South Africa has also passed a progressive bill the sexual offences bill which is more victim friendly. Again despite these initiatives the rape rate has not improved.

One of the main implementation issues for South Africa as outlined by the 1996 constitution (section 26) was meeting the basic needs of all South Africans and the right to housing for all. Under chapter 9 of the constitution The South African Housing Rights Commission was established. The Reconstruction and Development Programme (RDP) target of one million concrete homes by 2000 was met. Despite these provisions some 7.5 million South Africans lack adequate housing in South Africa. Even those with homes still remain vulnerable as they live in shacks, which are not structurally, sound and do not offer protection from the elements (The Centre on Housing Rights and Evictions, Geneva).

The new government had promised *a better life for all* in 1994. The pace of economic change for the ordinary black people of South Africa has been extremely slow. Another major issues is delivery i.e. delivery of services, water, electricity and housing. The frustration of these ordinary back South Africans was clear to see in the run up to the 2006 local government elections, when strikes and protests took place, the main issues raised by the protesters was housing, corruption and service delivery (Moller, 2007).

It is widely acknowledged that a system of institutional and governmental checks and balances is necessary to discourage and eliminate corruption. However, in the case of South Africa despite having many of these measures in place (anti corruption laws, and over sight institutions) corruption is still an issue that hampers many aspects of life in South Africa including service delivery. Why is this the case? There is not a simple answer to this question. Certainly institutions and laws to manage corruption are vital but these laws also need the backing of the people and political actors. The vast socio-economic divide in South Africa also leaves people vulnerable to be victims of corruption. Due to a lack of education or money or both they may feel that they need to rely on social ties to gain a positive outcome when dealing with government officials and police (Tiscornia, 2011). As with Northern Ireland the choice of conflict resolution model used to transition South Africa from apartheid to democracy has had an effect on its post conflict society. South Africa has become a dominant party system, because of the popularity of the ANC, South Africa's democracy may become compromised, as currently a genuine opposition part does note exist. This could also affect the current checks and balances in place and led to further mismanagement as the ANC's sphere of influence continues to widen.

Despite fiscal policy changes made by the government and solid macro-economic planning the South African economy has not been able to create sufficient jobs to meet the needs of all in the job market.

"More than two-thirds of South Africans between 18 and 35 years are unemployed. The official unemployment rate that excludes discouraged work seekers stood at 26.7 percent in early 2006, in spite of the 658,000 jobs that were created in the year to September 2005" (Moller, 2007, 4).

South Africa's transition from apartheid to democracy is without doubt an amazing achievement for the government and the people. The spirit of reconciliation of long-term prisoners such as Nelson Mandela was a driving force in bringing about change. But for the purpose of this study we looked at the implementation of the 1996 constitution (as an example of the integrative power-sharing model) under the banners of levels of democracy, levels of violence and corruption, civil liberties and policing to assess how effectively it had been implemented. It appears that despite the best efforts of the government and the people that the implementation in certain areas is lacking. While the country did meet the criteria for levels of democracy and the forwarding thinking constitution ensures civil liberties, the levels of violence and corruption remains so high that it inhibits citizens in their daily lives and in a rising number of cases sees them taking the law into their own hands. We have also seen that police are under resourced to deal with the levels of crime in the country and in some instances are corrupt. In short while South Africa has made incredible strides its violent past and present is stopping it from reaching its full potential and giving its citizens a secure country to live in.

Conclusion

We have seen from the findings of this thesis that Northern Ireland has more of the characteristics of a democracy than South Africa. Why is this the case?

Firstly the role of external actors, it is widely acknowledged that the British, Irish and American governments played a vital role in bringing peace to Northern Ireland. It is also widely acknowledged that South Africa made its transition to democracy with little help from external actors (sanctions not withstanding). External actors have played a pivotal role in not only the negotiation process but also in the implementation of the agreement. When faced with deadlocks in the implementation process external actors helped to negotiate a way forward that was acceptable to both sides, George Mitchell in particular played a vital role in this. In the case of Northern Ireland external actors also helped to push the process forward and ensure that key time lines were being met. More input from an external actor may have helped South Africa with the implementation of its constitution and been able to give the new democracy a steer on its policing and crime rates issues. Levels of violence and crime were high in South Africa during apartheid and it has carried this worrying trend with it to its new political system. There is a sense however that this is not the failing of the integrative power-sharing model, the levels of violence and corruption that exist in South Africa are deeply rooted and stem from both cultural and socio-economic rationales. For these to improve South Africa needs to be on a more even socio-economic keel and the economic gap between the haves and the have nots needs to close. This can only be achieved by governmental fiscal and economic policies, job creation and giving all South Africans the *better life for all* that they have been promised. Until this happens despite all of the changes and strides that South Africa has made it will struggle to move forward. Unfortunately no one conflict management theory can achieve this whether it be the consociational or the integrative power-sharing model.

On the contrary despite the sectarian violence in Northern Ireland during the troubles its crime rates were the lowest in the United Kingdom. The trend here seems to be that despite transition the history and customs of the country still plays a role in citizen's attitudes to violence and crime. Lipset, asserts that "the more well-to-do a nation, the greater the chances that it will sustain democracy only in a wealthy society in which relatively few citizens lived at the level of real poverty could there be a situation in which the mass of the population intelligently participate in politics and develop the self-restraint necessary to avoid succumbing to the appeals of irresponsible demagogues" (1959, 49). If Lipsets assertions are true then the poverty levels in South Africa put it at a serious disadvantage, while not a wealthy county Northern Ireland is relatively comfortable when compared with South Africa and is also heavily subsidized by the UK.

There is no way to say which type of power-sharing consociational or integrative is best. Each individual conflict needs to be reviewed and a bespoke solution reached. What can work for one country may not work for another. The application of any model of conflict resolution does not automatically lead to success. Several factors need to be in place for power-sharing to be successful, a political leadership willing and able to unite factions and champion the transition from conflict to peace and a desire to accommodate being some of these. The role that ethnicity plays in the conflict is also an important factor to consider, if ethnicity is a key element then consociationalism may be a better fit as it uses ethnicity as the key building blocks of the political structure, if guarantees are not as important to the key stake holders then integrative power-sharing may be the answer. In some cases a form of a la carte power-sharing may be used, a country can take parts from both approaches to find the best fit for them. The use of formal power-sharing as a conflict management tool to transition countries from conflict to peace is becoming more popular. This is due to the success of countries like Northern Ireland and South Africa.

Finally back then to the hypothesis of this thesis that the Northern Ireland model of consociational power-sharing is more successful in creating democracy in deeply divided societies than the integrative power-sharing model used in South Africa. The analysis has shown that Northern Ireland had more features of a democracy than South Africa but a causal link cannot be drawn between the consociational power-

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sharing model and these levels of democracy. This study has show that democracy is not a cure all for divided societies. While transitioning from a conflict situation as is the case in Northern Ireland or apartheid in South Africa to democracy is a great achievement, the issues from the past need to be dealt with or they will transition with you.

Appendices

Appendix 1 – List of Interview Questions

Do you consider South Africa to be a deeply divided society?

If so along what lines do you think it is divided?

What were the primary agents of change in South Africa?

In what way do you think a plural society is different from a non-plural society?

What do you understand the term ethnicity to mean?

Are parliamentary politics and political power still dominated by race? Why do you think this is?

What do you think have been the greatest obstacles to political and economic transformation in South Africa?

What are the main changes that have taken place in South Africa since the first democratic elections in 1994?

Are you familiar with consociationalism as a form of democracy?

Can you give me your definition of it?

Do you think consociationalism was a success or a failure in South Africa? Why do you think this is?

Do you think consociationalism helped created the preconditions for democracy in South Africa?

In what ways if any did consociationalism change the political landscape in South Africa?

What can we learn from South Africa's experience with consociationalism?

What are you thoughts on coercive consociationalism?

Do you think the Northern Ireland model of consociationalism can be exported to other deeply divided societies?

In your opinion is consociationalism in its original form a viable option for deeply divided societies that want to make the transition to democracy?

Appendix 2 - ANC ADVERTISEMENT IN *SOWETAN*, 15 APRIL 1991

A CRY FOR PEACE

ANC Deputy President, Nelson Mandela said:
"The success of the peace process depends, above all, on mutual trust between the major actors and confidence in the peace process by their supporters. Every single demand we have made is designed to restore confidence in the peace process. It is not too late. If the government shows a reasonable response to our reasonable demands we, on our side, will not be found wanting".

THE AFRICAN NATIONAL CONGRESS HAS
PLACED THESE REASONABLE DEMANDS
BEFORE THE GOVERNMENT TO SAVE THE
PEACE PROCESS AND ADDRESS THE CRISIS IN
OUR COUNTRY We say: there should be no carrying of weapons—traditional or otherwise—at public gatherings removal from public office of ministers Adriaan Vlok and General Malan, and the dismissal of all SADF and SAP personnel involved in CCB and other hit squads all counter-insurgency units such as the CCB. Askaris, Koevoet etc., should be publicly disbanded all police personnel implicated in massacres such as at Sebokeng be suspended, legal proceedings be instituted against them and an independent commission of inquiry investigate the Daveyton and other massacres the SAP and SADF give assurances that they will use civilised methods of crowd control, and that there will be no issuing of live ammunition on such occasions effective measures to phase out the hostel system and labour compounds and begin providing proper family units and single occupancy flats an independent commission of inquiry be established to look into complaints of misconduct by the police and security forces
ALMOST 10,000 PEOPLE HAVE DIED SINCE 1984.
IN 1990 ALONE 2,900 PEOPLE DIED. SO FAR THIS
YEAR ALMOST 600 PEOPLE HAVE ALREADY
LOST THEIR LIVES. THIS IS THE SCALE OF THE
CRISIS FACING OUR COUNTRY. NEGOTIATIONS
CAN ONLY SUCCEED IF THE VIOLENCE IS
ENDED AS A MATTER OF URGENCY. THE PEOPLE OF SOUTH AFRICA
WANT PEACE NOW.
http://www.anc.org.za/ancdocs/history/transition/peace-ad.html

Appendix 3 – Example of determination from the parades commission

DETERMINATION

The Parades Commission's determination is that the following conditions are placed on the organiser and participants in the parade by Portadown District LOL No 1 on Sunday, 15 June 2008.

A.   The parade is prohibited from entering that part of the notified route between Drumcree Parish Church on Drumcree Road and Castle Street, and in particular from entering that part of the notified route which includes the entire length of Garvaghy Road including Parkmount and Victoria Terrace.

The parade organiser shall ensure that the parade shall begin and disperse promptly.

Only the bands notified on the Form 11/1 shall participate in the parade.

When the parade is in progress there shall be no undue stoppages or delays. Where practicable, the parade shall stay close to the near side of the road at all times to minimise disruption and to facilitate the passing of vehicular and other traffic.

The organiser shall arrange for the presence of an adequate number of stewards to ensure that all parade participants act in an orderly manner.

The parade organiser shall bring to the attention of stewards the guidance for parade participants contained in Appendices A and B of the Commission's Code of Conduct. For ease of reference, Appendices A and B are attached.

The parade organiser shall ensure that all stewards and participants obey any direction given by the police in relation to this parade.

The parade organiser shall ensure that these conditions are drawn to the attention of all participants.

Signed: ....
        (On behalf of the Commission)

Date: ....

Guidance for Anyone Participating in Parades

Behaviour
     All participants in parades should:
behave with due regard for the rights, traditions and feeling of others in the vicinity;
refrain from using words or behaviour which could reasonably be perceived as being intentionally sectarian, provocative, threatening, abusive, insulting or lewd;
obey the lawful directions of parade organizers and stewards at all times, from assembly to dispersal;
abide by the conditions of this Code of Conduct;
comply with police directions and in accordance with legislation.

B   Dress
     No paramilitary-style clothing is to be worn at any time during a parade.

C   Parade
     Whenever possible, the parade should be positioned on one side of the carriageway so as to allow for the free flow of traffic, or as otherwise stipulated by police.

D   Route
     Participants should keep to the designated route as directed by the police.

E   Alcohol
     Alcohol should not be consumed immediately prior to, or during a parade. An organizer or steward, who believes a participant to be under the influence of alcohol, should take the necessary measures to remove that person from the parade.

F   Bands and Music
         Each band must clearly display its name. Restrictions on the playing of music will be in accordance with the conditions as set out in Appendix B of this Code. No musical instrument will bear any inscription or mark of a proscribed organization.

G   Flags etc.
         Flags and other displays often have a legitimate historical significance, but in no circumstances should such items relating to a proscribed organization be displayed.

H   Stewards
         The names of stewards will have been notified to the police and the Parades Commission at the time of notifying the proposed parade.
         Stewards should:
be properly trained
be briefed by the organizers prior to the parade
carry proof of their status at all times during the event, and provide this information to police on request
be fully aware of their responsibilities and role
be highly visible by means of jackets, singlets, armbands, etc.
not consume alcohol before or during the parade
co-operate with the police
be prepared to identify to the police any persons in the parade who may be committing any offence against criminal law.

I   Policing
         Organisers of parades must co-operate with the police from the time of submission of the notice of intention to parade until the parade disperses.

J   Dispersal
         When a parade has concluded, all those taking part must disperse immediately. It will be the responsibility of the organizers to ensure compliance with instructions in this regard.

K   Abiding by Conditions

Organisers must ensure that all participants in any parade have been informed of any conditions imposed. As a general principle, the organiser is responsible for the behaviour of all participants and for ensuring compliance with the Code of Conduct.

Guidance for Anyone Participating in Parades in the Vicinity of Sensitive Locations

A   Places of Worship

Only hymn tunes should be played.
When church services are taking place, no music should be played.
There should be no irreverent behaviour.
Marching should be dignified.

B   War Memorials and Cemeteries

Only hymn tunes should be played.
Behaviour should be respectful.
Marching should be dignified.

C   Where the Majority Population of the Vicinity are of a Different Tradition,
and in Interface Areas.

Behaviour should be respectful.
There should be no excessively loud drumming.
Participants should refrain from conduct, words, music or behaviour which could
reasonably be perceived as intentionally sectarian, provocative, threatening, abusive,
insulting or lewd.
Marching should be dignified.
Source: http://www.paradescommission.org/fs/files/det-portadown-sun-15-jun-08.doc

Appendix 4 - Public Values of the Police Ombudsman

Public Values

INDEPENDENCE
The Police Ombudsman operates independently of the Police Service and the NIPB in Northern Ireland and strives to investigate all complaints objectively and even-handedly.

IMPARTIALITY
The Police Ombudsman and his staff handle and investigate complaints free of bias or influence.

INTEGRITY
The Police Ombudsman and his staff operate with integrity in all their dealings with the Public and the Police.

OPENNESS
The Police Ombudsman must not disclose any information in relation to a complaint except as provided by the Police (NI) Act 1998.

FAIRNESS
The Police Ombudsman gives all complainants and police officers an opportunity to state their case.

HUMAN RIGHTS
The Police Ombudsman observes the relevant international principles and standards on policing and respects human rights.

ACCESSIBILITY
The Office is open to the public during normal working hours, there is a dedicated phone number for complainants, and we acknowledge all complaints whether by e-mail, telephone, fax or via our website.

SATISFACTION
The Police Ombudsman welcomes from members of the public and police officers any complaints, criticisms or comments in relation to the manner in which complaints or investigations have been handled.

ACCOUNTABILITY
The Police Ombudsman is accountable to Parliament, to the Northern Ireland Minister for Justice and to the Courts. He is responsible additionally to the Secretary of State of Northern Ireland for matters within the Police Ombudsman's remit that have not been devolved to the Northern Ireland Assembly.

Appendix 5 - The D'hondt System in Northern Ireland

ALLOCATION OF SEATS IN THE ASSEMBLY EXECUTIVE AND
CHAIRS AND DEPUTY CHAIRS OF COMMITTEES

D'HONDT SYSTEM

Seats in the Assembly Executive and Chairs and Deputy Chairs of the
Departmental Committees will be allocated on the basis of the D'Hondt
system. This system, also known as the highest average method is named
after Victor D'Hondt, a Belgian lawyer from the last century.
The principle of the system is that seats are won singly and successively
on the basis of the highest average. The method requires that the number
of seats each party gained in the Assembly will be divided initially by
one and thereafter by one more than the number of seats won, until all
the seats are won.

Example:

	Seats in Assembly	Divisor	Average
Party A	30	1	30*
Party B	24	1	24
Party C	18	1	18

*Party A wins the first seat and its divisor becomes 2

	Seats in Assembly	Divisor	Average
Party A	30	2	15
Party B	24	1	24*
Party C	18	1	18

*Party B wins the second seat and its divisor becomes 2

	Seats in Assembly	Divisor	Average
Party A	30	2	15
Party B	24	2	12
Party C	18	1	18*

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*Party C wins the third seat and its divisor becomes 2

	Seats in Assembly	Divisor	Average
Party A	30	2	15*
Party B	24	2	12
Party C	18	2	9

*Party A wins the fourth seat and its divisor becomes 3
Source: http://www.niassembly.gov.uk/io/summary/d'hondt.htm

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