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Territorial autonomy: a solution for open ethnic conflicts?

Territorial regional autonomy hitherto has been established in at least 21 countries. As some states are home to more than one autonomous region (Spain has 17 "Autonomous Communities", Italy 5 regions with special autonomy, Great Britain 3, Nicaragua and Portugal 2 etc.), there are at least 60 regions in the world vested with territorial autonomy defined along scientifically based criteria.[1] Territorial autonomy is successfully operating since 1921, when the Aland Island obtained their special status within Finland, while the most recent autonomy, namely that of the Province of Aceh in Indonesia is about to be approved by the Indonesian Parliament in June 2006. The basic features of these working autonomies – at least one autonomous region for each of the 21 countries – have been illustrated in "The World's Working Regional Autonomies".

In the scientific literature there is still no comparative empirical evaluation of the results produced by these specific arrangements, following the model of comparative federal studies. Yet, comparisons often are barred by the assumed "uniqueness" of every autonomy system, and the same is said for attempts to suggest solutions transferring certain models of autonomy arrangements to other similar conflict areas. This is true, but only partially: each working autonomy has been created against a specific social, political, cultural, ethnic background, based on unique historical and political genesis and aimed to accommodate the needs and interests of specific groups living in those areas and minority peoples within a state. But, on the other hand, territorial autonomy is also a precisely definable relationship between a central state and a region and all working autonomies of the world share some basic features. As these features can be evaluated distinctively and its results can be empirically evaluated, assumptions can be made related to
   -   the general applicability of territorial autonomy in a given political environment
   -   the possible basic features of a working autonomy in order to achieve specific aims
   -   the transfer not of entire "models of autonomy systems", but of single elements and regulations or a set of elements, institutions and procedures which in various existing experiences of autonomy have proved as rather efficient.

Of course, the conflict parties – state elites and regional communities – starting from this assumption never are released of the necessity to hammer out the specific design of an autonomy suitable to solve a given conflict.

Starting from this general assumption it is possible to determine a list of regions on all continents, afflicted by violent conflicts, deep ethnic or religious cleavages, burdened by the strain of discrimination and oppression of national minorities or entire minority peoples (or colonised peoples) since decades.[2] Figuring out an autonomy solution for such conflicts is not just political science fiction or an academic game, but worth of serious reflections about feasibility and international mediation efforts, taking into consideration that territorial autonomy has been mostly positive experience in about

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[1] Those criteria are explained in the author's recent comprehensive work "*The World's Working Regional Autonomies – An Introduction and Comparative Analysis*", ANTHEM Press London/New Delhi 2007. Russia's various autonomous subjects are not included in this counting as this state is considered an asymmetrical federal system *sui generis* with various "autonomous subjects". China's autonomous regions along with some other former communist states in Central Asia are not included as the criterion of a democratic system is not met.
[2] For the currently ongoing wars see http://.en.wikipedia.org/wiki/Ongoing_wars. Violent conflicts with ethnic background in 2008 are occurring in Tibet, Tuareg-region (Mali/Niger), Ogaden, South Thailand, Balochistan, Darfur, Chechnya, Niger Delta, Casamance (Senegal), Kashmir, West Papua (Indonesia) Turkish Kurdistan, Sri Lanka, Hmong (Laos), Burma, Mindanao (Philippines).

60 regions all over the world. The following list of 14 regions in conflict with the central state has been compiled not arbitrarily out of a longer list of the world's open conflicts, but according to three main criteria:

1. territorial autonomy has already been envisaged as a possible solution by the conflict parties, but not thoroughly implemented, or autonomy has already been established in some other areas of the same state;
2. external self-determination with subsequent secession, even if legitimised under international law, seems to exacerbate the internal conflict or be impossible by various serious political factors;
3. the considered regions are all home to national minorities or minority peoples, but often also multinational regions which could turn into interethnic violence again if secession occurred.

As several examples show territorial autonomy can be established also within federal states where the basic challenge consists in adapting the vertical power sharing within a single federated state (e.g. India or Mexico) in order to accommodate the interest of minorities or regions with special needs. The list is far from being complete, but can serve to underscore the urgent need to promote territorial autonomy solutions for open ethnic conflicts. Moreover, if autonomy could be enshrined not only in constitutions, but in international covenants, this would provide the autonomous regions on the one hand a safe entrenchment, the state parties at the other hand would be reassured that autonomy would not enhance secession. This issue will be briefly highlighted in chapter 2 of this essay.

Cases of open conflicts

While some self-determination conflicts, such as Palestine, Western Sahara, Sri Lanka, Cyprus, Myanmar, and Somalia can hardly be imagined to be solved through autonomy arrangements alone, the case is different for a major group of regional conflicts in several conflicts. Some of these conflicts are smouldering since many years leading to structural discrimination, social tensions, cultural oppression (political exclusion). Some of them are a continuous source for violent confrontation and military action an reaction, as confirmed by the current list of ongoing conflicts. Just 14 examples will be very briefly listed in the present text.

1. The Cordillera Region (Philippines)


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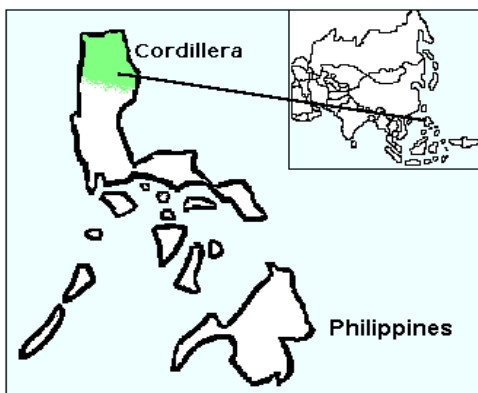
The Gran Cordillera is the largest mountain range of the Philippines, covering 1/6 of the Luzon island (about 18.300 km^2). The population of about 1,1 million (2% of the Philippines' total population) is formed mainly by *Igorots* ("people from the mountains"). The area is divided in 5 provinces, namely

Kalinga-Apoyo, Abra, Ifugao, Benquet and Mountain Province. The peoples of the Cordillera are represented by the CPA (*Cordillera People's Alliance*), the federation of political forces and civil organisations of the indigenous peoples of the region, founded in 1984 by seven Igorot organisations and today consisting of more than 120 member organisations. Beyond the peaceful struggle for autonomy, the *Cordillera People's Liberation Army* started guerrilla war in the first 80s, later continued by the communist "New People's Army" (NPA).

Until now not more than a "Cordillera Administrative Region" has been established. But the *Cordillera Peoples Alliance* is seeking the institution of a genuine autonomy with a "Cordillera Regional Assembly", a "Cordillera executive board" and the "Cordillera Bodong Administration" as transitory bodies. Genuine autonomy could be a realistic compromise solution as the Philippines already are engaged in talks about such a scheme and the government has already established autonomy in 1990 on Mindanao for the Islamic Moro population.[3]

2.West Papua (Indonesia)

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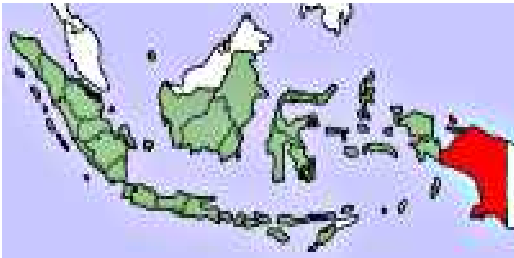
The island of Papua Niugini is home to about a thousand of different indigenous peoples of Melanesian provenience. West Papua hosts the world's highest ethnic diversity on one territory. Since 1848 the island was divided between colonial powers (Great Britain, Netherlands, and Germany). When in 1949 Indonesia gained full independence from the Netherlands, it claimed West Papua too, but did not occupy it. While Australia and the Netherlands prepared West Papua's independence and in 1962 handed the territory over to a United Nations interim administration, soon after 1962 Indonesia invaded the peninsula. On the 1 May 1963 Indonesia became the new colonial power of Western Papua. No possibility of referendum was given to the population of West Papua. Ever since revolts and resistance have been repressed by force. The West Papuan indigenous population (about 900.000 people) have recently been outnumbered by about one million of Indonesian settlers, supported by the state authorities and its "*transmigrasi*"-program. The indigenous OPM resistance movement is continuing its armed resistance.

In 2001 an autonomy package was granted to West Papua by the government in Jakarta, but its main pillar, the "Papuan People's Council" yet does not operate since West Papua has been divided into two provinces. The indigenous peoples see the major threats in the large migration from other Indonesian islands and the exploitation of Papua's natural resources. If the MRP (*Majelis Rakyat Papua*) would collapse, no genuinely representative dialogue partner with Jakarta would not any more exist. Jakarta carved out West Irian Jaya from the Western part of the island establishing it as a separate province, but without a working autonomy. Autonomy for the whole region could be envisaged also following the successful compromise solution achieved on 15 August 2005 in Aceh, which led to a genuine territorial autonomy in 2006.

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[3] For Mindanao see also: www.unpo.org/member.php?arg=19

3. Western Balochistan (Iran)

Historical Balochistan is comprising a land area of nearly 700.000 km^2, divided between Iran (280.000 km^2), Pakistan (350.000 km^2) and the rest in southern Afghanistan. Of its total population of 13 to 15 million about 4 million are living in Iran, who do not enjoy even limited cultural or political autonomy. The Baloch speak two distinct Indo-European languages, Baloch and Brahui. The majority are Sunni Muslims.

http://en.wikipedia.org/

Western Balochistan was annexed to Persia in 1928. The Baloch under Iran never have been recognised as a distinct people or national minority and even have been denied any cultural rights. Political Baloch organisations have been banned and forcedly dismantled. Political freedom in West Balochistan is inexistent. In 2003 the *Balochistan People's Party* (BPP) has been founded aiming to give voice to the Baloch grievances.[4] Autonomy is one of the possible conflict solutions envisaged by the BPP. Fundamental rights and autonomy rights of the Baloch population are violated also in the Pakistani part of Eastern Balochistan. A similar conflict scenario within Iran is given in the Region of Ahwaz, inhabited mostly by ethnic Arabs.

4. The Chittagong Hill Tracts (Bangla Desh)

The Chittagong Hill Tracts (CHT) comprises an area of 13.180 km^2 in South Eastern Bangla Desh bordering to India and Myanmar (Burma). The indigenous population of at least 1,1 million belong to different tribal groups.

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[4] http://www.unpo.org/member.php?arg=66

Most are Buddhist, some Christians and animists. The major ethnic groups among 13 peoples are the Chakma, Tipra, Murong and Magh, but almost 50% of the present day's population are immigrated Bengali Muslim settlers. Since the independence of Bangla Desh the indigenous population was faced with increasing immigration of settlers from the mainland, fostered by the central government. Among the tribal nations, first political and civil, later (since the 80s) armed resistance was organised, especially by the *Shanti Bahini* guerrilla movement. In reaction the whole region was heavily militarised and the police and army unleashed a wide spread repression with a serious human rights violations. The 5-points-manifesto of the *Jana Samhati Samiti*, released on 7 September 1987, was focused on a well-entrenched autonomy:

1. autonomy for the CHT with legislative assembly and recognition of the right to self-determination
2. inclusion of this provision in the Constitution
3. removal of all non-tribals settled in CHT after 17 August 1947
4. allocation of funds from the government to develop the region
5. creation of favourable environment for a political solution of the crisis[5].

On 2 December 1997 a "Peace agreement" was signed by the government and *Parvatya Chattagram Jana Samhati Samiti*, the political platform of the indigenous peoples, granting a limited level of autonomy to three districts of CHT. Subsequently the *Jana Samhati Samiti* transformed into a party. Nevertheless, this treaty was never seriously implemented, as it was opposed by both the opposition parties of Bangla Desh and by the majority fraction of the *Shanti Bahini*. The current Bangla Desh government of Khaleda Zia promised to relaunch the peace process, but until now did not accomplish with its promises.

5. Transylvania (Romania)

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[5] See: http://www.unpo.org.cht "A report on the states of implementation of the CHT accord, by P. Bhikkhu, February 2006

The majority of Romania's ethnic Hungarians live in the Western part of the country, in the region of Transylvania. 6,6% of Romania's population consider themselves Hungarians (1,431.000), which is 20% of the total population of Transylvania (census 2002). Thus the Hungarians are the major national minority of Romania. In the Szekler Region the Hungarians make up the largest minority. When Transylvania in 1919 was incorporated into Romania in the Peace Treaty of Trianon the rights of the national minority were safeguarded and Romania even granted the right to autonomy to the Hungarian *Szekler* minority of Transylvania. In 1989 the Democratic Alliance of Hungarians in Romania (DAHR) was founded, which still is the most representative force of Romania's Hungarians. In a basic treaty signed in 1995 by Hungary and Romania the first renounced on claims on the territory, the latter promised to respect the rights of the Hungarian minority. The DAHR joined the Romanian government after the elections of 1996, 2000 and 2004 becoming a major factor of Romania's political life (6,8% of votes for the Chamber of Deputies, 6,9% for the Senate). Among its major tasks remains the full respect of the fundamental rights and freedoms of the Hungarian community. DAHR president Bela Marko, actually as Deputy Prime Minister responsible for education, cultural and European integration, presented a "draft minority law" to regulate some aspects of the right to use of mother tongue in public life and education. The most important task of the draft is setting the framework for cultural autonomy, while a growing number of Hungarians associations and people are claiming a full-fledged territorial autonomy.[6] Thus, the ethnic „Hungarian Conference in Romania" called upon the Romanian parliament and government to ensure full equality for the Hungarian community and to approve the "Szekler Autonomy Statutes". The EU has been invited to pose the conditionality of the establishment of autonomy for Eastern Transylvania among the accession criteria for Romania to the EU in 2007.

6. Transdniestria (Moldova)

Transdniestria (land area: 3.567 km^2, total population in 2004: 555.000) is a de-facto independent region of the Republic of Moldova since the 2 September 1990. Beginning with Moldova's emancipation from the Soviet Union from 1990 onwards, protest movements against Moldova's independence started in the region east of the Dnjestr, predominantly inhabited by non-Moldavians (ethnic Russians and Ukrainians).

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[6] Christoph Pan/Beate S. Pfeil, *National minorities in Europe - Handbook*, ETHNOS Braumüller, Vienna 2003

In June 1992 a brief war broke out, as Transdniestrian secessionists were backed by the 14th Russian army stationed in this area since Soviet Union times. In the conflict about 1.000 people died and several 10.000 had to leave their homes. On 21 July 1992 a cease-fire agreement was signed between the Republic of Moldova and the Russian Federation, obliging the parties to a peaceful solution of the conflict and deploying a trilateral Russian-Moldovan-Transdniestrian peacekeeping force. The need of a special status of the left bank of the Dnjestr and the right of the population of this area to decide on its own future if Moldova were to reunite with Romania has been the main issues of contention since 1990. Negotiations on a autonomy status such as Gagauzia's up to now were unsuccessful. Currently the OSCE is trying to resolve the situation.

7. South Ossetia (Georgia)
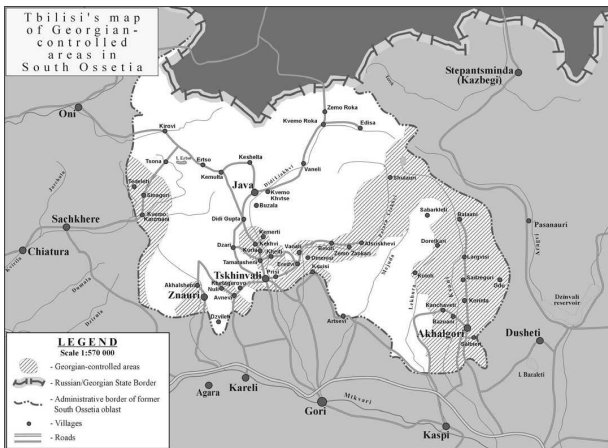
South Ossetia covers an mountainous area of about 3.900 km^2 with about 70.000 inhabitants, in majority ethnic Ossetians. It is de facto independent from Georgia. South Ossetia was absorbed by Russia in 1801. In 1918, following the Russian October Revolution, the region became a part of Georgia and the Soviet Union. In the Soviet time, under the rule of Georgia's government, it enjoyed some degree of autonomy, including the use of the Ossetian language as official and as education language. In the aftermath of Georgia's independence in 1991 Georgian became the only official state language. The Ossetian minority felt sidelined and continued to seek greater levels of autonomy, but were faced with increasing nationalism and centralism by the government in Tbilisi. A decision by Georgia to revoke the autonomy status of South Ossetia in December 1990 immediately unleashed

armed insurgency leaving many villages destroyed. About 1.000 people died and 60.000-100.000 refugees fled from the region. In 1992, Georgia accepted a cease-fire to avoid military confrontation with Russia. Then Georgia pledged to not impose sanctions and to solve the question by political means. A peace-keeping force of Ossetians, Russians and Georgians was established, supported by OSCE mission[7].

8. Cabinda (Angola)

With an area of about 4.000 km^2 the Angolan province of Cabinda is separated from the rest of the country by a 60 km-wide strip of territory of Congo. Cabinda has an estimated population of 600.000. Cabinda, due to its major resource oil, is considered Africa's Kuwait. Its considerable offshore oil reserves now accounts for more than half of Angola's output. Despite this rich oil reserves, Cabinda has remained one of Angola's poorest provinces. An agreement in 1996 between the national and provincial governments stipulated that 10% of Cabinda's taxes on oil revenues should be given back to the province, but also these funds mostly ended up in corrupt central bureaucracy. Since the early 60s several movements advocating a separate status for Cabinda came into being, the most active has been the MLEC (*Movement for the Liberation of the Enclave of Cabinda*) and the FLEC (*Front for the Liberation of the Enclave of Cabinda*). Both movements failed to get international recognition for their "government in exile". When Angola became independent in 1975 Cabinda's self-determination forces MLEC and FLEC claimed a special status for Cabinda. In the first period a solution along the lines of a "large autonomy" (following the model of the autonomy of Madeira and Azores) was envisaged. In 1993 full scale civil war erupted. The FLEC-FAC guerrillas proclaimed a "Federal Republic of Cabinda", claiming control of 85% of Cabinda's total area, and created a government in exile.

Luanda has made cleat that a secession of Cabinda is unacceptable, but it is ready for negotiations with all armed factions. Today, the whole issue is moving towards an autonomy solution. Claims for independence are underpinned with Cabinda's cultural and ethnic peculiarities. But Angola's ruling party stated that cultural peculiarities was not enough for independence as every province has specific cultural features. Thus, Angola is considering autonomy for Cabinda in the framework of shaping decentralisation for the whole country, which could be not enough for the Cabindans.

9. Gilgit-Baltistan (Pakistan)

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[7] A re-establishment of the former (or an improved) territorial autonomy could be envisaged also for the second secessionist region of Georgia, Abkhazia.

Gilgit-Baltistan is the historical name of the huge region (84.931 km^2) between Western Himalaya and Karakorum, which today forms the Northern part of Pakistan under the official term of "Northern Areas". The region is inhabited by 1,1 million people, belonging to a dozen indigenous peoples and ethnic minorities as well as immigrants from mainland Pakistan. It came under the dominion of the Princely State of Jammu and Kashmir in the mid of the 19th century, whereas the Hunza kingdom in the very north of the region resisted until 1878. After the partition of British India in 1947 and the subsequent war on Jammu and Kashmir, on 1 November 1947 the indigenous liberation movement gained independence, but had to seek protection under the newly constituted state of Pakistan.

While the Western part of divided Jammu and Kashmir was declared a "Free state" (Azad Jammu and Kashmir) with its own constitution, parliament and government with full internal autonomy, Gilgit-Baltistan was kept in a legal limbo, pending the final juridical status of the formerly princely state of Jammu and Kashmir, which is claimed by India, Pakistan and Kashmir. The region since 1947 is directly governed by the central government of Islamabad, has no genuine democratic representation neither a national nor at regional level. Only a council with very limited consultative powers was established. Since 1990, unrest and grievances are mounting and triggered of violent revolts and bloody repression. Also due to increased immigration from mainland Pakistan inter-Islamic communal conflicts are on the raise. An increasing number of Gilgit-Baltistan political forces are claiming full autonomy under Pakistan, the de-connection from the whole pending conflict Jammu and Kashmir and self-determination.

10. Jammu, Ladakh and the Valley of Kashmir (India)

The formerly princely state of Jammu and Kashmir in 1947/48, along with the whole sub-continent, suffered partition, war and ethnic cleansing. The Eastern part with Jammu, the Kashmir Valley and the huge mountainous region of Ladakh was annexed to India by the decision of its former ruler, the Maharaja. Contrary to promises of democratic India and obligations under international law confirmed vis-à-vis the United Nations, India never held a popular referendum on the status of the region. Hence, three further wars were fought by India and Pakistan, and Jammu and Kashmir is still at the heart of bitter territorial dispute. Jammu and Kashmir as a federated state of the Indian Union enjoyed special autonomy status under Art. 370 of the Indian constitution until 1953 (formally this article is still in force).

Since January 1990 Jammu and Kashmir are suffering first a popular insurgency, followed by a protracted guerrilla war, which India tries to suppress with enormous military commitment. The war provoked at least 80.000 victims, scores of refugees and a deep political alienation of the majority of the Muslim population of the Kashmir valley. Long lasting talks between Indian and Pakistan did not produce any result regarding the political issue, the platform of *Hurriyat*, boycotting every kind of elections in the state and for the Union institutions, is advocating a referendum with at least three

options: accession to Pakistan, status quo with J&K remaining under India and independence. The whole process is complicated by the ethnic-religious composition of the state: in Jammu the majority population is Hindu, in Ladakh the majority is Buddhist and nearly all inhabitants of the Kashmir valley are Muslim. Both Ladakh and Jammu are claiming more autonomy inside the state of J&K or even separation, but strictly sticking to permanence with India. Jammu and Kashmir is the only federated state of India with a Muslim majority. A restoration of the former autonomy under Art. 370 with elements of condominium regarding security and external representation with Pakistan appears the only feasible way for an interim solution.

11. Turkish Kurdistan

Turkish-Kurdistan is an unofficial name for the South Eastern part of Turkey predominantly inhabited by ethnic Kurds, one larger part of the geographical and cultural area know as Kurdistan. The Kurds and Kurdistan not only are not officially recognised as distinct people by Turkey, but still many Turkish institutions deny its very existence, defining the region just "Anatolia" and its inhabitants "mountain Turks". The Kurdish population is spread over an area of 18 provinces of Turkey covering 209.000 km^2, but have also migrated in millions to the large cities in the western part. The century old Kurdish ambition for statehood was to be fulfilled in the 1920 Treaty of Sèvres, when a truncated Kurdistan (leaving all the Kurds of Iran, Iraq and Syria outside) was granted national rights. But in the subsequent 1923 Treaty of Lausanne Turkish-Kurdistan was fully recognised as an integral part of Turkey with vague promises of autonomy. Ever since then Kurdish nationalists sought to obtain fundamental collective cultural and political rights or outright self-determination, opposing the repressive centralist policy of the Turkish state, inspired by Kemal Atatürk. As a result, the Southeast of Turkey has been at the centre of a long running insurgency by the Kurdish Workers party PKK, in which more than 30.000 lives were lost, more than 2.000 Kurdish villages were destroyed, and for decades the Kurdish provinces were transformed in human right emergency areas. The Turkish authorities have often been criticised by foreign governments, human rights organisations and international organisations such as the EU, the Council of Europe and the OSCE for their conduct in the region. The issue has recently (2005) been reignited and remains a major sticking point in the proposed accession of Turkey to the European Union.

The region is still heavily militarised by the Turkish security forces due to the activities of Kurdish resistance movement and the unstable nature of the border (Iraq conflict. Territorial Autonomy in this extremely centralist state with nationalist ideology enshrined in the constitution seems still far away, although the Kurds today in culture, education and media enjoy a little more freedom.

12. Corsica and Brittany (France)

Corsica is the fourth largest island in the Mediterranean Sea after Sicily, Sardinia and Cyprus, located north to Sardinia. In France Corsica is referred to as a "region", one of the 26 regions of France, although officially it is defined a "territorial collectivity", which enjoys slightly more powers than other French regions. Unlike other "overseas territories of France" in the Caribbean, in South America (Guyana) and in Oceania Corsica is considered a part of the French mainland.

Corsica's claim for autonomy is based on both historical and cultural-linguistic reasons. In 1982 96% of the island's inhabitants of Corsican origins (just 70% of the total population) understood and 86% regularly spoke the Corsican language, a form of medieval Italian related with the Sardinian language. Corsican still now is not an obligatory medium language in schools, but can be offered as an optional subject. As Corsican has no official status, its administrative and legal role is minimal. It can be used occasionally in contacts with the public administration and in court, as long as the officials themselves know the language. But it is in no way a requirement to have access for public employment.

There are several movements on the island calling for a real autonomy of Corsica from France or even full independence. Autonomy proposals focus on the promotion of the Corsican language, more powers for an autonomous Corsican region and full financial autonomy. While among the island's population there is some support for a special autonomy, polls show that a large majority of Corsicans are opposed to full independence. Some nationalist Corsican groups carried out violent campaigns since the 70ies, including bombings and assassinations, usually targeting officials and buildings representing the French government. France responded also to peaceful protest with an overwhelming force, generating sympathy for the independence groups among the Corsican population. In 2000, the French Prime Minister Jospin agreed increased autonomy to Corsica in exchange for an end to violence. The proposed autonomy for Corsica would have included greater protection for the Corsican language, whose practice like other minority languages in France, had been discouraged. According to UNESCO classification, the Corsican language is currently in danger of becoming extinct. However, the plans for increased autonomy were opposed by the Gaullist opposition in the French National assembly, who feared that this would lead to calls for autonomy from other regions such as Brittany, the Basque Country and Alsace, eventually threatening France's unity. In a referendum on 6 July 2003 a narrow majority of Corsican voters opposed a project of the Paris government to grant a major autonomy to the "territorial collectivity" of Corsica. As the 2003 referendum shows, still broad sectors of Corsica's population do not wish more autonomy. Nevertheless, Corsica's example by some other regional minorities in France has been taken as an encouragement to claim autonomy as well (Alsace, Brittany, Savoy, the Basque Country) and also in the French Overseas Departments Martinique, Guadeloupe and Guyana.

The cultural region of Brittany – a peninsula in Northwestern France once a independent kingdom and duchy – today is split between the region of Bretagne and some parts attached to neighboring *departements* and regions of France. The land area of this cultural region is 34.034 km^2 with a population of about 4,2 million. The duchy of Brittany kept specific laws and taxes until 1790, when French revolutionaries withdrew all the "privileges". French today is the only official language and spoken throughout Brittany, while the two regional Breton and Gallo languages have no official status, although they are supported by regional authorities within the strict national laws. Until the 1960s Breton still was spoken and understood by the majority of Brittany population. Now the Breton language and culture is living a strong revival as other Celtic cultures (in Galicia, Ireland, Wales and Scotland), supported by a private education network called *Diwan*. Regionalist parties, advocating territorial autonomy, are gaining ground, but are far away from being majorities.

13. Caracoles de Chiapas (Mexico)

On the 1 January 1994 the Zapatista Liberation Front (*Ejercito Zapatista de Liberación Nacional*) occupied a part of the Mexican state of Chiapas, overwhelmingly inhabited by indigenous peoples, claiming cultural autonomy, land rights, democratic participation and resistance against the neo-liberal strategies of the Mexican government. The same day Mexico had officially joined the North American Free Trade Association (NAFTA). The Zapatista movement was a shining signal for militant commitment and popular movement for indigenous rights and social rights not only in Chiapas, but in many other parts of Latin America. The Mexican government tried to repress the movement with all means, including military occupation and aggression.

In August 2003 five regions under control of Zapatistas and hundreds of municipalities inhabited by some 300.000 people, gathered to form an unofficial "autonomous Zapatista region". The EZLN, which since 1994 has not carried out any new military operations, considered this step as a logical consequence of the treaty with Mexico of San Andrés referring to cultural autonomy and indigenous rights. The municipalities, mostly very poor and economically backward, declared autonomy and established structures of democratic self-governance. The five regions by the Zapatista movement of Chiapas are called "*caracoles*" (shells). The self-governed communities tried to set up an autonomous health assistance, school system, trade network and productive activities in co-operatives. However, the core of the autonomy claim remains the cultural distinctiveness, inspired by indigenous languages, community life, religious beliefs, values. Whereas female participation is moving around 33% of the political representatives in the new communities, it is still considered as not sufficient.

According to EZLN statements, the Zapatista movement is not questioning the sovereignty of Mexico in Chiapas. Autonomy by the EZLN is seen as a device to achieve two major aims for the *indigenas*: equality as Mexican citizens, which means an end of social and economic discrimination of the indigenous and poor small farmers and the right to diversity, which means full recognition of the ethnic-cultural peculiarity of the indigenous peoples (20% of Chiapas' population of totally 4 million are belonging to about 10 indigenous peoples). The "Autonomous Zapatista Region in Chiapas", despite being *de facto* autonomous, could not be considered in this text as a "territorial autonomy" as it is not recognised by the Mexican state as a *de jure* arrangement and thus not corresponding to the criteria of a official regional autonomy as outlined under chapter 2.2 and 2.10.

14. Tibet

Blue areas are claimed but not administered by the People's Republic of China.

South China Sea islands are not shown.

http://en.wikipedia.org/

Until 1949 the entire territory of Tibet (about 2,5 million km^2) was governed by an independent Tibetan government under the leadership of the Dalai Lama. After the invasion of the Chinese Red Army in eastern Tibet in 1949, China's revolutionary regime forced the Tibetan rulers to sign the "17-points-peace-agreement" in 1951. Subsequently the People's Republic of China maintained that Tibet was an inalienable part of the PRC. In 1959, after an unsuccessful revolt, the Tibetan leadership under the Dalai Lama fled to India and more than 100.000 Tibetans took refuge in South Asian countries, Europe and North America. Today the major part of the historical Tibet is governed as an Autonomous Region which has been created as the fifth and last of China's so-called "Autonomous Regions" in 1965 The TAR refers only to the central province of U Tsang, while large parts of Amdo and Kham are incorporated in the neighbouring province of Qinghai and Yunnan. While the PRC claims to permit the TAR a substantial measure of self-government, in reality, the core authority rests almost entirely with the Central Government and the Communist Party of China. Provisions allegedly intended to promote autonomy in the TAR have almost invariably failed to grant Tibetans residing in the TAR meaningful self-rule. It is very questionable whether the Tibetans are allowed to enjoy their fundamental cultural rights under the Chinese Law on National Regional Autonomy of 1984. Although the TAR, especially since the end of the Mao era in the 80s, has undergone "modernisation" in terms of economy, infrastructure, public services, administration, health and education system, the still serious record of human rights abuses, the lack of religious and political freedoms, the discrimination in the economic development is threatening the Tibetans[8]. The Tibetan government in exile (Dharamsala, India), since the Dalai Lama's Strasbourg proposal in the European Parliament of 15 June 1988[9], has proposed to establish a genuine autonomy for the whole territory of historical Tibet under the sovereignty of China which would keep the power on foreign affairs and defence. Since the transfer of sovereignty over Hong Kong in 1997 from UK to China under the motto "one country, two systems", Tibetan representatives in exile have repeatedly claimed the application of the same principle for Tibet in the framework of the Chinese Constitution. While the proposal has been rejected by Bejing, it should be noted that an autonomy in Hong Kong style could not meet the minimum standard of modern genuine autonomy.[10]

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[8] See International Committee of Lawyers for Tibet (now Tibet Justice Centre), *Forms of autonomy*, New York, June 1999, p.553
[9] For the text see: Tibetan Parliamentary and Policy Research Centre, *Autonomy & the Tibetan Perspective,* New Delhi 2005
[10] It would be legitimate to apply „genuine territorial autonomy", apart from the TAR, to the other four autonomous regions of the PRC, at least to Xinjiang.

The need of a right to autonomy

Regional autonomy not only can potentially cater for most of the needs and interests of national minorities, but its decisive advantage that it does not clash with the interest of the states to preserve full integrity of their territory. Autonomy in addition must often tackle a double problem: to grant the protection of the national minority in its traditional homeland, but also to include self-governance all the groups living in that area. Regional autonomy, as the label suggests, should benefit a whole regional community, not just one sector of the regional population.

But regional autonomy – in order to be an enduring solution – has to be built on solid legal foundations: a pure domestic or internal entrenchment of an autonomy arrangement in several cases might be too weak to grant its acceptance by the concerned national minorities. In this regard Kosovo's experience is a striking example: the escalation of the conflict was mainly due to the abolition of the autonomy of this Serbian province in 1989, which had been established by Tito only in 1974. But regional autonomy was the minimum what former Yugoslavia could have offered to Kosovo's Albanians, by number more than Macedonians, Slovenes and Montenegrins., considering that in 1945 Kosovo has been denied the status of a federal republic. But this autonomy, not based on any agreement with Albania, has been cancelled by Milosevic along with the autonomy of Vojvodina, depriving the Albanians from any protection of Serbian chauvinism, has not been the first case of "lost autonomies". Other precedents are Jammu and Kashmir in the 1950ies, with an autonomy curtailed by federal India under Nehru, Eritrea which enjoyed autonomy under Ethiopia from 1962 to 1972 and South Sudan (1972-1983), finally the short autonomy experience of Iraqi Kurdistan smashed by Saddam Hussein in 1977. All those cases lead to war and genocide for so many years, South Sudan's agony lasted 19 years claiming more than 2 million lives, whereas the conflict in Kashmir is still going on. In the 90ies, Abkhazia and South Ossetia, former autonomous regions of Georgia, rebelled against the abolition of their autonomy by independent Georgia, declaring themselves independent as well. In all those cases the International Community did not intervene as autonomy was considered a purely internal arrangement, lacking any international entrenchment.

Generally, regionally autonomies – there are about 60 within 21 states all over the world, if counting only systems operating in democratic states with full rule of law[11] - are established as solutions of compromise between the claim of self-determination of a smaller people and the interest of a central state to preserve its integrity. Relying on such a compromise for a national minority cannot be based only on confidence and good will and a simple state law, but requires strong guarantees enshrined in the country's constitution or even better in a bilateral or international agreement.

However, just a tiny part of the world's operating autonomous regions can count on such an entrenchment, for instance the autonomous province of South Tyrol, Italy. But this is a key requirement of integrating the legal system of minority protection and the collective rights of peoples, if the case of Kosovo is not be referred to a precedent for any secessionist movement. The Federal Union of Europe Nationalities already in 1994 submitted to the Council of Europe a "Draft European Convention on the Right to Autonomy", which unfortunately has not been discussed so far. But from the case of Kosovo we can draw the lesson that autonomies which are curtailed or even abolished, are a major risk not only for the population who suffer its immediate effects, but also for peace and stability in the whole region. Without having a perspective of a far reaching and safe autonomy possibly entrenched in international law, secessionist forces ever will find some good arguments to invoke independence as the only way out.[12]

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[11] For a comprehensive consideration see Thomas Benedikter, *The World's Working Regional Autonomies – An Introduction and Analytical Comparison*, ANTHEM Press, London/New Delhi 2007

Conclusion

As aforementioned in many open conflicts territorial autonomy could offer a political and legal device of stable solution, combining minority protection with internal self-determination without changing state boundaries. In most of the working regional autonomy systems in at least 20 states of the world such an arrangement of power sharing is meeting acceptance by both, the regional community and the central states. The potential of regional autonomy as a means of conflict solution and minority protection is far from being exhausted. Secession can hardly be legitimised if a smaller people or national minority enjoys not only the whole range of minority rights, but even a large degree of territorial autonomy. Elaborating, discussing and adopting an "international covenant on the right to autonomy", which precisely could define under which circumstances the right to internal and external self-determination should be recognized and autonomy should be accorded, can definitely be helpful to bring about a positive solution for many ongoing ethnic conflicts.

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[12] The text of this draft convention can be found in Beate S. Pfeil/Christoph Pan, *Handbook for National Minorities in Europe*, Braumüller, Vienna 2003, p. 278-286. It is further commented by the author in *The World's Working Regional Autonomies*, quoted above.