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Managing Naming Conflicts: Lessons from the Conflict Behind the Name "Derry-Londonderry" in Northern Ireland

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INTRODUCTION

Naming conflicts are ubiquitous. Imagine a business developed a new product and formed a team to discuss how to sell the product to outside consumers. To determine how to accomplish this, the business assembled a team of employees, each member from a different department that represents their department's interest in the outcome. The team could include designers, engineers, production managers, marketing, management, etc. Although everyone works at the same company and has the same overall goal of selling the product, many of these people likely do not know each other. Furthermore, each member of the team represents the intentions and plans of the departments they are ordinarily associated with. To help bring these opinions to the surface and conduct the meeting, it is best that there is a third party involved, who is not anchored on specific ideas, in order to facilitate a successful—and implementable—plan. A third party who has not endorsed specific ideas from groups that are in conflict can serve as a bridge between ideas. A third party can be the most effective party in resolving a conflict if the third party gathers information, reframes perspectives, and works with all parties to a conflict. A third party who can understand even a fraction of what parties in conflict are thinking—and their motivations behind their positions—is an essential tool in resolving conflicts. That is why third-party specialists trained in conflict resolution (i.e., facilitators, mediators, and arbitrators) are incredibly helpful and practical for these disputes.

Unfortunately, no mention is made in this hypothetical that the parties are using a neutral third party to help them understand the rationale behind each party's suggestion. Within the field of conflict resolution, much attention is dedicated to delving into the thoughts of each party. These thoughts, even the subconscious ones, are brought to the surface using different techniques designed to help individuals understand their own reasoning and biases, and bringing the core issues or problems to the surface so that they may be addressed. Each

individual can then contribute substantially to the resolution of the present conflict.

This Article aims to provide a framework for an alternative dispute resolution (ADR) solution to resolving naming conflicts by drawing on a case illustration of an ongoing naming conflict in Northern Ireland. Northern Ireland—a country with a recent history of multi-generational violent conflict—is an incredible laboratory for the development of creative solutions, new strategies, and innovative techniques for the resolution of conflict. These techniques can be applied beyond their current applications to other conflicts, including naming conflicts throughout the world.

This Article begins with a historical overview of the Derry-Londonderry naming conflict. It is accompanied by a discussion and analysis of the involved parties, including the High Court of Northern Ireland, the Derry City Council, and political parties such as Sinn Féin, the Democratic Unionist Party (DUP), and other well-established parties in this conflict.[1] The second Part of this Article discusses how the tourism industry used its influence by referring to the city as "Derry-Londonderry" in its advertisements both nationally and abroad.

The final Part of this Article highlights the advances and challenges of the naming conflict in Derry-Londonderry. This Part provides a framework for broader application focused on the importance of non-traditional institutional involvement. Non-traditional institutions can make a difference due to their material and ideological values that put them outside of ongoing naming conflicts. This Article suggests that in these types of conflicts, being able to identify institutions that have a stake in the controversy can create significant opportunities. These opportunities not only support the economy and well-being of the populous in a manner that transcends political differences, but they can also lead to successful management of long-term, deeply entrenched, conflicts.

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[1] Nicholas Whyte, *Northern Ireland Political Parties*, THE ELECTORAL COMMISSION, http://www.ark.ac.uk/elections/gparties.htm (last visited Oct. 31, 2016).

I

OVERVIEW OF THE CONFLICT: A BRIEF OVERVIEW OF THE HISTORY OF NORTHERN IRELAND AND DERRY-LONDONDERRY

A. Early History

The original name of the city "Derry-Londonderry" was Derry, a name derived from the Celtic word Doire, which was in use since the seventh century, back when an early Christian monastery was founded in the region.[2] During the thirteenth century, the island of Ireland—now Ireland and Northern Ireland—became part of English expansion.[3] During this time period, English kings provided feudal lords with land, wealth, and positions of status and power in Ireland as part of a traditional system in which leaders would reward their followers after a battle with spoils of war.[4] By awarding fiefdoms to wealthy supporters of the crown who provided military service, the kings of England could stave off civil unrest at home among their followers who expected rewards for services rendered, while at the same time could disrupt traditional power structures that governed the island.[5] The name "Derry" was changed to "Londonderry" in the seventeenth century, following financial gifts made to the city by guilds in London, as well as the city being granted a charter signed by King James I, of England, Scotland, and Wales, under the name Londonderry.[6] This is a significant reason as to why using a hyphenated name, which uses the anglicized Celtic name Derry and the Protestant name Londonderry, is very powerful, yet at the same time very controversial, as objections to the name Londonderry have more to do with the historical baggage the name carries. Supporters cite the name's history as a reason why it should be kept.[7]

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[2] *Derry-Londonderry*, BBC HISTORY, http://www.bbc.co.uk/history/places/derry_lon donderry (last visited Nov. 4, 2017). *See also Derry-Londonderry*, THE FORUM FOR CITIES IN TRANSITION, https://citiesintransition.net/fct-cities/derry-londonderry/ (last visited Nov. 4, 2017).

[3] Robin Frame, *The Two Nations of Medieval Ireland*, BBC NEWS (Feb. 17, 2011), http://www.bbc.co.uk/history/british/middle_ages/medieval_ireland_01.shtml.

[4] *Id.*

[5] *Id.*

[6] *Id.*

[7] Dennis Gruending, *Derry-Londonderry: From Conflict to Peace & Inclusion*, http://rabble.ca/blogs/bloggers/dennis-gruending/2015/07/derry-londonderry-conflict-to-hope-and-inclusion (last visited Oct. 31, 2016).

B. Early Twentieth Century and the Irish Revolution

The early twentieth century ushered in a period of change for the Irish Isle. Not only were modern groups such as Sinn Féin formed during this period, but two separate nations, Ireland and Northern Ireland, were formed.[8] This was a major political shift, since Ireland had been governed by the English Monarchy since the middle of the twelfth century.[9] The separation of Ireland and Northern Ireland as two separate countries resulted in the division of Ulster, one of the four major provinces of the Irish Isle, which occurred following the Irish Revolution of 1923.[10] This division serves as the foundation for the larger set of conflicts in Northern Ireland during the twentieth century.

C. The Troubles

The conflict over the name of the city is a small portion of a larger conflict in Northern Ireland known as The Troubles, a period of violence during the 1970s and 1980s.[11] During this period, violence was a prominent force in building and anchoring communities based on political ideologies (Unionism or Republicanism) and on religion (Catholicism or Protestantism).[12] The Troubles are a particularly difficult problem for the Derry City Council, given its current demographic, because of the trauma its members and the city experienced. On January 1, 1972, thirteen Catholic and Republican protestors were shot and killed when British Soldiers opened fire on a Civil Rights protest in the Bogside neighborhood.[13] This event is now known as Bloody Sunday and became a rallying point for the political divide between Catholics and Protestants.[14] Because murals are a popular way to communicate political ideology in Northern Ireland, the Bogside neighborhood, a historically Catholic neighborhood in Derry-

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8 *History of the Conflict*, http://www.sinnfein.ie/history (last visited Oct. 31, 2016).

9 *Id.*

10 *Ireland's Counties and Provinces*, IRELAND.COM, http://www.ireland.com/en-us/about-ireland/discover-ireland/ireland-counties-and-provinces/ (last visited Oct. 31, 2016).

11 *History: The Troubles*, BBC HISTORY, http://www.bbc.co.uk/history/troubles (last visited Oct. 31, 2016).

12 *See* Sean Swan, *Where is the Irish Border? Theories of Division in Ireland*, 4 NORDIC IRISH STUDIES 61, 61 (2005).

13 *Bloody Sunday*, BBC HISTORY, http://www.bbc.co.uk/history/bloody_sunday (last visited Nov. 4, 2017).

14 *See id.*

Londonderry, commemorates this history through the use of murals including a massive sign saying "Now Entering Free Derry."[15]

Sinn Féin has historically been associated with terrorist activities in Londonderry, Northern Ireland, particularly during the Troubles.[16] The Troubles-era Sinn Féin and Irish Republican Army (IRA) are prime examples of organizations that were primarily national-separatist, anti-colonial, and dominant in the twentieth century. These groups have three important characteristics that distinguish them from other twentieth century political movements: (1) the belief they are carrying on a mission that once belonged to their parents or a previous generation; (2) the belief in retaliating due to social injuries inflicted upon previous generations; and (3) they are loyal to their parents and previous generations who have been harmed. Although the Sinn Féin of the past probably fit this mold, today it is an organized political party with substantial power in the Derry City Council and throughout Northern Ireland.

Although The Troubles have come to an end and the conflicts between Unionists and Republicans, and Protestants and Catholics, have changed since the height of the violence in the 1970s and 1980s, many elements and micro-conflicts remain unresolved. They are barely under the surface of the peaceful coexistence that has been built in Northern Ireland since the signing of the Good Friday Accords.[17]

D. The Good Friday Accords

The Good Friday Accords, also known as the Belfast Agreements, brought an end to the violence that plagued Northern Ireland for over thirty years and ushered in a new period of peace-building and reconciliation.[18] The process leading to the Good Friday Accords was time-consuming and came in incremental steps.[19] Multi-party talks, now prominent in the country, began in June 1996. The actual ceasefire

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15 *Places to Go: County Londonderry*, IRELAND.COM, http://www.ireland.com/en-us /destinations/ (follow "County Londonderry" link) (last visited Oct. 31, 2016).

16 *Bloody Sunday and the IRA*, *in* PROVOS: THE IRA AND the SINN FEIN, BBC ONE (Aug. 22, 2014), http://www.bbc.co.uk/programmes/p0258srv.

17 *Ireland's Counties and Provinces*, IRELAND.COM, http://www.ireland.com/en-us /about-ireland/discover-ireland/ireland-counties-and-provinces/ (last visited Oct. 31, 2016).

18 *Good Friday Agreement*, BBC HISTORY, http://www.bbc.co.uk/history/events/good _friday_agreement (last visited Nov. 4, 2017). The Good Friday Accords was a multi-party dispute resolution process that involved many of the major parties in Northern Ireland as well as several parties and ADR professionals from different countries. *Id.*

19 *Id.*

on the part of the IRA occurred in July 1997, and many paramilitary members from both sides of the conflict became involved in the peace process the same year.[20] The official Good Friday Accords were ratified in May 1998, and cover a wide array of issues.[21] These issues include: human rights, status of prisoners, new legislation, new governing councils, and the seeds for reconciliation processes.[22] Although the Good Friday Accords cover a wide array of issues important for the peace process in Northern Ireland, no mention is made about how to handle naming conflicts, specifically those similar to what is occurring in Derry-Londonderry.

E. Present

Today, the official border for Ireland and Northern Ireland is open and splits Ulster between the two countries.[23] The border has been open since the signing of the Good Friday Accords of 1998.[24] The counties comprising Ulster are split as follows: Antrium, Down, Amargh, Tyrone, Fermanagr, and Derry—which make up British Northern Ireland—and Monaghan, Cavan, and Donegal—which are part of Ireland.[25]

Since the signing of the Good Friday Accords in 1998, Northern Ireland has also experienced a decline from the high levels of violence it experienced in the 1970s and 1980s.[26] This in part correlates with a global decline in violence.[27] Particularly, there has been a decline in violence between the Unionists, who are typically Protestant, and the Republicans, who are typically Catholic.[28] Today, these groups have formed political parties like the Sinn Féin, Social Democratic Labor

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[20] *Id.*

[21] *Id.*; The Good Friday Agreement, N. Ir.-U.K., Apr. 10, 1998, https://www.gov.uk /government/uploads/system/uploads/attachment_data/file/136652/agreement.pdf.

[22] *See* The Good Friday Agreement, *supra* note 21.

[23] Swan, *supra* note 12.

[24] *Id.*

[25] *Ireland's Counties and Provinces*, *supra* note 17.

[26] *See* Mohammad Aly Sergie, *The Northern Irish Peace Process*, COUNCIL ON FOREIGN RELATIONS (Feb. 3, 2014), http://www.cfr.org/peace-conflict-and-human-rights /northern-ireland-peace-process/p31552.

[27] *See* STEVEN PINKER, THE BETTER ANGELS OF OUR NATURE: WHY VIOLENCE HAS DECLINED 344–61, 671–96 (2011).

[28] *See* Sergie, *supra* note 26.

Party, Ulster Unionist Party, and the DUP.[29] Many of these parties originate from The Troubles, and all of their adult members have memories of the violence.[30] The physical violence of conflict in Northern Ireland ended in 1998 with the Good Friday Accords.[31] Although violence is declining, Northern Ireland still has issues with conflict, including the naming dispute surrounding Derry-Londonderry.

II
KEY STAKEHOLDERS AND PARTIES TO THE CONFLICT

When approaching a naming conflict, especially one as complex as the "Derry-Londonderry" conflict, it is important to identify the key stakeholders to the conflict. Key stakeholders are those who have the power to speak for others such as social organizations and political parties, or those with the power to influence change though policy changes (i.e., government, industry, etc.). There are three important elements that must be examined when distinguishing between key stakeholders and other interested parties. First, it is critical that the third-party neutral who will be managing the ADR process seeks out only those that have the power to speak on behalf of larger groups (i.e., have legitimacy in the eyes of those they represent) and the power to influence change, and make policy changes or financial investments. In the current case, it is likely that the third party would need to be self-motivated and bring the parties to the table. This can be difficult, especially in conflicts such as in Derry-Londonderry, as it takes time to locate the key elements of Northern Irish society and convince—but never force—parties that otherwise would refuse to discuss the issue that having a multi-party resolution to the conflict is necessary and valuable to them and those they represent.

Furthermore, the political and industrial parties that need to be party to the resolution of the conflict can be difficult to coordinate. With conflicts that take years to resolve, and changing political leaders, it is essential that the process be built on a solid foundation (i.e., through relationship building) so that when people leave office or leadership changes within a business, the conflict resolution process itself is not lost. This Part continues with a short list of proposed key stakeholders

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[29] Whyte, *supra* note 1.

[30] *Id.*

[31] *See* Sergie, *supra* note 26.

to this conflict and why they are relevant to any conflict resolution process for the Derry-Londonderry naming dispute.

A. Sinn Féin

Although the Sinn Féin of The Troubles was an anti-colonial terrorist group, today it is a very active political party with a growing power base. This is in part due to changing demographics. In 2013, the population of Belfast was forty-nine percent Catholic and forty-two percent Protestant.[32] The same holds true for the rest of Northern Ireland. That said, Sinn Féin's greatest power comes from its growing Catholic base, which now outnumbers the Protestant base in the region.[33] Sinn Féin is also very skilled at communicating its view of The Troubles. This includes not only their current political views, but also their interpretation of the past, which is part of Derry-Londonderry.[34] This history is communicated to residents and tourists alike using murals that communicate important messages and identify heroes for its "children" to consume and be raised to idolize. Furthermore, Sinn Féin embraced other discursive practices such as social media and has a wide array of resources, including its growing support base, and access to the legal and political systems it was isolated from during The Troubles.

B. The Democratic Unionist Party (DUP)

The DUP of Northern Ireland was formed in 1971, at the beginning of The Troubles.[35] Early on, this party was heavily involved in the political process and by 1979, it had multiple party members in the Northern Irish Assembly, Constitutional Convention, and European Parliament.[36] Since its creation, the DUP has off and on been one of the largest political parties in Northern Ireland.[37] Given its history and popularity, the DUP is not only very powerful politically and economically, it has also been very skilled at navigating the political

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[32] Martina Purdy, *Catholics Now Outnumber Protestants in Belfast*, BBC NEWS (Apr. 3, 2014), http://www.bbc.com/news/uk-northern-ireland-26875363.

[33] *Id.*

[34] *Id.*

[35] *Timeline*, DUP HISTORY, http://www.mydup.com/about-us/history (last visited Oct. 31, 2016).

[36] *Id.*

[37] *Id.*

system during and after The Troubles. Furthermore, the DUP has substantial influence on the political discourse of Northern Ireland, as well as access to legal and financial resources coming from parties within and outside of Northern Ireland.[38]

C. The Derry City Council

In contrast with the political parties and legal system involved in the conflict over the name of Derry-Londonderry, the Derry City Council, the leadership of the city of Derry-Londonderry, is a third party to this conflict.[39] The Derry City Council is currently comprised of thirty-nine members—Councilors and Aldermen/Women.[40] Sinn Féin currently holds the most seats—at sixteen.[41] The City Council has changed its name from Londonderry City Council to the Derry City Council.[42]

The Derry City Council is one of the principle stakeholders and driving forces in the naming issue. In 2007, it brought the issue before a United Kingdom (UK) court, which held that the legal name of the city is Londonderry and could only be changed through legislation or a royal mandate.[43] The judge cited that Londonderry has been the legal name of the city since the reign of James I, who granted the city its charter.[44] This comes in spite of the fact that in 1984, the Derry City Council changed its name without such a decree.[45] Although a UK judge ruled the Derry City Council does not have the power to change the name of the city without legislation or a royal decree, the Derry City Council still is a substantial, multi-party player in the conflict.[46] Given that the positions on the council are elected by the community, the Derry City Council has the power to bring parties to the negotiating

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38 *Id.*

39 *Stroke City to Remain Londonderry*, BBC NEWS (Jan. 25, 2007, 8:53 PM), http://news.bbc.co.uk/2/hi/uk_news/northern_ireland/6297907.stm.

40 *Your Councillors by Party*, DERRY CITY & STRABANE DIST. COUNCIL, http://meetings.derrycityandstrabanedistrict.com/mgMemberIndex.aspx?FN=PARTY&VW=TABLE&PIC=1 (last visited Oct. 31, 2016).

41 *Id.*

42 *Council Efforts to Change Londonderry Name to Derry Condemned*, BBC NEWS (July 24, 2015), http://www.bbc.com/news/uk-northern-ireland-foyle-west-33647867 [hereinafter *Council Efforts*].

43 *Stroke City to Remain Londonderry*, *supra* note 39.

44 *Council Efforts*, *supra* note 42.

45 *Id.*

46 Application By Derry City Council For Judicial Review [2007] NIQB 5, [17] (N. Ir.), http://www.courtsni.gov.uk/en-GB/Judicial%20Decisions/PublishedByYear/Documents/2007/2007%20NIQB%205/j_j_WEAF5707.htm.

table and the power to change and reflect the demographics and interests in its region. However, the Derry City Council's attempts to change the name of the city continue to be met with harsh resistance including by some of its own councilors, who singled it out as a Sinn Féin-specific proposal.[47]

D. The Northern Irish Tourism Industry

The final major party involved in the naming dispute is the Northern Ireland Tourism Industry. Tourism in Northern Ireland is booming, especially in the area around Derry-Londonderry. This is due in part to the increase of filming in the area. It also helps that one of the most massive and costly TV shows in history—Game of Thrones—is produced in Belfast, using the surrounding countryside as filming locations and its residents as employees.[48] Because of the global phenomenon that is Game of Thrones, Derry-Londonderry has seen an explosion of interest in people traveling to the region. However, how can one cater to tourists if there is no single, coherent name for the area?

The tourism industry used a name proposed in the early 2000s, Derry-Londonderry, regardless of what the other parties involved thought or wanted. This decision allows the tourism industry to emphasize the modern Game of Thrones obsession sweeping across the globe, while highlighting key points from the historical narratives of the parties involved in this conflict. The Protestant residents love the walled city and the story of William of Orange, whereas the Catholic residents want to ensure their own historical narrative, including the events of Bloody Sunday, also receive equal recognition. For this reason, the tourist industry's plan, which involves no legal entanglements nor political bureaucracy, is the most successful and powerful. In many ways, the tourism industry wields the most power, because it utilizes economic forces its industry provides to transform the conflict and its solution into something that is more economic than personal, more businesslike than historical. That is a power only the tourism industry can wield in Derry-Londonderry.

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47 *Id.*

48 *See* Robbie Meredith, *Game of Thrones: TV Drama 'Contributes £110m to NI economy,'* BBC NEWS (July 17, 2015), http://www.bbc.com/news/uk-northern-ireland-33 573492.

E. Derry-Londonderry and the 2010 UK City of Culture Bid

Even though the strategies employed by these parties have been of varying effectiveness, there has been a lot of progress made on the issue. When Derry-Londonderry entered its bid to become the first UK City of Culture in 2010, the parties and organizations in the city, including the Derry City Council, engaged in widespread collaboration to make this decision.[49] In the past, collaboration on such a decision would have been impossible because the decision-making process was much more likely to devolve into violence. The decision to collaborate was an incredibly important step in resolving the naming dispute because it helped begin the "branding process" of Derry-Londonderry.[50] Branding the city allows for the creation of a single narrative, which is agreed upon by the parties involved in the process. Although this is not the management of the naming conflict, it is an encouraging step forward in the resolution process.

III
ADDITIONAL PARTIES TO THE CONFLICT

A. The UK Court System

The legal system in Northern Ireland, particularly the High Court of Northern Ireland, has attempted to resolve this conflict when the dispute was in the court system. The High Court of Justice in Northern Ireland is structured identically to that of England and Wales and is divided into the Queen's Bench Division, Family Division, and Chancery Division.[51] Northern Ireland, like Scotland, belongs to a separate legal system from England and Wales.[52] This is, in part, due to the history of these specific regions and their right to retain their own legal systems, as preserved in the Acts of Union in 1707 and 1800.[53] The overlapping court for all three systems is the Supreme Court of the United Kingdom, which has yet to receive a case involving the naming

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[49] Peter Doak, *Beyond Derry or Londonderry: Towards a Framework for Understanding the Emerging Spatial Contradictions of Derry–Londonderry—UK City of Culture 2013*, 18 CITY 488 (2014).

[50] *Id.*

[51] *High Court*, COURTS & TRIBUNALS JUDICIARY, https://www.judiciary.gov.uk/you-and-the-judiciary/going-to-court/high-court/ (last visited Oct. 31, 2016).

[52] Courts & Tribunals Judiciary, *The Justice System & the Constitution*, https://www.judiciary.gov.uk/about-the-judiciary/the-judiciary-the-government-and-the-constitution/jud-acc-ind/justice-sys-and-constitution/ (last visited Nov. 4, 2017).

[53] *Id.*

conflict in Derry-Londonderry.[54] Thus far, the naming conflict has only reached the High Court in Northern Ireland.[55]

However, in 2006, the Derry City Council brought the Derry-Londonderry naming case to the High Court in Northern Ireland—through the Queen's Bench Division.[56] The Derry City Council asked the High Court to declare that the city's legal name is Derry under the premise that the City Council has the right to change the city's name.[57] However, Justice Weatherup ruled that the legal name was Londonderry because of a charter from King James I, dated April 10, 1662.[58] This ruling did little to resolve the conflict. Instead, it served to encourage parties to the conflict—those that helped bring the case to the court and those that did not—to anchor into their respective positions. With this decision, the High Court settled the issue regarding what the legal name of the city is, which was the question that was brought before them.[59] This has not, however, shut the court out of hearing cases involving other legal questions brought before them that are related to this issue.

B. Social Groups

Social groups and their online presence are a larger set of parties to this conflict. In the social media age, it is not uncommon for social groups to spring up and attempt to create change online. One such example is the "Derry Not Londonderry Petition" started by Edwyn Cassidy. This petition was intended for John Kelpie, the Chief Executive of the Derry City Council.[60] Although this petition has yet to be successful, its very existence highlights the role social media groups have in perpetuating and resolving conflicts and their position as stakeholders in the conflict.[61] Although social media platforms like Facebook—used by this petition group—and Twitter can become a

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54 *Id.*

55 Interpretation Act of 1978, c. 30, § 5, sch. 1 (Eng.), http://www.legislation.gov.uk /ukpga/1978/30/schedule/1. According to the Act, the High Court in Northern Ireland is "Her Majesty's High Court of Justice in Northern Ireland." *Id.*

56 *Id.*

57 Application by Derry City Council for Judicial Review, *supra* note 46.

58 *Id.*

59 *Id*.

60 Edwyn Cassidy, *Change the Name of Derry*, CHANGE.ORG, https://www.change.org /p/john-kelpie-change-the-name-of-derry (last visited Oct. 31, 2016).

61 *Id.*

place where people vent their frustrations, demonstrate their anchoring to their views, and verbally attack each other, social media can also be a healing force that allows people to share ideas and connect in ways that was not possible before. Social media is also a practical tool for third party neutrals when searching for specific people who may be key stakeholders with actual power to create change. Given the intensity of opinions on the Derry-Londonderry naming conflict, social media groups can empower people who would otherwise be afraid or unwilling to share their opinions and/or express their support for certain views while at the same time facilitating an environment that encourages growth and learning at a variety of comfort levels.[62] As such, social media groups involved in this naming conflict are powerful stakeholders with an immense ability to mobilize supporters to spread their ideas and cultivate support for their solutions.[63]

IV
NAMING CONFLICTS AND THE DIFFICULTY OF MANAGING THEM UNDER TRADITIONAL CONFLICT RESOLUTION PROCESSES

Names are complicated as they carry culture and historical narratives, which we tell to explain past events and support our worldviews. It is not surprising that conflict arises when there is a dispute over names, particularly over the names of places such as cities, states, and countries. These disputes tend to involve places that are of great importance, carry substantial meaning to those who reside there or originate from there, and influence how others perceive these places. For example, the Republic of Macedonia and Greece have been embroiled in a naming conflict over the name "Macedonia," a name that carries a substantial amount of historical significance for the Macedonians and for the Greeks, for over two decades.[64] Sometimes these conflicts stem from a history that includes substantial violence— as illustrated by Derry-Londonderry, which provides an excellent example of such a conflict and the steps that can be taken to move

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[62] *See generally* Samantha Goodyear, *The Power of Social Media*, THE HUFFINGTON POST (July 1, 2014), http://www.huffingtonpost.com/samantha-goodyear/the-power-of-social-media_3_b_5161138.html.

[63] Cassidy, *supra* note 60.

[64] Helena Smith & Patrick Kingsley, *Macedonian PM Open to Dialogue on Name Dispute to End 24-year Row with Greece*, THE GUARDIAN (Dec. 16, 2015, 4:49 AM), https://www.theguardian.com/world/2015/dec/16/macedonia-open-to-changing-its-name-to-end-24-year-dispute-with-greece.

towards a successful management of naming conflicts on local and international levels.[65]

So how do we manage naming conflicts? This question, on the surface, might seem simple enough. Conflict, after all, can be managed in a number of ways: litigation, mediation, or negotiation, all of which are forms of communication. However, not all forms of problem solving are appropriate for the management of naming conflicts given their unique nature. Naming conflicts are typically ill-suited for management through litigation because they involve a myriad of parties and substantial historical baggage. Since history is intrinsically connected to conflict and is merely a narrative that extends over a period, it is difficult to capture it without extensive study, trial and error, and mistakes.[66]

A. Litigation

Although litigation is a useful tool in resolving a wide variety of conflicts, naming conflicts, such as the case of Derry-Londonderry, are ill-suited for management through litigation and should remain outside of the court system unless a legal question is involved. Litigation, as a conflict resolution mechanism, is a rigid system that operates most successfully when addressing legal questions that are brought before the court. Armed with a set of laws—state, national, or international— as well as common law, if the case is in a common law system, litigation is ideal for conflicts focused on the breach of duty or violation of existing law. Litigation is also ideal as a mechanism to change existing law to match the needs and interests of society. However, litigation is also very formalistic, with specific requirements for a case to be taken before the court. For example, in order to bring a case to a court, one must file a complaint that specifically states what the plaintiff's claim is and what relief is being sought.[67]

Most naming conflicts rarely ask legal questions or present legal issues that a court would be able to hear. Although many parties involved in the conflict might think there is a legal question or issue, or perhaps even have a genuine legal issue a court could address, their

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65 *See* Doak, *supra* note 49.

66 Peter Hegarty, *The Need for Historical Understanding in the Psychology of Peace and Conflict*, 20(3) PEACE & CONFLICT: J. PEACE PSYCHOL. 337, 338 (2014).

67 *Complaint*, BLACK'S LAW DICTIONARY POCKET EDITION, 139 (4th ed. 2009).

lack of funds or the lengthy legal process can prevent parties from bringing a naming conflict to court. In addition, most parties to a naming conflict may not accept a court's findings, as illustrated in the case of Derry-Londonderry,[68] therefore making a court ruling ineffective in the resolution of the conflict.

Even if a naming conflict presents a legal question, the requirements that must be met for that question to reach the courtroom are quite difficult to meet because there is rarely a single, unified party with an agreed-upon complaint.[69] The requirement that the plaintiff and defendant gather the history of the naming conflict will likely result in problems. One of the most important problems is that a lot of the information that is relevant to the conflict will either be overlooked because there is simply too much information for the court to handle, relevant information may be difficult or impossible to find given the age of the information, or a lack of records kept on the issue—a signature characteristic of multigenerational conflicts.[70]

Another challenge of litigation is that naming conflicts rarely fit into the litigation process because of the number of parties who have a stake in the outcome. The parties can range from those directly bringing suit, to a person who is far removed from the conflict yet impacted due to their own feelings about the conflict. Given the number of people involved in or impacted by a naming conflict, if courts were to attempt to manage one of these conflicts, it would require the court to dedicate more staff and other resources to resolve the multi-faceted conflict and manage dozens—if not hundreds or thousands—of parties. Furthermore, the court would also struggle with the massive number of parties who are not invested in the legal process and engaged in withholding information and using the legal process to mine for information to harm other parties outside the courtroom. Such activities do nothing to help resolve the conflict and reinforce the anchoring practices parties engage in to protect their worldviews and opinions.

Finally, even if a decision is made through litigation, it may not be deemed to be a final decision on the issue, especially if the decision came from a court system that has a prior association with a particular side of the issue—or with a government that the other parties to the issue have had conflicts with in the past. For litigation to be successful, the court system itself must appear to be neutral in the eyes of all the

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68 *Stroke City to Remain Londonderry*, *supra* note 39; *see also Council Efforts*, *supra* note 42.

69 *See generally* Fed. R. Civ. P.

70 *Id.*

parties to the conflict and the parties that are in dispute need to have some respect for that institution and for the decision that institution would make on the issue. If that is present, then litigation can be useful in managing or resolving a naming dispute.

B. Arbitration

Arbitration is one of the more rigid forms of ADR and resembles the judicial system more than other forms of ADR do (i.e., mediation, negotiation, and facilitation). In both domestic and international arbitration—with some variance depending on the rules of the country—arbitration is typically used to resolve contractual disputes between parties.[71] Arbitration itself is typically a private form of ADR that mimics the appearance of a trial, but is informal and consensual between all parties involved in the arbitration.[72] The procedure that the arbitration will follow is usually prearranged by the parties in their contract (i.e., a dispute resolution clause) and can either include a specific mechanism for selecting arbitrator(s) or incorporate institutions that specialize in arbitration.[73] Although arbitration has many elements that would be beneficial in managing and resolving a naming conflict (i.e., that it is a consensual process, it is typically more efficient than trial, and it uses a third party "judge"), it is the only form of ADR that is limited to situations involving contracts.[74] If naming disputes involve a contract, arbitration is a potential and will likely have a successful solution. If there is no contract, then arbitration is a form of ADR that is off limits to naming disputes.

C. Negotiation

Negotiation is the most common form of ADR today and is used by most people in their personal and professional lives. Negotiation also tends to be a precursor to other forms of ADR and, ultimately, litigation.[75] Negotiations can include any number of parties, each with

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[71] THOMAS CARBONNEAU, CASES AND MATERIALS ON ARBITRATION LAW AND PRACTICE 4 (7th ed. 2014).

[72] *Id.* at 1.

[73] *Id.*

[74] *See generally id.*

[75] MICHAEL L. MOFFIT, EXAMPLES & EXPLANATIONS: DISPUTE RESOLUTION 1 (3d ed. 2014).

their own set of interests.[76] To be successful in a negotiation, it is essential that each party or their representative understand what is the best alternative to a negotiated agreement (BATNA), and their worst alternative to a negotiated agreement (WATNA), and their reservation value (or walk-away point).[77] The overlapping area between parties' reservation values forms the zone of possible agreement (ZOPA), the area in which an agreement can be made. Although negotiation is a helpful tool in ADR, it is a process that takes a lot of time and only works if parties are invested in it. In naming disputes, negotiation is difficult, especially when parties to the conflict are not interested in resolving the conflict in a manner that will benefit parties outside their own social groupings.

However, in naming conflicts in regions with a history of violence, negotiation on a single dispute may not be sufficient to create a feasible and long lasting resolution. Although the global rate of violence is on a historic decline,[78] violence—and the history of violence—is still a prominent factor in any negotiation surrounding a naming conflict. Naming conflicts, like other types of conflict, can, in many instances, take on a persona or a gravity that is far heavier and further away from resolution in our minds than they are in reality. In the case of Northern Ireland, the negotiations in the 1990s for the Good Friday Agreement weigh heavily on any future negotiations in the country.[79]

Through the use of negotiation, more recent disputes—with the necessary political and social groups present—are able to resolve some conflicts. However, naming disputes, especially in situations like this, can fail if the wrong parties, or parties who are unable or unwilling to implement agreed upon solutions, come to the table to negotiate. Therefore, although negotiation is a helpful tool in managing and resolving naming conflicts, it is a very challenging process to organize and requires appropriate parties—parties that have an interest in the process and can implement change—and substantial amounts of time and resources in order to be successful. Without substantial time, careful investment, and above all, the introduction of negotiators who are invested in the process, negotiating a successful resolution for a naming dispute will fail.

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76 *Id.* at 2.

77 *Id.* at 3–4.

78 Steven Pinker, *Has the Decline of Violence Reversed Since "The Better Angels of Our Nature" was Written?* 7 (2014), http://stevenpinker.com/files/pinker/files/has_the _decline_of_violence_reversed_since_the_better_angels_of_our_nature_was_written.pdf.

79 *History: The Troubles*, *supra* note 11.

D. Facilitation

Facilitation is a form of ADR which focuses on having a third party help a group make a decision on an issue.[80] Facilitation operates using a process in which the group, assisted by a facilitator, shifts from divergent thinking (i.e., generating ideas, discussion, gathering points of view, etc.) to convergent thinking (i.e., evaluating ideas, summarizing important or critical ideas, sorting ideas into categories, and making decisions).[81] In between the divergent and convergent zones is called the "groan zone."[82] The groan zone is one of the most difficult sections in a facilitation because it is full of misunderstandings and miscommunications that need to be addressed in order to transition to convergent thinking.[83] Facilitation can be a helpful instrument in resolving conflicts, particularly those that involve a substantial number of people, like a community.

However, facilitation does have some drawbacks, particularly the fact that trained facilitators are difficult to find, as it is a newer form of ADR. Furthermore, in naming conflicts that involve elements of national violence such as in the case of Derry-Londonderry, finding a facilitator who understands the problems and the culture of the people who would form the group would be very difficult. It should be noted that if a facilitator is not able to successfully manage the group, including the use of harmful or hurtful rhetoric by participants, the process itself could be harmed to a point where not only would the naming conflict be negatively impacted—harming future resolution attempts—but also other disputes could be negatively impacted, including those that were barely resolved. Although facilitation is easily implementable and can work with large groups, if used on its own in naming conflicts, it can be very dangerous and harmful, as well as it relies too much on reaching group consensus among groups with no interest in consensus.

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[80] SAM KANER, FACILITATOR'S GUIDE TO PARTICIPATORY DECISION-MAKING xvv-xvii (3d ed. 2014).

[81] *Id.* at 6.

[82] *Id.* at 20.

[83] *Id.* at 21.

E. Mediation

Mediation, the use of a neutral third party to help individuals or groups in conflict come to a resolution, is the most useful form of ADR when working with naming conflicts.[84] Mediation specifically uses a third-party neutral as a host for the mediation process, a guide or educator to the parties about the process, and a coach to all parties involved in the process to help the parties reach a solution.[85] The mediator(s) also acts as a translator of ideas, emotions, and/or positions between the parties, helping take complex ideas or feelings and communicating them in such a way so that other parties to the conflict can understand what the party who presented the ideas or feelings actually meant.[86] Like most other forms of ADR, mediation is consensual and can be ended at any time by the parties or by the mediator with the consent of the parties.[87]

Mediation is a helpful tool in resolving naming conflicts because it provides the appropriate amount of third party structure that is necessary to deal with intense feelings and dark history that surround these conflicts, while also providing a sense of ownership to the parties when they reach a decision. In resolving a naming conflict that necessitates the creation of a new and inclusive historical narrative for the people and parties, it is important to not only permit each party to share their opinions—or narrative—and feelings, but also to make sure that the other parties to the conflict understand those feelings and opinions, and in turn, have opportunity to share their own opinions and feelings—rather than attack other participants' ideas, opinions, and/or beliefs. Hence, having a mediator whose job it is to reframe attacks— or discourage them, depending on the situation—as well as ensure everyone's opinions are heard and understood by the group, is vital to successfully resolving a naming conflict. Therefore, mediation is the most beneficial form of ADR that can be used to manage and resolve naming disputes.

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84 CARRIE J. MENKEL-MEADOW, MEDIATION: PRACTICE, POLICY, AND ETHICS 85 (2d ed. 2013).

85 *Id.*

86 *Id.*

87 *Id.*

V

USE OF NORTHERN IRELAND'S TOURISM INDUSTRY AS A THIRD PARTY TO RESOLVE THE DERRY-LONDONDERRY NAMING DISPUTE

A name is more than just words assigned to a map. It is a symbol of cultural identity—an identity that is slowly being constructed in Derry-Londonderry. Although the conflict is currently at an impasse among traditional venues for conflict management, non-traditional sources of conflict management, particularly the tourism industry, have emerged to help manage Derry-Londonderry's naming conflict, like some of Northern Ireland's other simmering micro-conflicts, and to help the nation continue to walk down the path of non-violent conflict resolution and peace.

With long-standing conflicts, sometimes it is helpful to bring in a third party to help resolve the conflict. Aside from the use of ADR professionals such as mediators, facilitators, and even negotiators, there are a host of other parties that can help resolve a conflict. Here, in the case of Derry-Londonderry's naming conflict, a third-party economic driver, like the tourism industry, can play the role of a third-party conflict resolver. Given that Northern Ireland's economic woes impacted both Catholics and Protestants, as well as the new benefits being harnessed from the growing film industry in Belfast, the tourism industry in Northern Ireland is a critical, third-party stakeholder that not only must be involved in the resolution of the conflict, but also may have the power to help push forward an implementable, multi-party resolution.

To determine if Northern Ireland's tourism industry is capable of serving as a third party in resolving the naming dispute over Derry-Londonderry, it is necessary to analyze not only what action it has taken on the issue—and why—but it is also important to see what power the industry wields in the country and over Northern Ireland's citizens. If the tourism industry has sufficient power and drive to push for a resolution, it is likely that other parties, who would otherwise be opposed to a compromise, might change their position in order to benefit an industry that helps their constituents find stable employment and income.

The tourism industry for County Londonderry describes the city as "sitting snug on the River Foyle, Derry-Londonderry is Ireland's only surviving walled city. But don't think for a second that those walls hem

it in."[88] Rather than hide the violence the city endured during The Troubles, this tourist page highlights the city's modern history by saying "you can see traces of Derry-Londonderry's more recent history in the political murals—like the famous You Are Now Entering Free Derry landmark in the city's Bogside neighborhood. The difference is that today, they're tourist attractions."[89] These "tourist attractions" are doing wonders for the Northern Irish economy. As Tourism Northern Ireland states on its website, "tourism is a significant driver for Northern Ireland. It generates wealth, jobs, exports, civic pride and innovation."[90] However, can all these things exist, along with the industry they stem from, if the place they are trying to sell to tourists cannot be marketed because no one knows what to call it?

No, it cannot. Imagine a group of tourists traveling through the region with a copy of a travel guide. They are looking for a good place to stay, sites to see, places to eat. However, what the book says, or their phone provides them with, does not match what the locals are telling them. People will get frustrated when looking for directions to a place called "Derry" or "Londonderry" only to receive conflicting information that only utilizes one name because of the political affiliations behind a product or information. Perhaps they will get lucky and someone will tell them that Derry and Londonderry are the same place, or maybe not. In fact, this same situation can arise while tourists are in their home countries planning their trip to the area. Without a uniform name, it is difficult and expensive to market Derry-Londonderry to tourists.

A uniform name can be used to build a brand. In this case, the brand is focusing on selling tourist attractions, ranging from historical sites to filming locations, and is being used to support more than just tour companies and hotels.[91] The tourism industry in Northern Ireland itself contributed 4.9% to the National GDP (£1.49bn) and 5.6% of workers (one in eighteen jobs) are supported directly by the industry.[92] With such large numbers, it is clear that Northern Ireland's tourism industry,

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88 *Places to Go: County Londonderry*, *supra* note 15.

89 *Id.*

90 NORTHERN IRELAND TOURIST BOARD, THE VISITOR ECONOMY: THE ROLE OF TOURISM AS AN ECONOMIC DRIVER, http://www.tourismni.com/globalassets/facts-and -figures/research-reports/tourism-performance-statistics/economic-impact-of-tourism /economic-impact-the-case-for-tourism-the-role-of-tourism-as-an-economic-driver-2009 .pdf.

91 *Id.*

92 *Id.*

and the people it supports, are parties to Derry-Londonderry's naming issue. These parties may provide the solution because of their broad reach and ability to go above traditional party boundaries, particularly among parties that have a history of disagreeing with each other.

Here, the Northern Irish tourism industry has pushed for a resolution of the conflict to meet its need for a brand under which to market the city to tourists.[93] The industry is focused on utilizing the name "Derry-Londonderry" as the city's brand in tourism advertisements both nationally and abroad. Tourism in Northern Ireland is growing quickly. For example, in the first half of 2016, Northern Ireland had over 1.1 million visitors (non-residents of Northern Ireland) who spent £372 million in the country.[94] This is up 7% from the first half of 2015, a year in which Northern Ireland had over 2.3 million people (non-residents) visit, which in turn was up 6% from 2014 and was the highest number on record for non-resident visitors to Northern Ireland.[95]

Tourism in Northern Ireland is governed by four major entities: Regional Tourism Partnerships, the Northern Ireland Tourist Board, Northern Ireland Tourist Industry Confederation, and Tourism Ireland.[96] In 2006, four Regional Tourism Partnerships (RTPs) were created to focus on "visitor servicing, product development, marketing and industry training" in their local areas.[97] The four RTPs are the Armagh Down Tourism Partnership, the Causeway Coast and Glens Tourism Partnership, the Belfast Visitor and Convention Bureau, and the Western Regional Tourism Partnership.[98] In contrast with the RTP, the Northern Ireland Tourist Board (NITB) is tasked with "the

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93 *Id.*

94 TOURISM NORTHERN IRELAND, JAN.-JUNE 2016 NI TOURISM PERFORMANCE AT A GLANCE, https://www.tourismni.com/globalassets/facts-and-figures/research-reports /tourism-performance-statis tics/annual-and-quarterly-performance/at-a-glance-jan-june— 2017.pdf (last visited Oct. 31, 2016).

95 *Id.*; TOURISM NORTHERN IRELAND, JAN.-DEC. 2015 NI TOURISM PERFORMANCE AT A GLANCE, http://www.tourismni.com/globalassets/facts-and-figures/research-reports /tourism-performance-statistics/annual-and-quarterly-performance/at-a-glance-jan-dec-20 15-annual-and-quarterly-statistics.pdf (last visited Oct. 31, 2016).

96 *See* Northern Ireland Affairs Committee, Tourism in Northern Ireland and its Economic Impact and Benefits, 2006–07, HC 119, at 6–8 (N. Ir.), https://www.tourismni .com/globalassets/facts-and-figures/research-reports/tourism-performance-statistics/econ omic-impact-of-tourism/economic-impact-niac-report—-tourism-in-ni—its-economic-im pact—benefits.pdf.

97 *Id.* at 7.

98 *Id.*

development, promotion, and domestic marketing of Northern Ireland as a tourist destination."[99]

Tourism Ireland was founded by Fáilte Ireland (The Tourist Board for the Republic of Ireland) after the Good Friday Accords of 1998.[100] Tourism Ireland is a publically owned organization dedicated to marketing Northern Ireland outside the U.K.[101] With the clearly delineated organizational structure of their tourism industry and the role of tourism at the Good Friday Accords as one of the subjects Northern Ireland and the Republic of Ireland agreed to collaborate on, tourism has a significant role in reconciliation in Northern Ireland.

Even though tourism was part of the 1998 Good Friday Accords, how important is this industry to the resolution of problems stemming from The Troubles today?[102] Northern Ireland's Industry barometer reports clearly demonstrate the marketing power the tourism industry and its governing organizations have in influencing change in Northern Ireland. The NITB tracks these changes and publishes them in its barometer reports, which are "survey[s] of tourism businesses designed to provide insight into tourism performance for the year to date and prospects for the remainder of the year."[103]

In its September 2015 report, Tourism Northern Ireland found that "marketing by local or national tourism bodies was the fifth most frequently cited positive affecting tourism businesses."[104] Although tourism remains strong in Northern Ireland, the September 2016 barometer report highlights growing concern over competition with other destinations and highlighted the need to adapt and expand marketing strategies.[105] Even with these fears, Tourism Northern Ireland also indicates in their June 2016 barometer report that the largest source for potential growth of the tourism industry is the United States.[106] In 2013 alone, half of the foreign visitors to Northern Ireland

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[99] *Id.* at 6.

[100] *Id.*

[101] *Id.* at 6–7.

[102] *Id.*

[103] TOURISM NORTHERN IRELAND, TOURISM INDUSTRY BAROMETER SEPT. 2015 3, http://www.tourismni.com/globalassets/facts-and-figures/research-reports/tourism-perfor mance-statistics/tourism-industry-barometer/industry-barometer-sept-2015.pdf.

[104] *Id.* at 30.

[105] *See generally* TOURISM NORTHERN IRELAND, TOURISM INDUSTRY BAROMETER SEPT. 2016, http://www.tourismni.com/globalassets/facts-and-figures/research-reports /tourism-performance-statistics/tourism-industry-barometer/industry-barometer-september -2016.pdf.

[106] *See generally id.*

came from Europe and one third of all visitors came from North America.[107] Furthermore, 3.9% (31,000) of jobs in Northern Ireland in 2013 were directly related to the tourism industry.[108]

Although tourism is up throughout Northern Ireland and transforming the economy, is that true for Derry-Londonderry? Yes. In Derry-Londonderry alone, there has been substantial growth in tourism based employment in the area. This is indicated not only through the vast number of tourists visiting the area, but also in the industries they support. One of the most dependent industries is the accommodation industry. Hotels, bed and breakfasts, guest houses, and rentals depend on the influx of tourists who want to remain in the area more than half a day and truly explore the area. This subsection of the industry has seen growth in the "Derry City" area. As illustrated in Table 1 on the growth of Northern Ireland's stock of tourist accommodations in Derry City and Strasbane District from 2013 to 2016, the numbers indicate that there has been substantial growth in tourism support industries in the area.[109]

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[107] DELOITTE, TOURISM: JOBS AND GROWTH- THE ECONOMIC CONTRIBUTIONS OF THE TOURISM ECONOMY IN THE UK 15 (2013), https://www.visitbritain.org/sites /default/files /vb-corporate/Documents-Library/documents/Tourism_Jobs_and_Growth_2013.pdf.

[108] *Id.*

[109] *See* TOURISM NORTHERN IRELAND, ACCOMMODATION STOCK END SEPTEMBER 2016, 1, 3, https://www.tourismni.com/globalassets/facts-and-figures/research-reports/tour ism-performance-statistics/accommodation-stock/accommodation-stock-year-end-2016 .pdf (last visited Oct. 31, 2016); TOURISM NORTHERN IRELAND, ACCOMMODATION STOCK YEAR END 2015, 1, 3, https://www.tourismni.com/globalassets/facts-and-figures/re search-reports/tourism-performance-statistics/accommodation-stock/accommodation-stock-year-end--2015.pdf (last visited Oct. 31, 2016); TOURISM NORTHERN IRELAND, ACCOMMODATION STOCK SEPTEMBER END 2014, 1, 7, https://www.tourismni.com /globalassets/facts-and-figures/research-reports/tourism-performance-statistics/accommod ation-stock/accommodation-stock-year-end-2014.pdf (last visited Oct. 31, 2016); TOURISM NORTHERN IRELAND, ACCOMMODATION STOCK YEAR END 2013, 1, 6, https://www.tourismni.com/globalassets/facts-and-figures/research-reports/tourism-performance-statistics/accommodation-stock/accommodation-stock-year-end-2013.pdf (last visited Oct. 31, 2016).

Table 1. Stock of Tourist Accommodations Growth in Derry City and Strasbane District

Type of Accommodations	Total (2013)	Total (2014)	Total (2015)	Total (2016)
5 Star/4-star hotels	6	6	7	7
3 Star hotels	2	2	2	2
Unclassified	2	2	2	2
Awaiting grading	0	0	0	1
Guesthouses	3	3	3	2
Bed & breakfasts	48	49	55	60
Self-catering	49	46	50	59
Hostels	7	6	5	5
Guest	2	3	2	4
Bunkkhouse	0	0	0	0
TOTAL	**119**	**117**	**126**	**142**

Given that there has been substantial growth in this industry in Derry-Londonderry, it is not surprising that this industry has significant influence on events and problems that arise. Although the impact from Brexit has yet to play out, examining the Good Friday Accords of 1998 highlights a lot of promises exchanged about economic prosperity, which were encompassed in Northern Ireland's reconciliation process.[110] However, a decade after the cease-fire, the economic situation was in worse shape.[111] That is in part due to the collapse of the Celtic Tiger,[112] a massive source of wealth for the area. In many ways, as religious conflict is on the decline, economic conflict in Northern Ireland is on the rise.[113] Given the economic tensions, there is little incentive to negotiate on the name change among the political and governmental bodies involved in the process.

[110] Northern Ireland Affairs Committee, *supra* note 96, at 8.

[111] Dennis O'hearn, *How has Peace Changed the Northern Irish Political Economy?*, 7 ETHNOPOLITICS 101, 108 (2008), http://www.tandfonline.com/doi/abs/10.1080 /17449050 701847202.

[112] "Celtic Tiger" is a term used to describe a period of rapid economic development that Ireland experienced from 1995 to 2000. *See* Dermot McAleese, *The Celtic Tiger: Origins and Prospects*, POL'Y OPTIONS POLITIQUES 46 (July–Aug. 2000), http://www.tcd .ie/Economics/staff/dmcleese/Web/mcaleese.pdf.

[113] O'hearn, *supra* note 111, at 109.

The tourism industry, however, began the rebranding process on its own, under the premise that a unified name would help bring tourists to the area and lead to economic growth. To the tourism industry, the naming conflict means damage to tourism, involved businesses, and to the local economy. This third party has done a good job of pushing ahead the issue with their own solution—a hyphenated name that has been traded around throughout the dispute. The beauty of a hyphenated name is that it acknowledges the interests of both major stakeholders in the name of the city and serves as a starting point for building a cohesive historical narrative about the city.

The tourism industry began its involvement in changing the name of Derry or Londonderry in the 2000s, when the NITB named the walled city of "Derry" as a part of its Signature Tourism Project for Northern Ireland.[114] In the final report published in 2010, the NITB demonstrated that it marketed Derry-Londonderry as "The Walled City of Derry," or as "The Walled City."[115] Although the area saw an increase in tourism, with a third of its tourists coming from Great Britain and a quarter from North America, the visiting audience was mostly middle-aged or older.[116] This is incredibly problematic given that Northern Ireland is serving as the filming and production location for TV shows and films that are targeting millennials. Millennials, unlike previous generations, are more inclined to travel in order to seek out new experiences and are the target audience for a sustainable tourism industry in the region.[117] Furthermore, most of these tourists did not remain in the area more than three days and came to Northern Ireland to see sites such as Giants Causeway, rather than the Derry City Walls.[118]

Although NITB did a good job marketing the history of Derry-Londonderry and highlighting its features through the use of pamphlets and on-site learning activities/programs, there was clearly room for

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[114] *See generally* NORTHERN IRELAND TOURISM BOARD, WALLED CITY OF DERRY EXPERIENCE (2010), http://tourismni.com/globalassets/facts-and-figures/research-reports /tourism-perfor   mance-statistics/signature-project-reports/signature-project—-derry-final-report-2010.pdf.

[115] *Id.*

[116] *Id.* at 4.

[117] Ashley Stahl, *How Millennials Spend Their Money (Hint: Experiences Trump Possessions)*, FORBES.COM (Nov. 15, 2016), https://www.forbes.com/sites/ashleystahl /2016/11/15/how-millennials-spend-their-money-hint-experiences-trump-possessions/#71 9598e85cfb.

[118] NORTHERN IRELAND TOURISM BOARD, *supra* note 114, at 5–6.

improvement, as only twenty percent of individuals surveyed said they had an "excellent" experience in the area.[119] In fact, even though the "Walled City of Derry" brand was perceived as "historical" and "celebratory," it was not perceived as being "memorable," "authentic and unique" or "iconic," all areas that are of great importance to the NITB in growing tourism in Northern Ireland.[120] As a result, the NITB indicated in its 2010 final project report that more work was necessary to market "The Walled City" to tourists, including highlighting features within it.[121]

However, is "The Walled City of Derry" the name that should be marketed? It is a mouthful, and carries substantial amounts of political baggage along with it. In many ways, the tourism industry took the same route journalists reporting on the area have—using the hyphenated name "Derry-Londonderry" following this report.[122] Unlike "The Walled City of Derry" and "Stroke City," "Derry-Londonderry" is far easier to market, although it is a compromise. It is a simple name and the marketing materials produced by the NITB and other organizations clearly explain the history in a manner that is easy for visitors to process and comprehend. The name "Derry-Londonderry" also serves as a reminder of the reconciliation process that Northern Ireland is still going through. The process is slow, especially because there are many issues that still need to be addressed. It is not as if The Troubles are centuries removed from people's minds; the conflict is still fresh and filled with more grief, anger, and violence than any individual can hope to resolve in a single lifetime.

VI
ADR LESSONS FROM THE DERRY-LONDONDERRY NAMING CONFLICT

Naming conflicts are typically ill-suited for court because they are massive and have more to do with feelings and emotions than with actual legal issues. As this Article suggests, naming conflicts such as the one involving Derry-Londonderry, need an alternative dispute resolution approach. This approach would utilize some of the best features of mediation to not only help bring parties to the table, but also

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[119] *Id.* at 7–8.

[120] *Id.* at 9–10.

[121] *Id.*

[122] *See Derry/Londonderry What's this Place Called Again?*, CULTURE NORTHERN IRELAND, (Aug. 28, 2003), http://www.culturenorthernireland.org/features/heritage/derry -londonderry.

to help cultivate communication and collaboration among the stakeholders. By building an environment that is supportive of communication and collaboration among the parties, solutions could present themselves.

When working with a naming conflict it is vital that the stakeholders to the conflict are treated equitably. Much like in mediation in the United States, what "equitability" looks like can depend on what power and exertion of power each party has. The first step should always be to find third-party mediators who are aware of their biases. Searching for someone who is unbiased in naming conflicts is incorrect, partially because it would be impossible to find a resident of a city or of a country embroiled in a naming dispute that would not have an opinion on or a stake in the issue. Furthermore, if one were to search for a third-party mediator from outside the boundaries of the conflict (e.g., the country or the continent), the search would be too expensive and the parties could still have a stake in the issue, such as their reputation. That said, third-party neutrals can come from the community; however, they must be acceptable to the other parties, be aware of their own biases, and disclose their biases to the parties at the beginning of any discussion.

The second step is to bring the stakeholders into the decision-making process. This is perhaps the most difficult issue in a naming conflict as there are potentially an uncountable number of parties who could view themselves as stakeholders but may not be as much of a stakeholder as other parties. Given that we live in an age of social media, stakeholders can be all over the world. However, to resolve a naming conflict, work must be done to separate stakeholders that are "on the ground," particularly those that have a history with the issue and an investment in it, from those that are "opinion holders."

In the case of Derry-Londonderry, the "on the ground" stake holders are the political parties, the tourism industry, the social activism groups (such as the petition organization), and other social groups. These groups typically have had a long-term engagement and involvement in the events that have contributed to the conflict and have had the power to implement changes that others, typically individuals, cannot. One such group is Rotary International, which has a chapter in Derry-Londonderry known as the Londonderry Rotary.[123] Londonderry

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[123] Edna Young, *Building Peace in Northern Ireland*, ROTARY VOICES (Aug. 23, 2013), https://blog.rotary.org/2013/08/26/eyoung/.

Rotary, much like Rotary International, has done a lot to help people in the community and has been actively involved in the naming conflict and reconciliation process in Derry-Londonderry.[124] Rotary International even hosted their Rotary peace conference in Derry-Londonderry in August 2013, where one participant, using the name Derry-Londonderry in reference to the city, described Derry-Londonderry "as a city once torn by civil unrest and violence, but now thriving with culture and a popular destination."[125]

Groups like the Londonderry Rotary can do a lot to help bring parties to the table. However, it is a long process that takes a lot of groundwork and relationship building. This process should never be rushed and must occur organically in order to be successful. Although mediators help facilitate conversation, naming conflicts need to be resolved by the stakeholders themselves through the construction of positive relationships.

After getting the stakeholders involved in relationship building and conversations on the naming issue, how can the process reach a conclusion? In an ideal world, all the parties would come to an agreement on the issue and move on. As Derry-Londonderry highlights, third parties are invaluable. The tourism industry is an ideal third party because, not only does it draw its origins from the Good Friday Accords of 1998, it is a stakeholder than can cross all political and religious boundaries in Northern Ireland and be authentic to the everyday citizen. That is why, when working on a naming conflict with many stakeholders, it is important to identify a stakeholder that is concerned about issues similar to issues third parties are concerned about. These third parties would need to represent a mix of stakeholders, or be particularly influential economically and must be capable of serving as the common ground for the other parties as an impetus for change.

It should be noted that not everyone needs to be at the table to begin the process. Some parties will adamantly refuse to participate because they are anchored to their strongly held beliefs and participation in a discussion could be contrary to those beliefs. When working with parties like these, it is important to turn to third parties to help bring the necessary parties to the table. Third parties with the power to influence those that are resistant to the idea of coming to the table are invaluable. These parties might be stakeholders in the issue, or perhaps so far

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[124] *Id.*

[125] *Id.*

removed that they have little interest in it. Framing the issues, or the participation of the parties and their motivations for participating in the process, is essential to utilizing the influence of third parties and bringing resistant parties to the table.

Finally, it is important to recognize that a resolution to a naming conflict can look different depending on the situation. In cases such as Derry-Londonderry, a resolution to a conflict will be something that people agree to what name the city will carry forward, but older issues, including the old beliefs and the history of The Troubles, are kept in each party's narrative. This may come in the form of parties accepting a name, but not giving up on their positions on the issue—a strategy which depends on the concept of saving face among the parties involved. In other instances, a resolution may look like acceptance, but it really may be a decrease in resistance due to overriding benefits, as illustrated in the tourism industry of Northern Ireland. Finally, some naming conflicts may not be resolved since there is no common ground between the parties to work with, particularly due to their history and investment in the issue.

Here, Northern Ireland is developing its economy with a dependence on tourism. Regardless of a stakeholder's view on the Derry-Londonderry naming conflict, very few, if any, would want to harm that industry and jeopardize the economy and jobs. As such, the tourism industry has power that no other party to the conflict has. It has the power to unite other parties and serve as common ground for solving the problem. As such, when dealing with naming conflicts, it is important to identify parties that can serve as common ground and have the power to drive change. Otherwise naming conflicts might never be resolved because there is little to no physical impact in a war of words that is detached from visible consequences. By demonstrating that there are economic repercussions from not resolving a conflict, parties tend to be more willing to resolve the conflict or support others who are resolving it in a manner that is practical and sensitive to the underlying needs of the other stakeholders.

CONCLUSION

Naming conflicts, as demonstrated in the case of Derry-Londonderry, are incredibly complex and difficult to resolve. Although it might be our first instinct to take a problem like this to court, the legal system is not typically the proper venue for resolving these types of

issues because naming conflicts are rarely just legal issues. Since naming conflicts come with massive amounts of historical baggage and emotions, it is vital that they be unpacked and identified, and that parties be permitted to speak on the issue.

Although it can be difficult to manage naming conflicts, the case of Derry-Londonderry highlights the importance of using third parties to facilitate, if not drive, the process. Here, the tourism industry, motivated primarily by the booming film industry and consumer interest in visiting the region, is in a unique position as a third party to encourage the parties in dispute to come to a resolution of their mutual benefit. Although it is clear that the tourism industry has a vested interest in having the conflict resolved (for marketing purposes), the parties active in the dispute also have an economic interest in working with a third party to resolve the conflict to the financial benefit of their constituents (i.e., those that are involved economically in the industry and relevant ancillary services). This strategy in turn provides a template that can be utilized in other naming disputes involving similarly situated third parties.

From the NFL, to the European Union, naming disputes are everywhere. Although they are complex, naming disputes can be resolved through a mix of time, communication between parties, and use of common ground. These conflicts also provide rich opportunities for mutual gain. As such, Derry-Londonderry provides an excellent example for the resolution of similar conflicts around the world.