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Non-Territorial Autonomy, Multiple Cultures and the Politics of Stateless Nations

Workshop description

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Background

The redrawing of political spaces is a perplexing characteristic of the early twenty-first century. It reshapes identities and solidarities, calling into question the sovereignty of territorial communities. Notwithstanding the continuing strength of nation states, their sovereignty is eroded by increasing integration into international regimes, regionalisation, the rekindling of minority nationalism and demands for cultural minority identification. At the same time, the last four decades have witnessed an unprecedented migration from poorer to more prosperous states, creating culturally diverse societies in areas that hitherto were considered culturally homogeneous.

Under these changing circumstances, fairness considerations and a commitment to self-government require a ‘politics of recognition’ of one kind or another. This significantly challenges prevailing doctrines of popular sovereignty. Until recently, demands for self-determination of nations were understood to be demands for the creation of separate nation states in the case of national communities governed by others. However, since there are more nations than potentially viable nation-states, and many ethnic and national communities territorially overlap with others, the accepted vision of national-territorial sovereignty is being increasingly called into question. Furthermore, it is often impossible to surgically isolate the territory of one national community from another, and demands for separate nation-states often result in unwelcome pockets of one community in the territory of another. This has been one of the main ingredients of some of the most protracted ethnic conflicts of the 20th century.

Non-territorial autonomy is one of the solutions that has often been canvassed in these circumstances. Where ethnic groups are dispersed rather than being geographically concentrated, a form of non-territorial devolution is possible (McRae, 1975). This resembles
Territorial devolution, in that power is devolved from the central state; but the crucial difference is that this power is conferred on authorities whose jurisdiction is over individuals defined not because of where they live but in respect of some cultural or subjectively-defined characteristic. Affiliation to the devolved institutions is thus based either on such measurable features as language or religion, or on self-identification, where members of the community explicitly 'opt in' (Coakley, 1994; Nimni, 2005).

In the twentieth century, detailed consideration of the principle of non-territorial autonomy is associated in particular with the leading Austrian social democrat and future President of Austria, Karl Renner, and efforts were made to implement this scheme in the Austrian province of Moravia, by making provision for separate administration of the Czech and German populations, who were intermingled with each other. In Estonia, the Cultural Autonomy Law of 1925 empowered any ethnic group numbering at least 3,000 to establish for itself a separate legal identity, and elect a cultural council. This would be empowered to levy taxes, and to manage such areas as education, culture, libraries, theatres, museums, sports and youth affairs. The two principal non-territorial minorities, the Germans and the Jews, took advantage of this to establish their own cultural councils in 1926. Belgium is a contemporary example: cultural councils for the French- and Dutch-speaking communities were established as part of the constitutional reform process after 1970. Indigenous peoples offer a final set of examples: the Saami in Scandinavia, the Maori in New Zealand and the indigenous ‘First Nations’ in Canada have all been given certain rights of non-territorial representation and self-administration, of rather different kinds.

Yet, there are many contexts within which this device has not been contemplated. In many circumstances where populations are inextricably intermingled, such as Northern Ireland, the possibility of introducing it has never even been debated. This arises in part from the limited extent to which power can be devolved on non-territorial lines. Mere provision of separate electoral registers for two or more groups, or even concession of limited group control over schooling, does not constitute autonomy, and may have the effect only of hardening divisions. There are practical limits to the amount of power that may be devolved to a community that does not have a territory of its own; some kind of apparatus for securing compliance is necessary, and it is difficult to set up a structure of this kind (such as a police force) on a non-territorial basis.

In the past, non-territorial autonomy attracted a ‘bad press’ among many of those studying mechanisms for ethnic conflict resolution. Many argued that by institutionalising difference, it aggravates tensions rather than resolving them. For others, this device has acquired a
negative image through its association with repressive regimes that have used it as a mechanism for avoiding ‘contamination’ by subordinate groups, while at the same time ensuring that such groups offer no territorial threat. South Africa’s efforts during the apartheid era to confer non-territorial autonomy on the Asian and Coloured populations are an example. With the passing of that phase in the history of South Africa, however, and the emergence of a new interest in this approach to government on the part of certain marginalised minorities, such as indigenous peoples, this formula has once again attracted the interest of policy makers and academics. Advocates of this system have been able to point to success stories in the past (such as the cases of Moravia and Estonia, which attracted widespread praise from minority and majority commentators alike), and to a renewed interest in this device for enhancing the autonomy of territorially dispersed indigenous groups.

To clarify what we mean by non-territorial autonomy, then, we need to note that it may (but need not) overlap with consociational government. It incorporates a concept known earlier as ‘national cultural autonomy’, and extends over forms of representation that de-territorialize autonomy and self governance, as in the case of indigenous communities, the juridical autonomy of religious communities, or, in practice, certain models of multiculturalism. The common denominator is the dispersal or fragmentation of sovereignty into overlapping jurisdictions, as opposed to the traditional ‘republican’ doctrine which holds that sovereignty is one and indivisible, exercised over a clearly defined territory.

**Relation to existing research**

The successful resolution or at least containment of conflict in a number of cases worldwide in recent years (including Northern Ireland, South Africa, Bosnia and Lebanon) has drawn attention to the mechanisms by which relative peace was achieved. A great deal of scholarly attention has also been focussed on the success of several stateless forms of nationalism in developing patterns of regional governance and in exploring new modalities of multiculturalism. There is a sizeable and growing body of literature that re-examines the question of self-determination of stateless nations. To cite examples from a range of different contexts, we may consider Coakley, 2012; Gagnon and Tully, 2001; Keating, 2001, 2002; Malloy, 2005; McGarry, O’Leary and Salih, 2006; Nimni, 2005; Roach, 2005; Smith and Hide, 2012; and Smith and Cordell, 2008.

This literature forms the cornerstone from which our workshop kicks off. We will examine this and related literature from both an empirical and a theoretical angle. If we wish to understand
policies that seek an alternative to territorial sovereignty as forms of self-determination, a shift of paradigm is needed. The direction of this paradigm change will be explored in the workshop by considering innovative forms of governance offered by indigenous peoples and other territorially dispersed minorities. Most states are multiethnic and multinational, and national communities often inhabit overlapping areas of residency. An examination of the resolution pattern of recent ethnic conflicts further suggests the slow emergence of alternative models for the accommodation of national minorities and majorities in the same territorial area. These models often entail dual or multiple governmental jurisdictions and overlapping sovereignties. This situation cannot be explained satisfactorily through prevailing models of national self-determination in political theory or international law.

The literature on non-territorial autonomy also overlaps with writing in two adjacent areas. The first is the literature on territorial devolution and federalism. The regionalist or federalist approach has been at the forefront of efforts to confer autonomy on smaller national groups in such cases as Italy, Spain and Belgium, and a more asymmetrical form of devolution has been a feature of recent constitutional experimentation in the United Kingdom. But in certain cases these have been supplemented by a non-territorial approach, as in Belgium and Finland. The second is the literature on consociation. One of the core criteria for consociational government is said to be segmental autonomy, and this may take either territorial or non-territorial form. To the extent that explorations of the principle of devolved government in general and the mechanics of consociational government focus on this question, then, they are relevant to the current workshop.

Focus

The aim of this workshop is to examine whether different models of non-territorial autonomy can go beyond minority accommodation in societies ridden by conflict and, achieve minority self-government without the need to create separate nation-states or to dismember existing ones. The workshop will proceed in three steps.

- First, we invite theoretical contributions related to recent developments in the theory of non-territorial autonomy, to see how they might help formulate new modalities for self-determination.
- Second, we welcome papers of a comparative nature that draw attention to structural and other similarities between different types of non-territorial autonomy, whether these refer to current arrangements or to the historical experience.
• Third, we invite papers that are essentially case studies of particular experiments in non-territorial autonomy. These might focus on political strategies that have increased the autonomy of stateless nations and empowered minorities, both internally and externally, or they might evaluate how the successful nationalism of stateless nations may find expression in models of non-territorial autonomy. Case studies could come from a wide diversity of contexts, ranging from contemporary ethnonational minorities to indigenous peoples.

• Fourth, we invite papers that have a policy orientation. These might examine the discursive reconceptualisation of national self-determination. Here the focus is placed less on policy ‘realities’ than on their surrounding representations. For example, how are alternatives to territorial sovereignty constructed by policy-makers and political stakeholders as legitimate forms of national self-determination? How are these alternatives discussed and reproduced by the mainstream media?

The workshop is aimed at political scientists and those from related disciplines working in the area of minority rights, minority nationalism, multiculturalism, and self-determination with a few to facilitating cross-fertilization and interdisciplinary analysis. The workshop strives for a creative mixture of theoretical approaches, comparative discussions, empirical case studies, and policy analysis.

The workshop directors hope and expect that papers presented will be of sufficient quality individually, and of sufficient coherence collectively, to form a basis for a joint publication. This might take the form either of a special issue of a journal or of an edited book, or perhaps both. It is likely that some papers will also find an outlet in separate publications.

References


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