The Institutional Structure of Regional Consociations[α]

A Comparative Analysis of Brussels, Northern Ireland and South Tyrol[β]

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[α] I borrow the term 'regional consociation' from McGarry and O'Leary (1993) and O'Leary (2003), as well as its pendant 'sovereign consociation'.

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Introduction

The term 'consociational democracy'[1] is most closely associated with the work of Arend Lijphart, and more recently that of John McGarry and Brendan O'Leary. Lijphart examined consociations as a type of democratic system in greater detail for the first time in the late 1960s, when making reference to the political systems of Scandinavian countries and of the Netherlands and Belgium (Lijphart 1968a, b). He followed up with further studies of political stability in cases of severely socially fragmented societies, eventually leading to his fundamental work *Democracy in Plural Societies* (Lijphart 1977).

The phenomenon Lijphart was describing, however, was not new. As a pattern of social and political organisation, characterising a territory fragmented by religious, linguistic, ideological or cultural segmentation, it had existed long before the 1960s. These structural aspects, studied, among others, by Lorwin (1971), were not the primary concern of Lijphart, who was more interested in why, despite their fragmentation, such societies maintained a stable political process, and recognised its main source in the agency of political elites. Furthermore, Lijphart (1977: 25-52) identified four structural features shared by consociational systems – a grand coalition government (between parties from different segments of society), segmental autonomy (in the cultural sector), proportionality (in the voting system and in public sector employment) and minority veto. These characteristics, more or less prominently, were exhibited by all the classic examples of consociationalism: Lebanon, Cyprus, Switzerland, Austria, the Netherlands, Belgium, Fiji and Malaysia. Schneckener (2002: 241) adds to that the need for an arbitration mechanism as a means to overcome impasses resulting from the exercise of veto powers.[2]

With some of these consociations having successfully functioned over long periods of time, such as in Switzerland, Austria, the Netherlands, and Belgium, and others having failed, like Lebanon, Cyprus, Fiji, and Malaysia, Lijphart tried to establish conditions conducive to consociational democracy. These included overarching, i.e., territorial, loyalties, a small number of political parties in each segment, about equal size of the different segments, and the existence of some cross-cutting cleavages with otherwise segmental isolation. The small size of the territory to which a consociational structure is applied and its direct and indirect internal and external effects as well as a tradition of compromise among political elites are also emphasised by Lijphart as conditions enhancing the stability of a consociational settlement (Lijphart 1977: 53-103). In addition, McGarry and O'Leary (1993: 36f.) have emphasised that, for consociational settlements to provide stable long-term solutions for ethnic conflicts, three fundamental conditions are required. Integration or assimilation of the respective other group must not be on the agenda of either of the ethnic groups in conflict with each other in the short or medium term. Successive elites must be motivated to work for the preservation of the consociational settlement, and they must enjoy a sufficient degree of autonomy within their communities enabling them to make compromises and concessions without having to fear outbidding and outflanking by ethno-centric radicals.

Apart from their dependence upon elites and the factors determining their political agency, the history of consociational settlements has shown them also to be particularly vulnerable to outside interference – the Turkish invasion of Northern Cyprus and the involvement of Syria and Israel in the breakdown of the Lebanese consociation are just two examples for this. The reason for this vulnerability is that outside intervention

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[1] The phrase itself was actually not coined by Lijphart himself, who makes reference to Althusius's *consociatio* and acknowledges the use of the term 'consociational' by David E. Apter in a study on Uganda. Cf. Lijphart (1969: n. 14).

[2] Arbitration is not a required mechanism for consociational democracies in a universal sense. As I will show below, arbitration mechanisms are, however, a defining element in regional (as opposed to sovereign) consociations.

dramatically alters the carefully preserved balances of power within a consociational process – in reality, as in the cases of Cyprus and Lebanon, or in the perception of one of the communities that is part of the consociation, as was the case in the first brief period of Northern Irish consociationalism in 1973/4. Yet, at the same time, some degree of involvement of an outside agent may in fact prove helpful in persuading specific conflict parties that a consociational settlement is their best bet, as was the case in South Tyrol in the 1960s. Furthermore, a cross-border dimension, i.e., the involvement of its kin-state in the consociational settlement beyond the negotiation stage, might be required by one of the conflict parties to accept a settlement along consociational lines at all, especially if its original aspiration was for unification with the kin-state. Again, South Tyrol and, to some extent, Northern Ireland are cases in point.

This raises the question of the overall suitability of consociationalism to the settlement of ethnic conflicts. At an abstract level, it is initially possible to determine how the ethnic and territorial claims of the conflict parties must be structured to give consociational settlements a decent chance of long-term survival. As they are essentially *internal* settlements, i.e., as they seek accommodation of conflicting ethnic and territorial claims without redrawing state boundaries, external agents such as the kin-state must withdraw or postpone their territorial claims, and domestic conflict parties must moderate their territorial claims such that they can be accommodated within the state's existing international boundaries. In addition, domestic conflict parties will have to find a compromise on their ethnic and (internal) territorial claims. Thus, fundamentally for consociational agreements to be reached there needs to be an absence of irredentist and secessionist claims or agreed procedures to address such claims at a future point and preparedness for compromise within, and reform of, an existing territorial and institutional framework.

This does not mean that consociational designs should not be applied to conflicts with irredentist or secessionist dimensions. Rather, it means that

- mediators and constitutional designers should leave options open for future institutional reform aimed at overcoming rigid consociational designs in favour of either more integrative models of power-sharing and democracy or with a view to permanent separation of conflict groups, i.e., creating new states;
- that consociational institutional structures should also be regarded more as interim solutions facilitating a transition from violent conflict to a more peaceful political process in which secessionist and irredentist claims can be negotiated with non-violent political means; and
- that strategies need to be crafted and concrete policies formulated that will enable, where necessary, a transition from consociational power-sharing to other institutional arrangements suitable for a particular conflict situation.

While this sets out the pillars for future research, my concern in this chapter is with three more 'routine' cases of regional consociational power-sharing which will provide better insights in institutional designs of consociations where irredentist and secessionist claims either do not exist or have been postponed, as this will also help design transitional consociational regimes whose success is crucial for the peaceful settlement of a given conflict in the long term regardless of the length of the transition period.

In the existence of claims for wide-ranging segmental autonomy – territorial as well as non-territorial – many ethnic conflicts resemble patterns in consociational societies even though the nature of claims in the latter is not always related to ethnicity in the strict sense, but can be ideological, as in Austria, or ideological and religious, as in the Netherlands. Switzerland and Belgium, of course, are examples of consociational democracies where ethnic and linguistic claims play a significant role.

Apart from looking at the basis of the consociation (ethnic, ideological, religious), another important distinction has to be made in relation to the territorial scale of the arrangement. In the four classic examples of consociational democracies in Europe, the arrangements extend to the entire territory of each state. In instances of ethnic conflict, this is not always or necessarily the case. In fact, the disputed areas often only form a small proportion of the host-states' territories. Thus, as is the case with South Tyrol and Northern Ireland, consociational arrangements may extend only to the disputed territory and the ethnic groups living there, rather than be the organising principle for the state's institutional structures as a whole. This is also true for the example of the Belgian capital of Brussels, which, from this perspective also represents a regional consociation, but one that has been established within a sovereign consociation. Generally speaking, depending on the political system of the host-state as a whole such a regional consociation can be established in one federal unit or one region without affecting the political structure of other territorial entities in the host-state.

Regional consociations thus combine two elements of traditional conflict resolution approaches: territorial autonomy[3] and consociational power-sharing. From a conflict-resolution perspective there are three particularly interesting dimensions, namely the factors in relation to structure and agency that make it possible for a regional consociation to be established; their institutional design; and the conditions that are conducive to their stability. My primary interest in this paper is in the institutional design of regional consociations, but I will preface my analysis with some observations on their origin and otherwise only occasionally touch upon stability conditions in the following comparative institutional study of South Tyrol, Northern Ireland and Brussels.

The choice of these three cases is dictated by a number of considerations. The first of them is that there are a number of contextual similarities between the three cases. They are comparable in the sense that they are all set within Western Europe and thus within a broader democratic framework. They are also small, contiguous territories with small populations (between half a million in South Tyrol and 1.5 million in Northern Ireland). There are, however, also a number of significant contextual differences: In the cases of Northern Ireland and South Tyrol, kin-states have exercised their influence during crucial negotiation stages, while the regional consociation in Brussels, in some way, came into being within the process of reaching a broad national compromise over state reform in Belgium. While both French- and Dutch-speakers thus have kin-communities within the Belgian polity, the dynamics of their involvement are different from those arising from the existence and engagement of a kin-state.

Second, I have studied two of the conflicts (Northern Ireland and South Tyrol) at some length and detail in the past. Third, easy accessibility of information in all three cases means that a relatively complete picture can be presented that can serve as a pilot study for a future broader and more global study on the structure of regional consociations, the factors that make them possible and the conditions that are conducive to their long-term stability. Such a wider research project would have to include regional consociations in Central and Eastern Europe, such as the Bosnian-Croat Federation in Bosnia-Herzegovina and, pending the resolution of its final status, possibly also Kosovo. Outside Europe, there are several cases in Asia, including the Autonomous Region of Muslim Mindanao in the Philippines and Bougainville in Papua-New Guinea. With the exception of South Tyrol these examples are all of a recent nature, having their origins in peace agreements concluded in the last decade. As a recent trend in conflict resolution, regional consociations deserve scholarly attention and analysis both in order to add to our knowledge and understanding of this particular mechanism of conflict

[3] I define territorial autonomy as the legally established power of ethnic or territorial communities to take public decisions and execute public policy independently of other sources of authority in the state, but subject to the overall legal order of the state (Wolff and Weller forthcoming).

resolution and to assist in their design and implementation in relevant cases (and to identify such cases).

The structure of this paper is simple and straightforward. After some initial observations on the origin of regional consociations, I provide a brief background to the three conflicts that I analyse in detail. I then examine the institutions of each regional consociation and subsequently compare and contrast them with respect to the types of institutional structures; the ways in which horizontal and vertical forms of power-sharing are combined, the distribution of powers among and the coordination of policies between different vertical and horizontal centres of authority, and the mechanisms to guarantee the preservation of the agreed structures. On this basis, I will then formulate some conclusions: first, as to the common features that regional consociations exhibit and in how far these are different from sovereign consociations, and second as to the place regional consociationalism takes in the conflict resolution tool box.

The Origins of Regional Consociations

In their authoritative taxonomy of macropolitical forms of ethnic conflict regulation, McGarry and O'Leary (1993) identify eight methods to manage or eliminate the differences at the bottom of ethnic conflicts. The methods for eliminating differences are genocide, forced mass-population transfers, partition and or secession, and integration and/or assimilation; those for managing differences are hegemonic control, arbitration, cantonisation and/or federalisation, and consociationalism and/or power-sharing (McGarry and O'Leary 1993: 4). Regional consociations, i.e., the application of consociational principles to only one part of an existing state is thus only one among a broader range of options available to negotiators who seek to resolve a particular self-determination conflict.

McGarry and O'Leary (1993: 35) emphasise that consociational principles 'can operate at the level of an entire state, or within a region of a state characterised by ethnic conflict', i.e., they do not explicitly require the combination of territorial autonomy with consociational power-sharing for a regional consociation as I have defined it above. Practically, however, it is almost impossible to imagine a regional consociation that does not simultaneously imply substantive regional autonomy. For Lijphart's consociational principles to be implemented in any meaningful way, the government of the relevant entity needs to have original authority in a range of policy areas. In addition, the self-determination conflicts that regional consociations seek to address are about substantive issues rather than institutional forms. Regional (or territorial) autonomy as a mechanism to empower a specific group to exercise a greater degree of self-governance over its own affairs naturally requires that powers, as Daftary (2000: 5) rightly asserts, 'are not merely delegated but transferred; they may thus not be revoked without consulting with the autonomous entity. … the central government may only interfere with the acts of the autonomous entity in extreme cases (for example when national security is threatened or its powers have been exceeded).'[4] Reasons for the emergence of regional consociations as conflict settlements combining territorial autonomy and consociational power-sharing thus must be identifiable in relation to both of these elements.

First, demands of the group seeking to exercise a right to self-determination within a state that does not contemplate secession from, or partition of its territory can only be accommodated within a territorial framework of autonomy. Falling short of independence, territorial autonomy means the transfer of control over territory, people

[4] Transfer of power from centre to region (i.e., devolution) happens in the case of established states, that is, when the central government is the source of authority. However, one also needs to consider cases in which no such central authority exists or where it is not able to enforce its claim to authority in a credible way. In this case, powers are delegated upwards, and any regional consociation would then have to *retain* a sufficient degree of competences that make the application of consociational principles worthwhile and meaningful in the context of a particular self-determination conflict (as, for example, in the case of the Bosnian-Croat Federation in Bosnia and Herzegovina).

and assigned legislative and executive competences in a range of policy areas to the population of the given territorial entity who then elect a government to discharge these functions. The right to self-determination is thus exercised 'internally' by the group claiming entitlement to it at several levels: through participating in the election of a regional and central government and through the relative independence of this regional government in legislating and executing policy in assigned areas of competence.

Second, consociational power-sharing within this autonomous territory is then most likely a result of ethnic demography, i.e., several groups living in the same territory which cannot be partitioned further either because the resident groups do not have their own compact settlements or because the territory as a whole is of particular cultural, historical or other significance to the group seeking self-determination which therefore does not accept having its control limited to only a part of this territory. The need for significant segmental autonomy within such consociational structures is then likely to be very strong if the group seeking self-determination is in a numerical minority or if any of the groups fears gradual assimilation and loss of identity. Consociational power-sharing is thus required to address a (potential) ethnic conflict within the autonomous territory.

Yet, because of the fact that it requires significant compromises (relinquishing partial control over part of its territory by the state in question; withdrawing or postponing claims to independence and accepting the need to share power with other groups on the part of the self-determination movement), regional consociationalism is only attractive in the absence of alternatives. I have already noted the reluctance of the international community to accept changes to international boundaries, which serves as a stumbling bloc for self-determination movements. However, non-democratic or majoritarian democratic states, including some with questionable past records of conflict management, are equally constrained in their pursuit of eliminating differences by means of genocide or ethnic cleansing or manage them by means of hegemonic control. Integration as a mechanism of conflict regulation is unlikely to be acceptable in many cases to those who would be integrated (let alone assimilated) or to the international community in cases where integration means majoritarian democracy and perpetuation of a given self-determination conflict. In other words, emerging international norms on the treatment of minority populations and an increasing willingness to enforce them (such as in Bosnia and Herzegovina, Kosovo, East Timor, etc.) encourage the application of regional consociationalism as mechanism to resolve self-determination conflicts. This is clearly facilitated by the fact that international mediation in self-determination conflicts is often pre-disposed towards consociational or regional consociational settlements.

Thus, in summary, regional consociations rarely have their roots in grand designs. They are more likely to be the result of compromises reached between the parties to a self-determination conflict whose options are constrained internally by what is feasible as a compromise between their own and their opponents' preferences, and externally by emerging sets of human and minority rights norms and an increasing willingness to enforce them (see Table 1).[5]

Table 1: Internal and external factors facilitating the application of regional consociationalism as mechanisms to settle self-determination conflicts

	Factors encouraging territorial autonomy	*Factors encouraging consociational power-sharing*

[5] In this context, it is important to note that there have been some important changes in the wake of 9/11 and the subsequent reassertion of national and particularly security interests. While the enforcement of human and minority rights has always been selective, i.e., not been applied to cases like Chechnya or Burma, the overriding concern with terrorism has further diminished the opportunities of some self-determination movements to be recognised as such and increased the opportunities of states to crack down hard on them. Yesterday's freedom fighters have, literally, become today's terrorists.

Internal	Need to find compromise on demands of conflict parties: self-determination vs. territorial integrity	Ethnic demography in autonomous territory and need to avoid perpetual ethnic conflict there
External	Reluctance of international community to accept boundary changes	Human and minority rights norms and preparedness to enforce them

Background to Case Studies

Northern Ireland

As a result of the partition of Ireland in 1920, Northern Ireland is constitutionally a part of the United Kingdom, yet geographically it is located on the island of Ireland. Consisting of six counties, its population is just over 1.5 million. For almost eighty years after partition, a conflict has existed between one section of the population in Northern Ireland that aimed at the restoration of a united Ireland, and another section and the British state seeking to secure the union between Northern Ireland and Great Britain. This conflict about fundamentally different political aspirations has been exacerbated by inequalities between the Unionist and Nationalist communities, by the wounds inflicted through violence, but also by increasing intra-communal diversity. 'Nationalist' and 'Unionist' are terms that refer very broadly to the political divide in Northern Ireland. While this political divide, to some extent, coincides with the religious divide between Catholic and Protestant congregations, the conflict in Northern Ireland is not ethno-religious, but, ethnonational in its nature.

Violence has marked the conflict in Northern Ireland in particular between the late 1960s and mid-1990s. Over 3,000 people were killed, several times as many injured. Since 1997 the major paramilitary organisations have, by and large, abided by their ceasefires, and the number of killings has significantly decreased. Non-deadly, politically-motivated violence, however, remains a significant problem and poses a threat to stability and security in Northern Ireland even now, more than five years after the conclusion of the Good Friday (or Belfast) Agreement.

South Tyrol

South Tyrol – a mountainous, trilingual area in northern Italy where speakers of German are in a two-thirds majority over about thirty per cent Italians and four per cent Ladins – had for centuries been part of the Habsburg Empire before it was annexed to Italy in the peace settlement of St. Germain in 1919. Initial promises for far-reaching autonomy made by the Italian government to the sizable German-speaking community in the area were not kept in full, and the fascist takeover in 1922 saw the beginning of a comprehensive campaign of forced assimilation carried out against the German-speakers of South Tyrol. After the Second World War, South Tyrol remained with Italy, and Austria, the kin-state of the German-speaking community, ceded all territorial claims to the province in exchange for Italian promises of substantive autonomy in the so-called Gruber-De Gasperri Agreement, annexed to the Paris Peace Treaty of 1946.

In contrast to the conflict in Northern Ireland, the dispute in and over South Tyrol is no longer about different conceptions of national belonging, but about control over the territory of South Tyrol. It was, and is, primarily a conflict between German-speakers and the central government in Rome, but remained in nature an ethno-national conflict. In an effort to resolve the conflict, which briefly turned violent in the early 1960s, a special autonomy statute of 1972 (and its revised version of 2001) granted wide-ranging legislative and administrative powers to the province, and the influence of the central government has been reduced in some crucial areas compared to an earlier autonomy statute dating back to 1948. The constitutional status of the province is now very similar to that of a state in a federal country (i.e., its relation with the Italian state is that of a

federacy; see below), allowing for the free and protected development of all three ethnic groups.

Brussels-Capital Region

When Belgium gained its independence in 1830, it was very much a country dominated linguistically, culturally, economically and politically by a French-speaking minority. Flemish nationalism was a feature of Belgian politics from the middle of the 19th century onwards and managed to gain important concessions, initially in the field of language use, by the end of that century. Demands for federalism and greater autonomy of the language communities increased, first on the Flemish side, and subsequently also among the Francophone population. While Flemish nationalism was primarily offensive, and at times militant, Francophone nationalism developed as a defensive movement after the Second World War. Regardless of their direction and agenda, the two converged from the late 1960s onwards in a process that saw several major constitutional reforms in Belgium in 1970, 1980, 1988 and 1993 which created a federal and consociational regime in the country, as embodied in the 1994 constitution.

In contrast to Northern Ireland and South Tyrol, Brussels is thus a regional consociation within the consociational framework of the Belgian federal state. Not only is Brussels the capital of Belgium and seat of major EU and NATO institutions but it is also the largest mixed area within Belgium and highly symbolic for the two predominant linguistic communities in the country – Dutch-speakers and French-speakers. In addition to the symbolic value of Brussels, its status and governance have been, and continue to be, highly sensitive issues in Belgian politics. Although Flemish-speakers are overall in a 60% majority, they are outnumbered in Brussels, thus giving French-speakers a potential 2:1 majority on the level of regional governments. For a long time, the consequent fear of Flemish-speakers that they would become a dominated majority in an increasingly federalised Belgian state prevented a resolution of the Brussels issue. It was only finally dealt with in the latest set of constitutional reforms in 1988 and 1993, while it had been previously avoided or marginalised as an issue in institutional reform processes in 1970 and 1980.

Institutional Structures

Northern Ireland

The 1998 Agreement deals with three main issues (1) democratic institutions in Northern Ireland; (2) the North-South Ministerial Council; and (3) the British-Irish Council, the British-Irish Inter-Governmental Conference, and Rights, Safeguards, and Equality of Opportunity.

Concerning democratic institutions, the Agreement provides for the establishment of a 108-member assembly, to be elected by the single transferable vote system (STV) from existing Westminster constituencies. The Assembly exercises full legislative and executive authority over all the devolved powers previously held by the six Northern Ireland government departments, namely economic development, education, health and social services, agriculture, environment, and finance. Subject to later developments, the assembly could take on responsibility for other matters in accordance with the Agreement. That is, currently so-called reserved matters – criminal law, criminal justice and policing – could subsequently also be devolved into the competence of Northern Ireland's power-sharing institutions. A third category of powers is to remain indefinitely with the British government. These excepted matters are foreign and defence policy, the Crown and monetary policy.

To ensure that all sections of the community can participate in the work of the assembly, and to protect them in their rights and identities, the following safeguards were included: specific procedures for the allocation of committee chairs, ministers, and committee membership in proportion to party strength in the assembly; the primacy of the European Convention on Human Rights (ECHR) and any future Bill of Rights for

Northern Ireland over any legislation passed by the assembly; arrangements to ensure that key decisions are taken on a cross-community basis (parallel consent and weighted majority voting procedures); and the creation of an Equality Commission. Crucial for the operation of the Assembly is that its members register their identity as Nationalist, Unionist, or Other, in order to have a measurement of community support for any vote carried out under either the parallel consent or the weighted majority procedures.

According to the Agreement, a committee for each of the main executive functions of the Northern Ireland administration was established. Chairs and deputy chairs of these committees are allocated proportionally according to the d'Hondt system and avoiding a committee chair from the same party as the relevant minister, while membership in the committees is in proportion to party strength in the assembly. The responsibilities of the committees include scrutiny, policy development, consultation, and legislation initiation functions with respect to the departments with which they are associated. Their powers include considering and advising on departmental budgets and annual plans in the context of overall budget allocation; approving relevant secondary legislation and taking the committee stage of relevant primary legislation; and initiating inquiries and making reports. In addition to these permanent committees, the assembly has the right to appoint special committees as required.

Executive authority on behalf of the assembly rests with the First and Deputy First Minister and up to ten ministers with departmental responsibilities. Following the election of the first minister and deputy first minister on a joint ticket, the posts of ministers are allocated to parties according to the d'Hondt system. An executive committee, comprising all ministers (including the first minister and deputy first minister), handles all issues that cut across the responsibilities of two or more ministers in order to formulate a consistent policy on the respective issue. Ministers have full executive authority in their departments within a policy framework agreed by the executive committee and endorsed by the assembly. Ten departments for the Government of Northern Ireland were agreed among the pro-Agreement parties in December 1998: agriculture and rural development; enterprise, trade and investment (including tourism); health, social care and public safety; finance and personnel; education; employment and learning; the environment; regional development; social development; and culture, arts, and leisure.

Legislation can be initiated by an individual member of the assembly, a committee, or a minister. The assembly can pass primary legislation for Northern Ireland in all areas where it has devolved powers. The passing of legislation is subject to decision by a simple majority of members voting (except for decisions that require cross-community support), to detailed scrutiny and approval in the relevant departmental committee, and to co-ordination with Westminster legislation. Any disputes over legislative competence are to be decided by the courts. In its relations with other institutions, the assembly has to ensure cross-community participation.

A North-South Ministerial Council was agreed upon in order to institutionalize formal relationships between the executive organs of Northern Ireland and the Republic of Ireland. Its responsibilities include consultation, cooperation, and the implementation of decisions on issues of mutual concern. All decisions of the council have to be by agreement between the two sides, and their implementation is subject to approval by both legislatures. Six so-called implementation bodies for the North-South Ministerial Council were agreed in December 1998: Waterways Ireland; the Food Safety Promotion Board; the Trade and Business Development Board; the Special EU Programmes Body; the North/South Language Body; and the Foyle, Carlingford and Irish Lights Commission. Selected aspects of transport, agriculture, education, health, environment, and tourism were additionally agreed as areas of functional cooperation.

Provisions in the third part of the Agreement are only of peripheral consequence for the structure of the power-sharing institutions within Northern Ireland, although arrangements with regard to rights, safeguards, and equality of opportunity have an impact on their operation. The British-Irish Intergovernmental Conference, also dealt with in Strand 3, establishes a mechanism of cooperation between the two sovereign governments of the UK and the Republic of Ireland that plays a significant role in relation to Northern Ireland, especially during periods in which the power-sharing institutions in Northern Ireland are suspended.

As regards the vertical layering of authority in the case of Northern Ireland, the power-sharing institutions established under the 1998 agreement fit in between the central government in Westminster and the 26 local councils within Northern Ireland (see Figure 1), and are, as a layer of public authority, by and large comparable to the institutional structures established in Scotland and Wales since the beginning of devolution in 1997. The central government remains the residual source of all public authority. This includes, contrary to the original agreement of 1998, the power to suspend the power-sharing institutions in Northern Ireland unilaterally. In this respect, Northern Ireland is unique among the cases considered here in that its autonomy can be revoked at any time by the central government. From the point of view of the British government, this is possible because in the Westminster system parliament is the sovereign, and in the absence of a written constitution, no domestic judicial body is able to challenge the government on this point.[6]

An unusual feature of the 1998 agreement is the possibility of a boundary change through a referendum.[7] Should a majority of the people of Northern Ireland express the wish to unite with the Republic of Ireland at some stage in the future and should a majority in the Republic of Ireland express the same desire, both the British and Irish governments have committed themselves to respect such an expression of the popular will. The British government is to provide for referenda at regular intervals to gauge public opinion on this issue.

The structure of institutions in Northern Ireland mirrors the classical division of powers between legislature, executive and judiciary. The Assembly is directly elected and from it a power-sharing executive is recruited, comprised of a First and Deputy First Minister with coordinating executive functions, Ministers who formulate and execute policy and enact assembly legislation within the remits of their portfolios, and Executive Committees who scrutinise ministerial departments. Legislature and executive are complemented by an extensive judicial system consisting of a High Court, County Courts and Magistrates Courts, an Attorney General, an Advocate General, a Public Prosecution Service, a Chief Inspector of Criminal Justice and a Law Commission. Different from most parliamentary systems of government, however, the legislature cannot, by a simple vote-of-no-confidence dispose of the executive.

The third layer of public authority relevant in the case of Northern Ireland is that of local authorities. Here, 26 local councils, also referred to as boroughs, have competences in a range of areas including development, tourism, community relations and the environment. Local authorities have a directly elected Council and a Town Clerk and Chief Executive who are responsible for running day-to-day affairs.

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[6] However, UK legislation passed in February 2000 to enable the Secretary of State for Northern Ireland to suspend the institutions is in breach of the British-Irish Agreement signed at the time of the conclusion of the Belfast/Good Friday Agreement in 1998, to which the Agreement was appended. The Irish government has made its position on this matter clear by not accepting the suspension formally, but has instead continued paying government officials working on the North-South Ministerial Council as a sign of it considering the institutions still operational. On the other hand, out of political expediency, the Irish government has so far not taken recourse to international courts to challenge the British government' suspension of the institutions.

[7] This option of secession by referendum also exists for Quebec.

Policy coordination is managed through the continued existence of the Northern Ireland Office, as well as through a range of commissions attached to the British-Irish Council, British-Irish Intergovernmental Conference and North-South Ministerial Council. Furthermore, the people of Northern Ireland elect 18 members to the House of Commons (the lower house of the UK Parliament) and a number of politicians from the region have been appointed to House of Lords as well so that representation of regional interests in the Westminster parliament is guaranteed. There are also a number of UK-wide Joint Ministerial Committees that bring together the relevant politicians from the central and regional governments on general policy issues (heads of government) and on a range of specific issues, such as Europe, health, the knowledge economy and poverty (relevant portfolio ministers). Dispute settlement works primarily through the relevant judicial courts in Northern Ireland and the United Kingdom.

South Tyrol

The autonomy statute, which is the central part of the 1969 Austro-Italian package deal, passed all the parliamentary hurdles in Italy and came into force on 20 January 1972. Its official name – 'Measures in Favour of the Population of South Tyrol' – emphasises that minority protection is only one part within a whole set of measures and regulations, dealing with the distribution of powers between different levels of government and between the two ethnic groups –Germans and Italians. Only 15 articles are specifically and exclusively aimed at the German-speaking population within the province (and thus, by extension, at inter-ethnic relations), while the rest of the articles strengthened provincial autonomy *vis-à-vis* the region and the central government as a whole and introduced procedures to mediate between all ethnic groups in South Tyrol.

At the heart of the reorganisation of ethnic relations in the province and the region are formalised mechanisms of power-sharing. Going far beyond the original provisions of the 1948 autonomy statute, these mechanisms can be found in relation to three distinct dimensions at both regional and provincial levels: voting procedures in the two assemblies, rotation of high offices between the ethnic groups, and coalition government.

To begin with the latter, the government of South Tyrol has to reflect the ethnic proportions of the provincial assembly. Therefore, a simple majority of votes in the assembly is not sufficient to establish the government unless this majority consists of votes from both Italian and German representatives, i.e., the autonomy statute, in practice, requires a German-Italian coalition government. This 'implicit' coalition requirement is complemented by a more explicit one deriving from the compulsory equitable distribution of the offices of the two vice-presidents of the provincial government between the German and Italian ethnic groups.

Another feature of power-sharing in South Tyrol established by the 1972 autonomy statute is the compulsory rotation of offices in the presidency of the provincial assembly. Elected by the assembly, the presidency consists of one president and one vice-president as well as three deputies, who act as secretaries. In the first half of every five-year legislative period an elected representative of the German-speaking group must be chosen as president, and an Italian as vice-president; in the second half, their roles reverse.

All legislation emanating from the provincial assembly, is prepared by legislative commissions. Their members are the president, vice-president and one of the presidency's secretaries, as well as between four and five 'ordinary' members chosen by government and opposition parties in the assembly, thus again reflecting ethnic proportions in the assembly.

At regional level, similar provisions were made to ensure adequate representation of the German and Italian ethnic groups, and thus, by extension, a functioning system of

power-sharing. The regional assembly, which is made up of the entire cohort of elected deputies from both provincial assemblies (i.e., South Tyrol and Trentino) operates the same principle of rotating offices between president and vice-president; in addition, it also changes the location of its sessions between Trient/Trento (first half) and Bozen/Bolzano (second half). As for the regional government, the same principles operate that are in force at provincial level.

In order to give each ethnic group additional leverage, and incentives, to make the power-sharing arrangements work, specific voting procedures and other mechanisms for the adoption of provincial laws were established. When any bill is put before parliament that is considered to affect the rights of a particular ethnic group in South Tyrol, a majority of the deputies of this ethnic group may request 'separate voting', i.e., a determination of support for the specific bill among each ethnic group. If this request is denied, or the bill is passed against the vote of two-thirds of representatives of one ethnic group, the group opposing the bill may take the matter to the Italian constitutional court in Rome. Thus, there is no formal veto-power enshrined in the arrangements. While defending democratic decision-making procedures against a blockade of the political process, nevertheless, a mechanism exists that potentially offers legal redress outside the political process. Only in one respect has a more or less formal veto right been established – in relation to the provincial and regional budgets. Here, separate majorities are required from within both the German and Italian ethnic groups. If this is not forthcoming, all chapters of the budget are voted on individually. Those failing to receive the required double majority (parallel consent) are referred to a special commission of the assembly, and if no agreement is reached there either, the administrative court in Bozen/Bolzano makes a final and binding decision.

The focus on the German-Italian dichotomy in respect of power-sharing and in a number of other areas, where the principle of proportional rather than equal representation of all ethnic groups, was in force, clearly disadvantaged the Ladin-speaking group. Most of these traditional disadvantages experienced by the Ladins have been formally addressed during the implementation process of the 1972 autonomy statute, and more drastically in its reform in 2001.

The formal settlement of the South Tyrol conflict between Austria and Italy in 1992 according to the procedures set out in the operational calendar did not mean an end to the further development of the autonomy and power-sharing regulations. Led by the South Tyrolese People's Party (the dominant political party among German-speakers), the provincial government sought to improve and extend the regulations of the 1972 statute further in order to increase the province's autonomy and with it to improve the quality of life for all three ethnic groups. From the mid-1990s onwards, the provincial government was granted an extension of its powers in, among others, the sectors of education, employment, transport, finance, privatisation of state-owned properties, energy and European integration.

As part of these and other significant changes, a revised autonomy statute came into effect on 16 February 2001, marking the third autonomy statute for the province since the end of the Second World War. In it, the status and powers of the two provinces Trentino and South Tyrol has been greatly enhanced so that South Tyrol and Trentino no longer constitute subordinate units of the region of Trentino-South Tyrol and have individually more legislative and administrative powers than the region itself. In particular, the following new regulations have increased the degree of autonomy enjoyed by both provinces:

- In contrast to the previous autonomy statute, the revised version of 2001 now explicitly recognises the internationally guaranteed nature of South Tyrol's autonomy. By nature of its being a constitutional law, the new autonomy statute gives an even firmer guarantee for the inviolability of South Tyrol's autonomous status.

- All legislation in relation to elections is now in the competence of the provinces, allowing them to determine, for example, whether the president of the provincial government should be elected directly or not. Respective legislation no longer requires the approval of the government commissioner.
- Amendments to the autonomy statute can in future also be developed by the two provinces, without involvement of the region.
- If the Italian parliament intends to change or amend the current statute, representatives of the province have now to be consulted, instead of, as was previously the case, those of the region.
- Members of the provincial government can be appointed with a two-thirds majority in the provincial assembly without having to be its members.
- Representation of the Ladins in the presidency of the regional and provincial assemblies and in the regional government is now part of the power-sharing arrangement, and members of the Ladin ethnic group can be co-opted into the South Tyrol provincial government.
- In addition, for the first time ever, the term 'South Tyrol' has been officially incorporated in its German version in the Italian constitution as part of the Constitutional Law on Federalism, which was adopted in March 2001.

From the perspective of vertical layering of authority, the case of South Tyrol represents a four-layered structure: the government in Rome, the Region of Trentino-South Tyrol, the Province of Bozen/Bolzano-South Tyrol and the local communities within the province (see Figure 2). This is structurally broadly similar to the rest of Italy, with the exception that the region and its two provinces have traditionally since 1948 had a so-called special autonomy statute (a feature shared with four other ethnically or geographically distinct regions of Italy) that gave them a set of powers distinct from that of other regions.

The central government is represented in the province by a government commissioner whose job it is to coordinate central government functions (primarily taxation, military and police matters, and judicial affairs) within the province, to monitor the exercise of devolved powers by the provincial government, to oversee local government and to appoint commissioners to take over local governments who have been suspended from discharging their duties on grounds of public order and security.

The region, which has been much diminished in status by the 2001 reform of the autonomy statute, is now no longer a body superior to the provinces, but rather the two provinces are considered constituent entities of the region with their own distinct powers. While the 1948 and 1972 autonomy statutes were essentially meant to devolve powers to the region, from where they were then further devolved to the provinces, the provinces now have original authority in an increased number of areas. Nevertheless, the regional layer of authority remains significant and constitutes its own level of government, comprising a power-sharing executive, the presidency of the executive and a legislative assembly (made up of the representatives of the two provincial diets). Regional competences extend to regional budgetary and financial matters, policy coordination between the provinces, relations with the European Union, language policy, regional administration, and social welfare.

At the provincial level, the power-sharing government consists of a directly elected legislature and an executive. The government has primary and secondary competences, the former giving it complete legislative and executive freedom, subject only to the Italian constitution and any international obligations Italy has entered into, while the latter allow the province to legislate and regulate in accordance with existing Italian laws. In all areas of primary competence, the province also has the right to implement relevant EU legislation directly and to conduct its own external relations.

Local governments exercise powers according to the principle of subsidiarity. Even though they do not have original authority, there is a constitutional guarantee of administrative autonomy. Their responsibilities cover all matters of local interest, from social services, to planning and economic and cultural development. Local communities also have a limited tax-raising ability in order to ensure that they can raise sufficient funds in addition to grants from the provincial government to discharge all their duties adequately. With the 2001 constitutional reform, the status of local communities has been raised: they are now, alongside the regions, provinces and metropolitan cities constituent elements of the Italian state and their administrative autonomy has been enshrined in the constitution.

All of the 117 local communities in the province have joined up in so-called *Bezirksgemeinschaften* (district associations). Two provincial laws from 1991 recognised these interest groups as corporate bodies under public law. Member communities have used the opportunity since 1993 to delegate certain of their responsibilities to district associations, especially in the area of social services provision. In addition, district associations have been charged by the provincial government with responsibilities of their own, especially in the area of environmental protection and social, economic and cultural development of the under-developed mountain regions that they represent.

Policy coordination and conflict avoidance and management are ensured relatively effectively through a Standing Commission at the Office of the Italian Prime Minister, and two standing commissions on regional and provincial affairs that need to be consulted prior to any decision affecting provincial or regional matters. In addition, the heads of the regional and provincial governments have the right to participate in sessions of the Italian government whenever it debates matters relevant to the province or region. There is also an arbitration commission for budgetary disputes at provincial level. People in both region and province elect deputies to the Italian parliament and senate and are thus involved in the state-wide political process as representatives of their electorates as well. Additional institutions of dispute resolution are the administrative courts in Bozen/Bolzano and Rome can adjudicate in disputes between the provincial, regional and central governments.

Brussels-Capital Region[8]

The institutional structure of the Belgian federal state is extremely complex. This is the result of a long process of institutional reforms which sought to accommodate the various social, political, cultural, economic and territorial claims of three linguistic communities living on the territory of Belgium. This institutional complexity is reflected in the structure of the Brussels-Capital Region, the only of the three regions in Belgium which is bilingual (Flemish and French).

Geographically, Brussels is an enclave of approximately ten square miles within the Flemish region, while, demographically, it is an area of just under one million people, who are in their majority French-speaking, with a large number of foreigners working for one of the many European or international governmental and non-governmental organisations present in the city. The key compromise reached over the course of several constitutional reforms from 1970 onwards turned Belgium into a federal state and made Brussels a constituent component (one of three regions) within it.

As throughout the Belgian polity, the institutions of Brussels can be divided into regional and community institutions. The regional institutions are the council and the government of the Brussels-Capital Region. In addition, there are three community institutions: the Joint, the French and Flemish Community Commissions. The regional council consists of 75 members, directly elected through separate electoral rolls within each community and

[8] Examples of useful scholarly overviews and analyses of the institutional structures in Belgium and Brussels are Detant (1997), Peeters (1994) and Schneckener (2002).

according to the linguistic proportions among the city's population (currently 64 French-speaking and 11 Dutch-speaking members). The main function of the council is to legislate and to approve budgets. Seven permanent legislative commissions within the Council, covering different policy areas, exist to scrutinise legislative proposals before they are discussed in the council and a vote is taken. In addition to its legislative function, the council also elects the government and the three regional secretaries of state. The council is also charged to hold the elected government to account and has the right to dismiss it by a constructive vote of no confidence. The power-sharing features of the council are that both linguistic groups, i.e., all members elected on the French and Flemish lists respectively, must be represented in the presidency of the council (president and vice-president), and that each committee must have at least one member from the Flemish linguistic group within the Council. There are no specific voting or veto procedures, but the mandatory presence of at least one member of the minority linguistic community in each of the legislative commissions ensures the functioning of the so-called 'alarm bell procedure' according to Article 54 of the Belgian constitution.[9]

The regional government has executive authority in all areas in which the council has legislative competence, namely urban and regional planning, housing, public infrastructure and utilities, public transport, economic policy and external trade, labour market policy, environment, control of local authorities, scientific research, and international relations in these policy areas. In addition, the government has acquired the authority to execute policy in areas formerly in the competence of the Brussels district, namely fire fighting, medical aid, waste management, and taxis.

There are five ministers in the regional government, two from each linguistic group and a President. Only the latter's appointment must be ratified by the monarch. The election process of the government can occur according to two procedures. If there is agreement between the linguistic groups on the composition of the regional government, a single list is presented, signed by a majority of members of each linguistic group. If such a joint list cannot be produced, the council elects the president with a simple majority, and each linguistic group elects its own two ministers. In addition to the five government ministers, there are three regional secretaries of state, one of which must be from the Flemish-speaking group. They are either elected by simple majority in the council following a consensual proposal by the regional government, or, in the absence of such a proposal, the council only determines the distribution of seats among the linguistic groups, and the latter then elect their secretaries of state separately.

Power-sharing procedures are also apparent in the distribution of competences among members of the regional government and in the way in which ministers can be dismissed from office. As for the assignment of portfolios, unless there is consensus among the five government members, the president has the first choice, the ministers representing the numerically stronger linguistic group in the council have the second and fourth choice, and those representing the numerically weaker group have the third and fifth choice of portfolio. The government as a whole can only be dismissed by a constructive vote-of-no-confidence with parallel majorities in both linguistic groups, individual ministers can only be dismissed with the consent of a majority of their own linguistic group, and for the president a simple majority in the council as a whole is required.

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[9] Article 54 of the Belgian constitution states: With the exception of budgets and laws requiring a special majority, a justified motion, signed by at least three-quarters of the members of one of the linguistic groups and introduced following the introduction of the report and prior to the final vote in a public session, can declare that the provisions of a draft bill or of a motion are of a nature to gravely damage relations between the communities.
In this case, the parliamentary procedure is suspended and the motion referred to the Council of Ministers which, within thirty days, gives its justified recommendations on the motion and invites the implicated Chamber to express its opinion on these recommendations or on the draft bill or motion that has been revised if need be.
This procedure can only be applied once by the members of a linguistic group with regard to the same bill or motion.'

Apart from mandatory executive power-sharing, proportionality and minority veto, consociational settlements are also characterised by segmental autonomy for the communities participating in them. In Brussels, this is realised through the presence of separate French and Flemish community commissions. They have competences in a wide range of areas extending far beyond the traditional areas of culture, language and education delegated to community institutions, as for example in South Tyrol and, to a lesser extent, in Northern Ireland. However, because of the overall structure of the Belgian polity, the two commissions do not have original authority of their own, but are dependent in their executive and legislative functions on the degree to which the French and Flemish community (i.e., two of the three constituent communities of the Belgian federal state) delegate and transfer competences to the French and Flemish community commissions in Brussels. Thus far, only the French Community Council (i.e., the parliament of the French community) has transferred significant competences to the French Community Commission in Brussels, enabling the latter to legislate and execute policy in the areas of private facilities for physical education; sports and life in the outdoors; tourism; social advancement; job retraining and continuing professional education; school transportation; health and advisory services. In addition, the French community commission also has the authority, in conjunction with the French community, to establish, finance and control certain institutions in the area of primary and secondary education.

The Flemish and French Community Commissions are each made up of a legislative assembly (i.e., the respective members of the Flemish-speaking and French-speaking linguistic groups in the regional council) and an executive college (the respective Flemish-speaking and French-speaking ministers and state secretaries of the regional government). Independent of the degree of powers transferred to the commissions, they have administrative competences in the areas where powers are assigned to the communities at the federal level, namely culture, education, language use, as well as healthcare and a range of social services (so-called person-related matters).

The Joint Community Commission has a coordinating role between the two communities and that part of the public sector in Brussels which is not part of either of the community sectors. The Joint Community Commission has the same structure as the French and Flemish community commissions, consisting of a legislative assembly (the so-called United Assembly) and an executive college. The membership of the assembly is identical with that of the regional council. Its legislative powers extend to those institutions that do not clearly belong to either one of the two linguistic communities and to personal matters related to healthcare and certain social services. Each decision made by the United Assembly requires parallel consent in both linguistic groups. The legislative process is identical to that in the regional council. However, given the distinct areas of competence which the United Assembly enjoys, it has only three committees (health, social affairs and a united committee on health and social affairs). The executive college of the Joint Community Commission is made up of the four ordinary ministers of the regional government, who have full voting powers, the president of the regional government, who has a consulting vote, and two members each from the French and Flemish community government who are inhabitants of Brussels and also have a consulting vote only.

A final, but nevertheless important dimension of power-sharing in Brussels is related to the influence that the federal government has retained over laws passed by the regional council or policies implemented by the regional government in the areas of urban development, territorial organisation, public transport and public infrastructure, i.e., in areas relevant to the role of Brussels as the capital city of Belgium and host to a range of international organisations. The federal Council of Ministers may suspend any council law or government regulation within 60 days after its publication. There is then a compulsory consultation procedure in the Committee of Cooperation, a body specifically created for

this purpose. If no resolution is agreed, the Council of Ministers may then ask the federal Chamber of Representatives to permanently cancel the relevant law or regulation, which is dependent on parallel consent from both the French and Flemish community groups in the Chamber of Representatives. In addition, if the Council of Ministers is of the opinion that the regional council or government do not fulfil their obligations with respect to the relevant policy areas mentioned above, it can propose measures that it deems suitable to address this situation. Again, a compulsory consultation procedure follows, and failing agreement at the end of it, the Council of Ministers may obtain the relevant power from the Chamber of Representatives to implement itself the policies it deems necessary (again, subject to parallel consent). This not only limits the autonomy of the Brussels-Capital Region, but it also creates an asymmetry between Brussels as a region and the two other regions of Belgium, Flanders and the Walloon region.

In summary, the nature of power-sharing at the level of the regional legislature and executive in Brussels is that of a structurally complete and formalised consociation: cross-community executive power-sharing is mandatory, proportionality in the council and the government is guaranteed, segmental autonomy is far-reaching and provisions for minority veto exist, albeit only in a very limited way and on selected decisions in the regional council (principally the appointment and dismissal of government ministers representing the minority). In addition, the so-called 'alarm bell procedure' serves as a mechanism that can either start a process the result of which is the accommodation of concerns of any of the linguistic communities or that at least delays the implementation of a particular law. The parallel consent requirement for all decisions taken by the legislative assembly of the Joint Community Commission, gives the Flemish minority a further guarantee to exercise veto powers over all matters in the competence of this institution.

The complexity of the consociational structures in Brussels is easily matched by that of the institutions of the Belgian state as a whole. Consequently, power-sharing in Belgium is not only a concept that applies horizontally at different layers of authority (principally the federal and Brussels regional levels), but also vertically by means of a clear division of competences between different layers of authority and different constituent elements of the Belgian federal state. The principal vertical layers of authority are the federal level, the regional level and the community, the provinces, and the level of local governments. Leaving aside the largely ceremonial role of the monarch, Belgium thus has a four-layered structure of public authority (see Figure 3). The nature of the constitutional compromises leading up to this current institutional framework being one of compromise between two ethnolinguistic groups, the division of powers between these layers is clearly regulated and laid down in the constitution as well as a variety of laws passed with parallel consent in the federal parliament.

Since the 1993 state reform, the main constituent elements of the Belgian state are the three regions (Flanders, Walloon region, and Brussels) and the three communities (Flemish, French and German). Regions are geographically defined; communities are defined on the basis of cultural and linguistic markers. Belgium thus incorporates a complex system of territorial and non-territorial autonomies. The distribution of competences reflects the different 'boundaries' of each of these constituent components. To begin with, however, the federal level has exclusive legislative and executive competence in the following areas: foreign relations (except where this competence has been devolved in specific areas to the regions); defence; policing; justice; welfare; public health; debt; public services administration. In addition, the federal government also has a variety of reserved competences in those policy areas where powers have been mostly devolved to regions (e.g., environment, utility management, public infrastructure) and communities (education, culture, person-related matters). It also has concurrent competences in the fields of scientific research and export promotion.

Communities, as they are defined in personal terms, have their executive and legislative competences in the fields of education, cultural and language policy, and the whole area of personal matters, which include primarily healthcare and other social services. Regional competences include the policy areas of urban and rural planning, environment, economics, agriculture and industry, energy, labour market, public transport and infrastructure, as well as foreign affairs in these areas.

All communities and regions have their own legislature and executive, in the case of the Flemish community/Flanders, regional and community institutions have been merged into one. Thus, there is one Flemish council and government, exercising both communal and regional powers at once. The French community and Walloon region keep separate institutions.

There are ten provinces in Belgium, five in each region, except in Brussels which only has 19 local government units as further administrative division. Provinces have no original authority of their own and remain under the supervision of their regional council and the federal government, the latter of which is represented by a provincial governor, appointed by the King. Competences of the provinces are minimal and relate primarily to financial management of public infrastructure.

There are a total of 579 local government units in Belgium. Like at other layers of authority, power is divided between a council and an executive. Although the self-government of local communities is constitutionally guaranteed, few real powers have remained with them within the Belgian system, only planning, schools administration, local amenities and roads, and social services administration.

Unsurprisingly, such a complex system of institutional structures requires significant policy coordination and mechanisms to avoid and manage conflicts. This is formally regulated within the constitution (Chapter V) and a range of specific laws. The principal institutions are the Standing Language Commission, the State Council and the Court of Arbitration. In addition, there are a number of consultative bodies between the federal government and the regional and community institutions, as well as between regions and communities. These take the nature of permanent bodies as well as ad hoc ones. Furthermore, six members of the Flemish-speaking group of the Brussels regional council are also members of the parliament of the Flemish community, and 19 members of the French-speaking group are members of the council of the French community. As regards the representation of Brussels within the executive bodies of each of the relevant two communities, at least one member of each of the two community executives must be from the region of Brussels. In the case of the French community, this is the president of the Brussels regional council, in the case of the Flemish community, the Brussels member of the executive is not a minister in the Brussels regional council, but is normally responsible, in the Flemish community council for coordinating the latter's policy towards Brussels and supervising the Flemish Community Commission in the region of Brussels.

Institutional Designs in Comparison

There are five dimensions to the following comparative analysis. First of all, the institutional structures themselves can be analysed according to a number of dimensions, primarily the number of vertical layers of authority and the status that the regional consociation has within them, and the structural and functional symmetry and asymmetry of these institutions in relation to the polity as a whole. Second, I will compare how horizontal and vertical forms power-sharing are combined within each individual institutional structure. This is closely related to the third and fourth areas of comparison, namely the distribution of powers among and policy coordination between different centres of authority. A final structural aspect of the comparative examination of the regional consociations of Northern Ireland, South Tyrol and Brussels are the mechanisms put in place that guarantee the preservation of the agreed structures. This

five-dimensional comparison will serve as a tool to establish some key feature that are common to the three cases under review here and can serve as a guide for future research.

Types of institutional structures. The first element to consider in this comparative analysis of the institutional structures of regional consociations is the vertical layering of authority, i.e., how and where regional consociations fit into a polity (see Table 1).[10]

Table 1: Variation in the vertical layering of authority

Three-layered Structures	*Multi-layered Structures*
Northern Ireland[11]	Brussels South Tyrol

Northern Ireland has by the far simplest structure of institutions from the perspective of different vertical layers: a central, regional and local level of government. In the case of South Tyrol, matters are only slightly more complex in that there is an additional provincial level of authority, at which, in the case of South Tyrol most of the relevant powers are now concentrated. This is a particular and unique phenomenon within the Italian institutional system and is due to a decision made after the Second World War which joined the provinces of South Tyrol (majority German) and Trentino (majority Italian) into one region of Trentino-Alto Adige (majority Italian). Only with the second autonomy statute in 1972, and even more so with the revised third autonomy statute of 2001 did the provinces evolve into sources of real and original authority. South Tyrol, as a layer of authority in a four-tier structure has thus gained a great deal of substantive autonomy which is also reflected in the guarantees protecting its status and the way in which powers are distributed between the different layers (see below).

The Belgian system of layering public authority is clearly the most complex. However, its complexity arises less from the fact that there are multiple vertical structures, but more from the parallelism of different territorial and non-territorial sources of authority. In purely vertical and territorial (i.e., regional) terms, Brussels has one layer of authority above itself (the central government) and one below (local government). It is only because of the way in which the Belgian polity as a whole is structured that things become more complicated: Brussels is not an equal among the three regions (there is potentially a higher degree of influence from the central government on decisions of the regional parliament and executive), and the powers that the two linguistic communities living in the city can claim is highly asymmetric because the Flemish community government, in contrast to the French one, has so far resisted any real transfer of powers to the Flemish linguistic group in the Brussels region. This system has evolved over subsequent constitutional reforms since the 1970s, and it demonstrates the flexibility that institutional structures potentially possess in accommodating competing communal conceptions of autonomy and authority.

The example of Brussels and Belgium in particular suggests that another way of looking at structural types of institutions, namely examining the degree to which the three cases represent institutions that are structurally and/or functionally symmetric or asymmetric (see Tables 2-4).[12]

Table 2: Structural symmetry and asymmetry of institutions

[10] As all three cases are from within the European Union, I restrict the analysis to this level of the national polity. Once the empirical basis of the study of regional consociations is broadened beyond the European Union, supra-national structures of governance will need to be included in the analysis.

[11] This ignores the fact that His/Her Majesty the King/Queen of the United Kingdom of Great Britain and Northern Ireland is the official, albeit largely ceremonial, head of state.

[12] I use the terms 'structural' and 'functional' to distinguish between institutions (i.e., the relevant bodies) and their powers (i.e., the functions they exercise).

Structural Symmetry	*Structural Asymmetry*
Brussels South Tyrol	Northern Ireland

South Tyrol is a case of structural symmetry because, from a structural point of view, it does not constitute a constitutional anomaly in the Italian state, even though its status is internationally guaranteed. There are 18 other regions, subdivided into provinces and local governments. The symmetry of institutional structures in the case of Brussels is only unambiguous with respect to territorial arrangements – Brussels is a region as are Flanders and the Walloon region. From a non-territorial perspective, i.e., at the community level, the official bilingual nature of the Brussels region sets it apart from the (monolingual) nature of the two other regions, which only have certain areas in which special provisions have been made for intra-regional linguistic minorities (primarily French-speakers in Flanders around Brussels, and German-speakers in the eastern parts of the Walloon region). The structural asymmetry of the case of Northern Ireland is a result of the devolution process that the British state has embarked on since 1997. Institutional structures have been established to accommodate the devolution of powers in three regions – Scotland, Wales and Northern Ireland – while England has remained under the direct control of the Westminster government with no intermediate layer of public authority between the UK government and local communities comparable to that of the three other regions.

Table 3: Functional symmetry and asymmetry of institutions

Functional Symmetry	*Functional Asymmetry*
	Brussels Northern Ireland South Tyrol

From the perspective of functional symmetry, all three cases are in fact part of polities in which powers and functions between different layers of authority are unequally distributed. South Tyrol is a case of above-average powers, accommodating the special situation of the province, historically and within the region to which it belongs, and resolving a very specific self-determination conflict. South Tyrol, thus, is a case of asymmetry from two perspectives: the region to which it belongs has a special autonomy statute which distinguishes it from other regions in Italy, and within the region, South Tyrol enjoys a variety of regulations that give it extra powers in the areas of language use and bilingualism, education, culture and ethnic proportionality in the public sector. Northern Ireland, on the other hand, is, for the time being at least, more limited in its powers than Scotland, but better off than England and Wales. Brussels as a region is subjected to potentially more interference on the part of the central government, and the two linguistic groups living in the region are entirely dependent upon the transfer of powers from the Flemish and French community (of which they are a part given the fact that non-territorial communities are constituent parts of the Belgian state). The asymmetry thereby created results in the French linguistic group in Brussels having substantially more autonomy than its Flemish counterpart. In the case of Northern Ireland, devolution in the United Kingdom has addressed the specific conditions in each of the regions that enjoy devolved authority is such a way that the list of devolved and non-devolved matters varies from one settlement to another.

Comparing structural *and* functional symmetry across the three cases under review here, the only commonality between Brussels, Northern Ireland and South Tyrol is that the polities of which they are part have distributed powers and functions asymmetrically among different entities at the same vertical layer of authority (see Table 4). This is independent of the symmetry institutional structures, where we find asymmetric as well as symmetric structures. The possible combinations of asymmetric or symmetric institutional structures with asymmetric allocations of functions and powers adds to the flexibility that constitutional designers have, in particular if one bears in mind the

territorial and non-territorial elements of the institutional structures and functions in the case of Brussels.

Table 4: Structural and functional symmetry and asymmetry of institutions compared

	Structures		*Functions*	
	Symmetric	Asymmetric	Symmetric	Asymmetric
Brussels		X		X
Northern Ireland		X		X
South Tyrol	X			X

The combination of vertical and horizontal power-sharing. One element of the complexity of power-sharing as a mechanism to resolve self-determination conflicts results from the fact that constitutional engineers have developed innovative ways to combine traditional structures of horizontal and vertical power-sharing (see Table 5). While all cases examined in this paper are examples of state structures characterised by multiple vertical layers of authority, formal horizontal structures of power-sharing need, per definition, only exist at the regional level (hence the term 'regional consociation').

Table 5: Combinations of Horizontal and Vertical Power-sharing

Horizontal power-sharing at regional level only	*Horizontal power-sharing at regional level and above*
Northern Ireland	Brussels South Tyrol

The fact that in the case of Brussels we find a combination of power-sharing at central and regional level has its reasons in the fact that the self-determination conflict to be addressed was a much wider one, reaching primarily beyond the region of Brussels. In fact, the national compromise in Belgium was established before a compromise over Brussels was found. Furthermore, the demographic distribution of linguistic groups at the central level in Belgium is more balanced (roughly 60:40), whereas in the other two cases, the relevant groups constitute only a tiny part of their host-states' total population. However, the creation of the region of Trentino-Alto Adige in Italy after the Second World War created an analogous situation at regional level, requiring power-sharing institutions to be created there prior to the subsequent provisions in South Tyrol itself. Thus, on the basis of the cases examined here, demography and timing/sequence seem to play the most important part in the decision of whether further power-sharing structures are established beyond the immediate conflict area.[13] Regardless of the factors that lead to the implementation of horizontal power-sharing at different vertical levels of authority, the very fact that such combinations exist between the same conflict parties is an important finding that should caution against assumptions that power-sharing at one level is necessarily sufficient to resolve a particular self-determination conflict. Specific demographic and other factors may require further power-sharing structures be established, utilising the vertical layering of authority and the territorial division of a given polity (region/province in the case of South Tyrol, centre/region in the case of Brussels) it brings with it as the relevant framework in which they can be implemented.

Distribution of powers. One of the key questions to ask of any vertically layered system of authority is where powers rest; i.e., how different competencies are allocated to different layers of authority and whether they are their exclusive domain or have to be shared between different layers of authority. As with other dimensions in this analysis, there is a certain degree of context-dependent variation across the three cases of regional consociations under examination here. Variation exists primarily with regard to

[13] This is a hypothesis that will require further testing on a larger number of cases.

the system according to which powers are allocated and the degree of its flexibility concerning new fields of policy-making not relevant or not included at the time a specific agreement was concluded. The principal mechanism to handle the distribution of powers is the drawing up of lists that enumerate precisely which powers are allocated to which levels of authority and/or which are to be shared between different such levels. These lists can be very specific for each layer of authority or they can be specific for one or more layers and 'open-ended' for other/s. The key difference in the latter case is which layer of authority has an 'open-ended' list, i.e., which layer holds original authority for any partly devolved power or any other policy area not explicitly allocated elsewhere (see Table 6).

Table 6: Power Allocation in Vertically Layered Systems of Public Authority

Specific Lists	*Combination of Specific and 'Open-ended' Lists*	
	Open-ended list at centre	Specific list at centre
Northern Ireland	Brussels South Tyrol	

An unambiguous distribution of powers suggests that the most important issues of the underlying self-determination conflict have either been resolved or postponed (e.g., future referendum on independence) and that the potential for conflict re-eruption should be minimal and limited to disputes over emerging new policy areas not covered by the provisions of the original agreement between the conflict parties (provided that the institutions established discharge their functions properly). Where such an unambiguous allocation of powers is missing in the sense that one layer of authority automatically retains all powers not explicitly allocated elsewhere (and thus implicitly also the competence over all emerging new policy areas in the future), renewed conflict over the distribution of power between different layers of authority is more likely, even though there is no automatism in this. In cases where the central authority retains all not expressly devolved powers, autonomous areas may over time seek renegotiation of past agreements or allocation of additional powers; in the reverse case, central authorities may get continuously weakened, potentially leading to the break-up of the central state. While this is not obviously on the agenda in the near future for any of the three cases under review here, it remains an issue worthy of consideration in the construction of states within complex power-sharing institutional frameworks.

Devolution in Northern Ireland has led to a set of three different lists of powers: devolved, reserved and excepted matters (see above). Subject to the power-sharing institutions functioning (i.e., not being suspended), Northern Ireland has full legislative and executive competence over all devolved matters and could potentially gain the same for all matters on the reserved list. Exercise of these powers is only bound by UK constitutional practice and the country's international obligations, including the European Convention on Human Rights. The drawing-up of these lists has created a situation of mutual exclusiveness of the powers allocated to Northern Ireland and those retained by the UK central government. The same exclusiveness applies to the situation in Brussels and South Tyrol. However, there is one crucial difference: the central governments of Belgium and Italy retained all powers not explicitly devolved to the regional consociations. This means that none of the three cases sees a regional consociation with an open-ended list of powers, i.e., the power to legislate and execute policy in all areas that are not specifically reserved for the central government.[14] One straightforward explanation for this is the fact that all three cases represent instances of centrifugal devolution of powers: the central government is the original source of all authority and has devolved a certain range of powers to lower layers of government.[15]

[14] Northern Ireland could potentially have such an open-ended list of competences, provided that there is agreement in the Assembly to ask for it.

[15] This is not necessarily always the case: in Bosnia and Herzegovina, powers of the central government are strictly limited by the Dayton Agreement.

Types of coordination. Coordination of law and policy-making and implementation is an important issue in the operation of any multi-layered system of government. In the context of self-determination conflicts and power-sharing institutions it assumes additional significance as coordination failures do not only have an impact on the effectiveness of government but also repercussions on the perception of a particular institutional structure designed to resolve a self-determination conflict. The three cases studied in this analysis suggest that, although there is a wide spectrum of individual coordination mechanisms, these can nevertheless be grouped into four distinct categories. Only three of these are relevant for the cases under review: cooptation, joint committees and implementation bodies, and judicial review and arbitration processes (see Table 7). The fourth one – direct intervention by the international community – is not applicable in the context of this paper, but can, for example, be found in the case of Bosnia and Herzegovina.[16]

Table 7: Coordination Mechanisms between Different Layers of Public Authority in Complex Power-sharing Systems

Cooptation	*Joint Committees and Implementation Bodies*	*Judicial Review and Arbitration*
Brussels	Brussels Northern Ireland South Tyrol	Brussels Northern Ireland South Tyrol

Table 7 indicates that there is a great degree of similarity between the three cases: the main mechanisms for policy coordination are joint committees and implementation bodies and any potential disputes over competences and specific decisions are handled within the judicial system or by interim committees. There is only one exception to this: the parallelism of territorial and non-territorial structures of power-sharing in Belgium made it expedient to use cooptation as an additional measure for policy coordination, tying the two linguistic groups in Brussels more closely into the process of community politics in Belgium.

Entrenchment of institutional structures in international and constitutional law and specific legislation. Guarantees of institutional structures of horizontal and vertical power-sharing are essential to prevent the arbitrary abrogation of devolved powers and thus to ensure conflict parties of the relative permanence of the institutions they agreed upon. Guarantees are particularly important for the relatively weaker party in a self-determination dispute, i.e., a specific minority, to protect it from a state possibly intent on reneging on earlier concessions. However, such guarantees are also valuable for states in that they commit all parties to an agreed structure and, in most cases, imply that there can be no unilateral change of recognised international boundaries.

In principle, guarantees can be either international or domestic, in the latter case they can be part of a country's constitution or other legislation (see Table 8). Given the complexity of many of today's self-determination conflicts, guarantees often exist on more than one level. In addition, international guarantees can take the form of hard guarantees (international treaties) or of soft guarantees.[17]

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[16] The only possible exception in this context is the International Commission on Decommissioning that has been set up for Northern Ireland to monitor and facilitate the decommissioning of paramilitary weapons. While this clearly constitutes an international body, its powers only extend to its own independent judgement without any further powers to act upon it (in contrast, for example, to the powers of the High Representative in Bosnia and Herzegovina).

[17] Soft international guarantees are not 'guarantees' in the principal sense of the term. They primarily manifest themselves in the form of the involvement of international organisations in the negotiation, implementation, and potentially operation of a particular peace agreement. While not of the same legally binding and thus potentially enforceable status as hard international guarantees, a significant presence of international agents is often instrumental in shaping preference and opportunity structures of the conflict

Table 8: International, constitutional and legal guarantees of power-sharing institutions

International Guarantees	*Domestic Guarantees*	
	Constitutional Guarantees	*Guarantees in Specific Laws*
Northern Ireland South Tyrol	Brussels South Tyrol Northern Ireland[18]	Brussels Northern Ireland South Tyrol

The importance of guarantees is clearly recognised in all three settlements that established regional consociations. Thus, we find a variety of domestic guarantees, and in the cases of Northern Ireland and South Tyrol also hard international guarantees. With respect to the latter, the situation in Northern Ireland is such that the hard international guarantee of the 1998 agreement exists in the form of a British-Irish treaty. The crucial difference thus is that for any violation of the treaty (as it has arguably occurred on several occasions with the unilateral suspension of the power-sharing institutions by the UK government) to be addressed one of the signatory parties needs to bring a case before a relevant international legal institution (e.g., the International Court of Justice in The Hague). If this does not happen, the protection theoretically afforded by the link between the agreement and an international, bilateral treaty remains an empty shell. In South Tyrol, on the other hand, the internationally guaranteed status of South Tyrol's autonomy is officially recognised.[19]

At the level of domestic guarantees, constitutional guarantees are more entrenched than those which have their source in normal legislation. In practice, the latter have so far proven weakest in Northern Ireland, where, in the absence of a written constitution, another law on the statute books gives the UK government the power to suspend the power-sharing institutions at any given time. In Belgium and South Tyrol, on the other hand, interlocked provisions in the countries' constitutions and legislation provide a very strong set of guarantees. In addition, the specific situation of Belgium with power-sharing at central state level ensures the adequate representation of both linguistic groups and their interests in the state-wide law-making process.

Conclusion: Regional Consociationalism as Part of the Conflict Resolution Tool Box

In order to determine the role that regional consociationalist designs as those analysed here, combining regional territorial autonomy and consociational power-sharing, can potentially play in the future if they are to be applied more widely, it is necessary, first of all, to establish the common features of such regional consociations so as to arrive at an institutional 'core' that appears to be necessary for their functioning. Beyond that much will be left to the skills and imagination of constitutional designers and their ability to adapt these core features to a particular conflict situation.

As mentioned in the introduction, Lijphart, in his studies on sovereign consociations, identified four structural features all of his case studies had in common – mandatory executive power-sharing between parties from different segments of society, segmental

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parties. They are not applicable in the three case reviewed here, but can be found in other cases of regional consociations, such as Bougainville and Mindanao.

[18] I am grateful to Brendan O'Leary for pointing out to me that the 1998 Agreement on Northern Ireland has guarantees in the Irish constitution and that the House of Lords in the UK also read the 1998 Northern Ireland Act, together with the Agreement, as a constitution.

[19] The Paris Treaty of 1946 between Austria and Italy, annexed to the Italian Peace Treaty, called for the granting of autonomous status to South Tyrol. In 1992, the Austrian government deposited a declaration with the United Nations in which it declared that its dispute with Italy over the implementation of the Paris Treaty had been resolved following the implementation of the majority of the measures agreed in the Second Autonomy Statute of 1948. Both countries – Italy and Austria – subsequently agreed that any future dispute between them in the respect would be referred to the International Court of Justice.

autonomy, proportionality and minority veto. These were also present in all the regional consociations I studied (see Table 9). However, the specific study of regional consociations above, although it is only based on three west European cases, suggests two further features. First, Schneckener's arbitration mechanism, while not necessarily an element of sovereign consociations, is clearly present in regional consociations. In addition to these five characteristics, the institutional structures in which regional consociations are embedded also comprise extensive mechanisms for policy coordination (see Table 10). Admittedly, these are not institutions within the framework of the regional consociations themselves. However, from the perspective of regional consociationalism as a recent trend in the resolution of self-determination conflicts, their presence is significant for several reasons. First, policy coordination between different vertical layers of authority (i.e., between regional and central government) can possibly develop into an additional form of power-sharing, independent of, but not unrelated to the regional consociation that triggered the establishment of these mechanisms in the first place. In this case, policy coordination/power-sharing mechanisms between region and centre also acquire the additional function of providing a further safeguard for the autonomy of regional consociational institutions and the interests of the communities that they bring together. Second, from a more practical point of view, establishing coordination mechanisms is important from the perspective of institutional design and thus has potential implications for the negotiation of a particular settlement. Mediators and negotiators need to be aware of the need for such coordination mechanisms, and that they can potentially amount to additional power-sharing structures. Third, and this remains a hypothesis at this stage, coordination mechanisms, their structure and functioning are likely to play a significant part among conditions that account for the success or failure of regional consociations. A well-functioning process of policy coordination can contribute to minimising the potential for conflict between regional and central institutions. This, however, is not unique to polities in which regional consociations exist, but is a common feature of all institutionally structures in which authority is vertically layered. Yet, in the context of regional consociations established to resolve a particular self-determination conflict, it acquires extra significance.

Table 9: The features that sovereign and regional consociations share

	Brussels	*Northern Ireland*	*South Tyrol*
Mandatory executive power-sharing	Regional Executive	Executive	Landtag
Proportionality	Regional Council and Regional Executive	Assembly and Executive, Offices of First and Deputy First Minister	Landtag, Landesregierung, President and Vice-President/s of the Landtag
Segmental Autonomy	Education, culture, and all person-related matters	Primarily education	Primarily education and culture
Minority veto	Executive appointments and dismissals, otherwise only delaying mechanism	Voting mechanisms (qualified majority and parallel consent) in assembly for appointment of First and Deputy First Minister and if requested by certain number of assembly members	Provincial budget

Table 10: The features that distinguish regional from sovereign consociations

Arbitration	Judicial institutions created for this specific purpose	Institutions within the 'regular' framework of the country's judiciary	Institutions within the 'regular' framework of the country's judiciary
Coordination	Standing Language Commission; State Council; various consultative bodies involving region, communities and federal government; cooptation of members of regional council into community councils; mandatory representation of residents of Brussels in community executives	Northern Ireland Office; commissions attached to the British-Irish Council, British-Irish Intergovernmental Conference and North-South Ministerial Council; Joint Ministerial Committees; representation in House of Commons and House of Lords	Provincial governor; three standing commissions; right of head of the regional and provincial governments to participate in sessions of the Italian government; representation in Italian parliament and senate

A second point to be made about the structural features of regional consociations pertains to their place within the state-wide institutional framework. According to Elazar, (n.d.: 9-10) nine different forms of states with federalist components can be distinguished: confederation, federation, federacy, associated state, consociation, union, league, joint functional authority, and condominium. Of these, only two are relevant for the discussion here: federation and federacy (see Table 11). For only one of them the decision is straightforward: Belgium is defined as a federal state in its 1994 constitution, i.e., a 'polity compounded of strong constituent entities and a strong general government each possessing powers delegated to it by the people and empowered to deal directly with the citizenry in the exercise of those powers' (Elazar n.d.: 10). As Elazar (ibid.) also mentions consociation as a form of state, Belgium might be classified as a consociational federation.

Table 11: Regional Consociations and Forms of State

	Federation	*Federacy*
Brussels	X	
Northern Ireland		X
South Tyrol		X

Elazar's (n.d.: 10) definition of a federacy is that 'a larger power and a smaller power are linked asymmetrically in a federal relationship in which the latter has substantial autonomy and in return has a minimal role in the governance of the larger power' and that 'the relationship between them can be resolved only by mutual agreement'. This is, to some extent, the case for both Northern Ireland and South Tyrol. As for Northern Ireland, the asymmetric link and substantial autonomy are clearly present. Regarding the dissolution of the relationship only by mutual agreement, matters are more complicated. The secession of Northern Ireland from the United Kingdom can only happen as the result of a referendum in the province, which then will require acceptance by the government in Westminster. Suspending the autonomous power-sharing institutions in Northern Ireland also constitutes a case of dissolving this special kind of federalist relationship. Contrary to previous practice, any changes to the Agreement

require the consent of the Northern Ireland Assembly, so that, if the British government abides by the Anglo-Irish Agreement to which the Agreement was appended, the power-sharing institutions of Northern Ireland cannot be abrogated without their consent.[20] Nevertheless, Northern Ireland has a different position from that of a region in a decentralised unitary state in that it has a full system of governing institutions and original authority in a range of policy fields, neither of which is enjoyed by regions in a decentralised unitary state. Depending on how the criterion of 'a minimal role in the governance of the larger power' is interpreted, the fact that Northern Ireland sends 18 representatives to the House of Commons in Westminster could be seen as such minimal involvement. This is about the same level of involvement South Tyrol is granted. There are no specific provisions in the South Tyrol arrangement as to the dissolution of the relationship by mutual consent. However, it could be argued that nothing would stand in the way of a boundary change if the central government and South Tyrol agreed on the latter's secession. An additional aspect of classifying South Tyrol as a case of a federacy is the fact that South Tyrol, compared to other provinces in Italy, and despite recent moves towards a federalisation of the Italian Republic, enjoys substantially more powers and functions than comparable entities in the Italian polity.

The important point in relation to the institutional design of regional consociations is thus that their establishment either creates a federal relationship with the central government (Northern Ireland and South Tyrol) or exists within an already established federation. However, as this assessment is only based on a small sample of case studies, one should keep an open mind as to the possibility of regional consociations existing within different state structures. One constituent component within a confederation, union or league can be consociational as can an associated state. Yet, there are only few actual examples of such state structures, and the notion of regional (meaning 'within one state') would at least make it difficult to argue some of these cases. On the other hand, joint functional authority and condominium status may well lend themselves as state forms in which regional consociations could exist. One could, for example, argue that Brussels is a case of joint functional authority (between the two linguistic communities exercising regional powers), and Northern Ireland may well develop into a similar case (involving the UK and the Republic of Ireland, possibly through the already existing institution of the British-Irish Intergovernmental conference).

Clearly, there is no blueprint for the specific design of a regional consociation that could be applied to all self-determination conflicts alike. At the same time, the above case studies also highlight that constitutional designers have a wide range of different options at their disposal for the construction of technically viable regional consociations that are seen as legitimate institutional structures by the conflict parties.

In such designs, six different dimensions are recurring: mandatory cross-communal executive power-sharing, segmental autonomy, proportionality and minority veto, arbitration mechanisms and mechanisms for policy coordination.

The vertical layering of authority is a key component of state structures that incorporate regional consociations in that it establishes the entity in which power is to be shared consociationally. A second common feature of state construction in such cases is asymmetry in the distribution of powers and functions among different sub-national entities, giving that which is a consociation powers and functions that are distinct from those given to other regions. Third, regional consociations therefore also require a certain structure of the polity overall, which is most likely to take the shape of a (consociational) federation or federacy.

[20] The British government has implicitly accepted this when it declared in the April 2003 Joint Declaration that it would be willing to repeal the powers to suspend the institutions by order (Joint Declaration 2003).

Apart from these common features, the three case studies above indicate that there is a significant degree of variation in the specifics in which these commonalities manifest themselves in each case. This is primarily due to a certain degree of context-dependence, i.e., the fact that each of the three self-determination conflicts examined had features of a very particular nature that required distinct institutional mechanisms for their accommodation. This may be a trivial point, but nevertheless one that is useful to bear in mind if regional consociations are indeed to become more widespread, and above all stable and durable arrangements for the resolution of self-determination conflicts.

References

Daftary, Farimah. 2000. *Insular Autonomy: A Framework for Conflict Settlement. A Comparative Study of Corsica and the Åland Islands*. Flensburg: European Centre for Minority Issues.

Detant, Anja. 1997. *Brussels—Jerusalem: Conflict Management and Conflict Resolution in Divided Cities*. Brussels: Centre for the Interdisciplinary Study of Brussels.

Elazar, Daniel J. n.d. "Introduction" to *Federal Systems of the World: A Handbook of Federal, Confederal and Autonomy Arrangements.* http://jcpa.org/dje/books/fedsysworld-intro.htm (17 July 2003).

Joint Declaration by the British and Irish Governments. April 2003.http://www.nio.gov.uk/pdf/joint2003.pdf (14 July 2003).

Lijphart, Arend. 1968a. *The Politics of Accommodation: Pluralism and Democracy in the Netherlands*. Berkeley: University of California Press.

Lijphart, Arend. 1968b. 'Typologies of Democratic Systems', *Comparative Political Studies*, vol. 1, no.1, 3-44.

Lijphart, Arend. 1969. 'Consociational Democracy', *World Politics*, vol. 21, no. 2, 207-225.

Lijphart, Arend. 1977. *Democracy in Plural Societies*. New Haven, CT: Yale University Press.

Lorwin, Val R. 1971. 'Segmented Pluralism: Ideological Cleavages and Political Cohesion in the Smaller European Democracies', *Comparative Politics*, vol. 3, no. 2, 141-175.

McGarry, John and O'Leary, Brendan. 1993. 'Introduction', in *The Politics of Ethnic Conflict Regulation*, ed. by John McGarry and Brendan O'Leary. London: Routledge.

O'Leary, Brendan. 2003. 'Debating Consociational Politics: Normative and Explanatory Arguments' (Paper presented at the Annual Meeting of the American Political Science Association, Philadelpphia, PA, 27-31 August 2003).

Peeters, Patrick. 1994. 'Federalism: A Comparative Perspective—Belgium Transforms from a Unitary to a Federal State', in *Evaluating Federal Systems*, ed. by Bertus de Villiers. Dordrecht: Martinus Nijhoff.

Schneckener, Ulrich. 2002. *Auswege aus dem Bürgerkrieg*. Frankfurt: Suhrkamp.

Wolff, Stefan. 2002a. *Disputed Territories: The Transnational Dynamics of Ethic Conflict Settlement*. New York and Oxford: Berghahn.

Wolff, Stefan. 2002b. 'The Peace Process in Northern Ireland since 1998: Success or Failure of Post-Agreement Reconstruction?', *Civil Wars*, vol. 5, no. 1, 87-116.

Wolff, Stefan. 2003. 'Settling an Ethnic Conflict through Power-sharing: South Tyrol', in *Managing and Settling Ethnic Conflicts. Perspectives on Successes and Failures from Africa, Asia, and Europe*. ed. by Ulrich Schneckener and Stefan Wolff. London: Hurst.

Wolff, Stefan and Weller, Marc. Forthcoming. 'Self-determination and Autonomy: A Conceptual Introduction', in *Self-determination and Autonomy. Innovative Approaches to Institutional Design in Divided Societies*, ed. by Marc Weller and Stefan Wolff.