

ABSTRACTS OF CONFIRMED PARTICIPANTS
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The Macedonian NTA Model: in development or in revision?

One of the constituencies of the Macedonian independence and sovereignty is the relationship between the state and the biggest minority group in Macedonia, the Albanian minority. The proposed paper is a comparative analysis tackling the NTA in the Republic of Macedonia compared with the case of Trentino Alto Adige (South Tyrol); as minority rights protection and interethnic conflict resolution models, rather different in terms of reality and historical development but close in terms of solution offered. The focus will be given to the Macedonian model as a model in development. The group differentiated rights proposed by Kymlicka are designed to protect cultural as well as political interests; and in order to determine which ethno-cultural groups merit which rights it is essential to make a distinction between national minorities and ethnic groups. In this regards, the Macedonian chronological terminology development will be addressed. It is to be noted also, in that if an ethnic minority lacks the effective agency needed to exercise and tend its group rights, then it should be avoided the granting and recognition of those rights, or, for non territorial ethnic minorities to try to create the effective agency, legitimate leaders are needed for the effective exercise and management of their rights. As far as the Macedonian case concerns the creation of this effective agency will be presented with the negotiation and signature of the Ohrid Framework Agreement in 2001 and its implementation phases. In the case of non territorial or to some "personal" autonomy the crucial factor is the membership in a minority group, no matter the territorial concentration area in the host state. The NTA is seen as instrument when dealing with ethnic conflict and in the Macedonian case, it can be said that it is strictly linked to two dimensions: cultural (language) and territorial. The perception of this model varies among scholars, is it rather non territorial or tends to form territorial division of the state? The framework given by the Ohrid agreement in terms of local self-government shows that from one side there is no territorial autonomy provided for the minorities, but from another side there are extensive powers of self-governance on local level. The principle of decentralization is one of the main principles of the framework agreement but the minority groups rights are not correlated directly with the territory. Although it has been more than a decade since the framework agreement, the Macedonian system is still fragile and subject to further modifications. The linked between NTA and the EU conditionality for minority rights protection in the case of Macedonia will be addressed as final important issue, an attempt to answer the question on the Macedonian model integration and harmonization with the EU minority protection framework. Furthermore, the paper makes a comparative analysis of two consociational models addressing minority rights (in Macedonia and Trentino South Tyrol), in terms of types of power sharing and self representation rights, by presenting their similarities and dissimilarities and the strengths, weaknesses, threats and opportunities of the Macedonian model

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Territory and communication: satellite television as an example of non territorial geolinguistic region

The construction of national communities has been historically not only tied to the territory, but also to the space of communication. Precisely it is in this space where a culture is reproduced, an

identity is built up, and a public sphere is based, providing the basis for the civil society and also for the State. As far as the communication space has been limited by the geographic space (as it is the case of the limits to the diffusion of the press, or the radio electric waves), both of them coexisted together within the borders of the nation state. However, in our era the links between geography and communication are weakening dramatically (e.g. satellite or World Wide Web), offering thus the choice for the construction of non territorial communication spaces. Work on trans-nationalism or geolinguistic regions show that fact. On the one hand, it is an opportunity for scattered groups to get in contact and to strength their community (included the Diasporas, among them and between them and the community of origin or reference). On the other hand, it is a challenge for the nation states, which have been based, at large, in a sense of a unique culture, identity and civil society, too many times by means of imposition. Our paper will try to show some aspects of these communication spaces, at the global level, through the satellite television. We will defend the hypothesis that media can provide the basis for the construction of a space in which culture, identity and public space are shared and reproduced beyond the territory.

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Title: Non-Territorial Autonomy and the Baloch: A Way Forward?

The Baloch issue is one of the oldest ethnic problems in South Asia. At the moment the Baloch are a dispersed community: they form barely a majority in Balochistan in Pakistan, are the majority in Baluchistan-Siestan province in Iran, and are a significant minority in Karachi, Pakistan, Afghanistan, and Oman. Moves towards autonomy and/or secession among the Baloch have been evident ever since the majority of the Baloch area became part of Pakistan in 1948. Since then four insurgencies have taken place with the aim to establish a greater Balochistan, including all Baloch areas, straddling Pakistan, Iran and Afghanistan. These armed struggles have led to a strong reaction from the governments of Iran and Pakistan where strong measures, including military operations, intelligence led target killings, and disappearances, coupled with a very low rate of development, have created more resentment against the government, complicating the move towards greater territorial autonomy. The aim of this paper is to explore the possibility of Non territorial autonomy (NTA) for the Baloch in Pakistan (and by extension Iran and Afghanistan), where maximum NTA might lead to an easing of tensions and greater development among the Baloch. At the moment, due to the insurgency and security situation, Pakistan (and Iran) will not consider full territorial autonomy for the Baloch as that might lead to secession. As such the availability of NTA as an alternative tool might put forth a solution within the framework of the present states. Using historical data, anthropological research, as well as the current state of the region, this paper will put forth a model based on NTA which will inform policy debate on the subject in Pakistan and other countries.

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Assessing the Role of National-Cultural Autonomy in Tomsk Oblast

Aim of the paper is to discuss National-Cultural Autonomy in Tomsk Oblast, questioning in particular its role in fostering participation of National Minorities/Diasporas in the socio-political life of the region and its actual capacity to create inclusion. To do so, the analysis will move in two directions. From the one side, it will describe the organizational structure, functions and main goals of the Local

and Regional NCAs active in the Oblast. Investigating the adopted legislation on National-Cultural Autonomy, the paper will examine its legal status and discuss National-Cultural Autonomy as a form of Public Association. This will bring to describe the peculiarity, if any- of National-Cultural Autonomy vis-à-vis other (cultural) institutes in charge of representing the interests of National Minorities. From the other side, it will look at the interaction between National- Cultural Autonomies and state institutions in the Oblast. To do so, it will refer to the institutes in charge with National-Cultural Autonomies at the Oblast Administration and discuss the place attributed to NCA in the management of ethnic governance in the region. Particular attention will be paid to the work and functioning of the Coordination Council for intra-national relations at the Tomsk Oblast, constituted in 1999 in line with the provision included in Article 7 of the 1996 Law on National-Cultural Autonomy. Moving from the empirical case study the analysis wants to intervene in the debate on the classification of NCA as a form of Non-Territorial Autonomy and to assess its possible role as instrument of diversity management. To begin with, it is not clear whether National- Cultural Autonomy should rightly be considered as a form of “segmental autonomy” in line with the original Austro-Marxist conceptualization and as it is often recalled in the literature- or whether it should be rather enlisted as mere institute of civil society, acting outside state apparatus and in line with the nation-state construction. It is evident that these two scenarios bring to different conclusions as for the effectiveness of this model of NTA for the inclusion of National Minorities in public life and its possible future developments. Finally, the analysis will discuss National-Cultural Autonomy as instrument of corporatist representation of National Minorities. In this sense National-Cultural Autonomy should be considered in the discussion on Deliberative Democracy which on moves from the assumption that power sharing institutions are a necessary but not sufficient condition to guarantee effective democracy in multiethnic (divided) society. The critique to Consociational theory is also evident. The analysis will be primarily built on interviews made by the author to representatives of National-Cultural Autonomies and state institutions in charge with the management of National Minorities in Tomsk Oblast during a period of research in March-April 2012.

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Protecting Minorities from Themselves: Territorial and Non-territorial Forms of Autonomy

In this paper, I argue that non-territorial autonomy is a politically sub-optimal institutional choice for minority nationalists, and that territorial autonomy presents a politically superior option. The political significance of minority-based nationalist movements rests on their ability to mobilize the population they claim to represent. Identity-based mobilization presupposes that a substantial proportion of group membership shares the idea of a common identity and that it supports a set of common goals. Non-territorial autonomy, notably its cultural variant, can hinder such mobilization, since it leaves the minority group too porous to outside (i.e. majority) influences. This problem is especially salient where the majority exhibits a strong absorptive/assimilatory pull (if it dominates both economic and political domains, making its language and culture appealing to minorities). Non territorial autonomy applies to members of a particular group, regardless of their place of residence. There is a distinctly voluntaristic element to this type of autonomy because of the difficulties involved in compelling (legislating) members of a particular group to use a specific set of institutions (say, education or social services) in the presence of institutional alternatives. Where minorities see an advantage in using services provided by majority institutions, they might take their identity less seriously than the more nationalist members of the group would hope they would, effectively opting out of the community. This type of attrition presents a fundamental threat to minority nationalist projects. Territorial autonomy, by contrast, reduces incentives for defection by members of the

minority group(s). Regional state laws apply to all those inhabiting the designated territory. Thus, territorial autonomy enables minority nationalist elites to enforce, for example, the use of the minority language. Defecting from the group under these conditions would require physical removal from the minority-governed territory. In other words, opting out of one's group becomes much more costly under territorial autonomy than it is under the non-territorial variant. While the paper is primarily theoretical in focus, it draws on a number of cases in fleshing out the central argument.

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Challenges in the protection of minorities rights in Albania.

Albania shares with other Balkan countries a considerable diversity in terms of ethnic, cultural, linguistic, and religious identities. The legal recognition of such diversity is clearly displayed in the Albanian Constitution. The relative stability achieved in the recent years has produced contrasting consequences: it has created space for a deeper consciousness of multiculturalism; yet, it has also created a risk of politicization of the issue to the detriment of peaceful coexistence. Albania's constitutional commitment in the field of minorities' rights has been carried out through the incorporation into national legislation of the relevant international standards. Additionally, the principle of decentralization of power to local entities espoused by the Constitution creates potentially constructive opportunities for an effective implementation of minority rights and identities. Despite such modern legislative and institutional system the process of practical implementation of minority rights encounters a series of obstacles; these are mainly related to the need for accurate statistical information, the courts lack of independence and professionalism, the low level of human rights education on minority issues, the prevalent corruption of the judicial system and the resulting lack of confidence in it. As in the Greek minority case, issues such as the national registration process and the land privatization reform, if structured along ethnic differentiations, risk becoming highly politicized; they introduce dividing nationalist and security overtones that shift attention from the country's development goals. The Multiculturalism approach suggested by the EU can be achieved only if two basic preconditions are realized: that a reliable and effective human rights protection is put in place and that minorities are not perceived as a security issue for the State. In this latter regard, the existence of regional security arrangements and the development of good relations with the neighbouring kin states, guaranteeing that the principle of territorial integrity will not be undermined are key factors towards the empowerment of minorities.

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Establishing a Right to Cultural Autonomy for British Muslims under International Law

The creation of a parallel system of personal law for British Muslims has been the subject of considerable controversy at the national level. In contrast, a right to cultural autonomy for minority communities has gradually evolved under international law. However, while Multiculturalist Theorists and minority rights standards have recognised the relevance of cultural autonomy to Indigenous Peoples and National Minorities, it has been suggested that so-called 'new minorities', such as British Muslims, are not able to assert the same entitlements as these groups under international law. This paper will, thus, consider the extent to which British Muslims can claim a right to cultural autonomy in relation to personal law, under international human rights standards. Initially, this paper will establish the extent to which a right to cultural autonomy exists under international law and the extent to which this applies to so-called 'new minorities'. Secondly, the

response of human rights bodies to the maintenance of separate systems of personal law will be elaborated, focusing, in particular, on the jurisprudence of the European Court of Human Rights in *Refah Partisi v Turkey*, on the one hand, and the opinions of the Advisory Committee on the Framework Convention on National Minorities, on the other. Finally, the arguments against the maintenance of such a system will be critiqued in the light of the prevailing situation of British Muslims, including the existence of unregulated Shariah Councils, and the non-registration of Muslim Marriages.

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National councils of national minorities in Serbia: pros and contras of an ethnic self-governance

In its 2010 progress state report about Serbia the European Commission has concluded that adoption of the Law on National Councils of National Minorities shows real efforts of the country towards successful EU integration. Constitution of 19 national councils as form of first democratically elected ethnic self-governance finished a long lasting process generated by some of national minorities living in Serbia to get cultural autonomy, especially certain rights in minority institution management. The paper addresses issues of legitimacy of NC elections, questions concerning their financing, political affiliation and position in power sharing with public bodies of different levels. Instead of pure quoting the provisions of the concerned law the author tries to clarify conflicts between NC competences existing in theory and practice by adding some actual examples and circumscribing possible future tendencies of development of NC - having in mind that the current political elite did not vote on the law in the Serbian Parliament in 2009. Although this Balkan country faces with a lot of problems in matter of numerous national minorities living scattered in the state due to the special asymmetric decentralization in form of one autonomous province Serbia can manage the problems by transferring some of its competences in minority issues on the province. So the research cannot be complete without survey of role of Vojvodina in national minority policy. The paper also provides information whether the current position of cultural autonomy will satisfy the Commission's report about Serbia expectable in the end of 2012.

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Accountability and its importance for non-territorial autonomies

This paper will analyse some of the difficulties in implementing non-territorial autonomies for national minority groups by focusing on the issue of the accountability of minority representatives towards their constituencies. Using Andrew Roberts' insights into the importance of democratic linkages, understood as the power of the constituency to sanction incumbents, to select new officials, and to petition the government in between elections, this paper will explore the issue of the representation of national minorities in Romania and Hungary. After 1990, both countries have set up non-territorial arrangements for the representation of their national minorities, but in different manners: parliamentary representation (Romania) and minority self-governments (Hungary). Yet both countries have experienced a series of similar unexpected outcomes of these minority policies, usually labelled as "ethno-business", meaning certain practices of minority elites seeking to use the legal and institutional framework for the protection of national minorities in such a way as to obtain material, financial or political gain. This paper will argue that although the non-

territorial arrangements of these countries are different, they have in common a lack of accountability mechanisms which allowed for the emergence of “ethno business” . This finding reinforces the argument that in the case of non-territorial autonomies the accountability of minority representatives to their constituencies is one of the fundamental conditions for the democratic representation of national minority groups.

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Change and Continuity in Turkish State Discourse: Official Debates on the Contemporary Kurdish Question

Considering Turkey’s s Kurdish question, this paper suggests national cultural autonomy (NCA) as a model for Turkey. To question NCA as a model for Turkey, the paper analyses the discourses of the key actors who have the power and desire to bring about an official political solution for the “Kurdish question” in Turkey. The paper attempts to answer three questions; How has the Kurdish question been discursively constructed by these key actors: the European Union (EU), *Adalet ve Kalkinma Partisi* (AKP) (the Justice and Development Party) Turkey’s ruling party, and the Kurdish *Demokratik Toplum Partisi* (DTP) (the Democratic Society Party). How the discourses of these actors regarding the Kurdish question challenged the traditional discourse of the Turkish State?; Can we talk about change or continuity in the Turkish State discourse? The mainstream Turkish State discourse (TSD) perceived the Kurdish movement in Turkey as a threat to the indivisibility of state and nation and this is how , the expression of “Kurdishness” has been systematically prevented by the State. The use of the Kurdish language was restricted, the pro-Kurdish political parties were closed, and any discussion of Kurdish rights was suppressed. In the 1990s the Kurdish movement pressured the State to recognize Kurdish identity. Then, after Turkey became an official candidate for EU membership in 1999, the EU requested that Turkey grant the Kurdish rights. Finally, when the AKP came to power in 2002, the party initially pursued a different, discursive strategy; associating the Kurdish question with democratization of Turkey, the AKP recognized the Kurdish identity under a common Muslim unity between Kurds and Turks. In late 2009, it became clear that the AKP’s discourse on the Kurdish question demonstrated its own limits with regard to the recognition of Kurdish identity and Kurdish rights. This paper seeks to offer insights into how close an official solution for the Kurdish question which satisfies the Kurdish demands raised by the pro-Kurdish parties is to being reached and to question continuity/discontinuity of TSD with respect to exclusion Kurdishness. In this context, we can discuss NCA as a model for Turkey.

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The Rise of Non-Territorial Autonomy in Canada: Thirty Years of Judicial Activism in the Domain of Linguistic Rights

This aim of this paper is to demonstrate that the Canadian tribunals have sought to apply the principle of non-territorial autonomy (NTA) to accommodate the Francophone minority communities of Canada since the adoption of the Canadian Charter of Rights and Freedoms in 1982. Territorial autonomy, in the classical form of federalism, was applied to Canada at the time of Confederation in order to accommodate the French-speaking minority of the country, which is predominantly found in Quebec. The Quebecois have hence enjoyed a linguistic majority in their

own provincial state since 1867. However, over a million French-speaking Canadians are dispersed in the rest of the country, constituting minorities within their respective provinces, and are found to be culturally and politically vulnerable within this federal system. The repatriation of the Canadian constitution and the entrenchment of linguistic rights for official language minorities within the Charter, in 1982, have opened a new window of opportunity for the Francophone minorities. We argue that the tribunals have, for the last thirty years, partaken in judicial activism in the domain of official language rights. We will show that the judges have effectively read in, or extended, the Canadian regime of linguistic rights in order to apply the principles of NTA for the Francophone minority communities, henceforth developing a doctrine of institutional completeness (Breton, 1964) and a legal recognition of minority group rights.

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Is the Kurdish “democratic autonomy mode” an exclusively non-territorial one?

This paper analyzes the “Democratic Autonomy Model” foreseen by the Kurdish Movement in Turkey through the conception of Non-Territorial Autonomy (NTA). Although significant majority of Eastern and South-Eastern Turkey is populated by Kurds, the conditions of forced or economically pushed migration obliged them to live dispersedly within the boundaries of Turkey. Therefore, territorial based/state-led models offer no longer a viable solution for the Kurdish quest. In other words, former land-based Kurdistan quest in Turkey turned into the Kurdish quest, a more complex issue covering both land and rights. Still, neither territorial nor non-territorial rights based solutions are sufficient in order to ameliorate the situation. A comprehensive political model of “Democratic Autonomy” has been generated by the Democratic Society Congress (a platform that brings Kurdish non-governmental organizations together) in order to overcome the traps enforced by the nation-state framework. This is an intertwined model which proposes a relatively territorial autonomy rather than a secession of the dominantly Kurdish region and a non territorial rights-based autonomy for Kurds living all around Turkey. The draft model of the Congress comprises eight dimensions such as political, legal, self-defensive, cultural, social, economic, ecological, and diplomatic. This study aims to scrutinize the Democratic Autonomy Model by exploring its contradictions and similarities to the concept of NTA. As the Kurdish Movement in Turkey puts it as a “radical-democratic” model to transform the nation-state structure, I will question the conditions of possibility of an NTA model for the Kurds in Turkey considering the recent developments in the Middle East and the Arab Spring. It is a matter of debate whether the path to territorial sovereignty taken by Kurds in Iraq and Syria and the escalation of the armed conflict in Turkey would affect the terms of this non-territorial autonomy proposal.

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The role of elections in minority contexts: the Hungarian case

Elections are one of the major components of every democratic political system. According to the main theories of democracy no system can be considered democratic if there are not elections (or some form of direct involvement of citizens, like plebiscite) that are held under universal suffrage. Elections, furthermore, may be essential parts of non-territorial cultural autonomy that is offered to territorially dispersed minorities, whereby the potentially registered minority voters may create legitimate and representative bodies, as it is the case in some of the Post-Communist East-Central-

European countries for example, like Croatia, Estonia, Hungary, and Serbia. Using the Hungarian case of minority self-governments as guidance the paper addresses the question of whether and to what extent the minority elections in Hungary between 1994 and 2010 met the requirements of democratic elections because in democratic political settings the major functions of elections are more than filling offices with candidates. Drawing on the electoral statistics and calculations the paper examines whether and how the main roles of elections, e. g. Legitimation, installation of officials, selection and choice from alternatives, representation, and increasing participation can be understood at special minority elections.

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Max Laserson, NTA and state sovereignty

Max Laserson, a law professor, an MP from the Jewish Socialist party Zeire Zion in the Latvian interwar parliament, and a delegate at the Nationalities Congress, was an active promoter of non-territorial cultural autonomy in Latvia, second only to his more famous countryman P. Schiemann. Although the two men shared a firm commitment to parliamentary democracy and to the advocacy of minority rights both domestically and internationally, they did not always see eye to eye. For example, they disagreed both on practical issues like the legal basis and the actual implementation of cultural autonomy for ethnic minorities in Latvia, and on more fundamental matters such as the impact of non-territorial cultural autonomy on state sovereignty. This paper will compare the practical and theoretical contributions to the concept of cultural autonomy made by these two Latvian thinkers, and will consider what their disagreements reveal about this issue.

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Renner and Bauer in Belgium

Minority nationalism puts stress on the ties that hold a multinational federation together. In the normative debate on multinational federalism, this divisive force of nationalism is to a large extent ignored though. Only a rigorous analysis of nationalisms divisive force, that establishes its existence and that describes the extent of its bearing, can cure these normative debates from their blindness. Renner and Bauer made a start with this analysis. According to their theory the atomist centralist constitution of a state causes the nations in a multinational federation to turn all politics into a nationalist power struggle, tearing the multinational federation to pieces. The solution is a form of non-territorial federalism. This theory can be interpreted in two diverting ways though. It can be seen as a critique on the centralizing tendencies of the federal level or as a critique on the territorial accommodation of the minorities. In the first part I try to clarify Renner and Bauer's writings on this point. In the second part I argue that the case of Belgian federalism embodies an argument in favour of the second possibility: the territorial accommodation of minorities deepened the territorial cleavage in Belgian politics, amplified the nationalist power struggle and greatly enhanced the divisive power of nationalism. If this is the correct way to interpret Renner and Bauer's theory and if the Belgian case corroborates this reading, than we have a strong argument in favour of non-territorial federalism. I conclude in a third part by introducing this argument into the normative discussion on federalism by taking on Philippe Van Parijs's territorial solution. I argue that the divisiveness of nationalism stems from its territorial accommodation and that therefore the onus of proof is again on the shoulders of the territorial federalists, to advocate their solution.

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The Non-Territorial Autonomy Model and the solution of the Kurdish conflict in Turkey

This paper assesses the applicability of the non-territorial autonomy model as an alternative framework for the accommodation of Kurdish political and cultural demands in Turkey. The dominant conception of national identity and citizenship in Turkey has been challenged over the past 50 years by Kurdish nationalism. In the past 30 years, this challenge took the form of an armed conflict between Turkish Army and the Kurdistan Workers Party (PKK), which antagonised the relations between the state and the Kurds. The 2000s witnessed a significant decrease in violence, which also altered the nature of the conflict. However, despite this the Turkish nationalist framing of the “Kurdish Question” as strictly a security concern, has maintained its strong appeal among the mainstream political parties in Turkey. With its “Democratic Initiative” in August 2009, the governing Justice and Development Party (AKP) started a process aimed at resolving the conflict through peaceful means. However, the public debate that followed has brought to the fore the ideological rigidity of Turkish nationalism and its hesitancy to accept the legitimacy of Kurdish political demands. The positive environment created by the decrease in violence and governmental attempts has since been receding in the past two years leading to an escalation in violence. In contrast to mainstream Turkish political parties, the pro-Kurdish Peace and Democracy Party (BDP) has been campaigning for the institution of an alternative institutional framework based on the non-territorial autonomy model. This paper will argue that the non-territorial autonomy model is likely to be accepted by the mainstream Turkish political parties as the unitary framework of the state will be maintained, and it is suitable for the Kurdish needs and demands many of whom are dispersed around the whole of Turkey.

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The road towards non-territorial autonomy rights - Does the presence of minority MPs really matter?

Keywords minority language rights, descriptive representation, non territorial autonomy, territorial autonomy, substantive representation

Despite liberal democracies are officially built upon the principle of political equality, policy responsiveness to minority demands differs widely between countries. This is highly problematic since a lack of recognizing minority preferences bears the lack of ethnic conflict and political unrest. One policy area which is of great importance for most ethnic minority groups around the world refers to cultural autonomy. Since not all ethnic minority groups are territorially concentrated, ethnic minorities' preferences are not sufficiently ensured by territorial autonomy. Instead, some form of non territorial group rights are needed which apply to both, concentrated and non concentrated minority groups. Therefore, in the proposed paper it is analysed which factors contribute to the extent of non territorial autonomy of ethnic minority groups. On the one hand, it is argued that the presence of ethnic minority MPs (descriptive representation) extends the policy responsiveness towards ethnic minority groups and examined whether the effect of minority MPs in parliament is strengthened by ethnic minorities' government inclusion and the power of the legislative. On the other hand, it is analysed whether non territorial autonomy rights are higher in

countries which grant their ethnic groups territorial autonomy over political and bureaucratic procedures.

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Millet for Modernity? The Pros and Cons of Ottoman Non-Territorial Autonomy and its Implications for the Emergent Middle East

Can the Millet system teach us any lessons about how to introduce forms of non-territorial autonomy to modern nation states? This paper explores the history of the Millet system in the Middle East and its continuing prevalence in setting the fault lines of political participation and minority status in the region. It investigates the advantages of the system against its weaknesses and asks what lessons can be drawn from the ethno politics of the Ottomans for developing new forms of cultural autonomy in divided populations. Looking at the emerging Middle East in the wake of the Arab Spring, the paper asks whether the merging of ethnicity and minority politics invite increased sectarianism or can provide a way to transcend it? With such complex ethno-cultural intermixing, can a de-territorialized political arrangement provide the only hope for minority group recognition in the Middle East? What is the place of consociational and confessional arrangements in securing rights for minorities, how effective have such arrangements been so far? The paper reminds us that the promotion of some cultural spheres of identity silence others. In particular, the silencing of women's voices and political participation of other unrecognized minority groups, or the aimed prevention of the blending of cultures beyond codified boundaries. With the growing Islamisation of politics in the Middle East and the displacement of secular authoritarian regimes, what lessons can we draw about the fault lines of ethno-cultural citizenship from former Ottoman times? To foster inclusive and conciliatory identities the author suggests the need for a reconceptualisation of nationalism and a re-examination of the risks inherent in cultural politics and their implications for the future pluralism of our societies.

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Cultural autonomy of Vojvodina-Hungarians

Vojvodina can be characterized as a mixed type of autonomy; on the one hand, the province is a territorial autonomy with its own political institutions (with certain but not exhaustive authorities), and on the other hand, the ethnic communities living in Serbia have the right to form their own "mini-parliaments" that are able to realize "to a certain extent" the cultural autonomy of the community, which can be interpreted as a non-territorial autonomy. The law on the councils of national communities in Serbia serves as the basis of the cultural autonomy of the national minorities; the document defines the authority of the national council in respect of the community's cultural, educational, informational, and official language use affairs. Since 2010, - the year when the act came into effect and the National Council of the Hungarian Ethnic Minority was set up - the ethnic Hungarian community in Vojvodina has been able to exploit the opportunities given by the act to a large extent. The National Council of the Hungarian Ethnic Minority has a long term vision of the cultural autonomy of the community, so they have elaborated several strategies (Education, Culture, Official Language Use etc., for the community for almost two decades ahead. Besides the strategic planning, the Council aims to concentrate on programs that help the Hungarian

community in preserving and strengthening its national identity, such as founding and supporting media organs, contributing to the maintenance of Hungarian educational institutions, sponsoring ethnic Hungarian artists, or even translating Serbian acts into Hungarian in order to help the realization of bureaucratic matters in the vernacular. I would like to demonstrate the realization process of the Hungarian community cultural autonomy in Vojvodina, and the way it can serve the self-determination of the community. Moreover, I would point out the weaknesses and missing competencies of the Council that hinder the complete realization of the cultural autonomy.

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The European Congress of Nationalities: a Transnational NGO providing a Model for Today and Tomorrow?

The European Congress of Nationalities was established in 1925 as a principled forum for debate about minorities protection. At its height, it drew a collection of deputies representing 40 million Europeans. Members came from 27 groups of 10 nationalities from 12 states and attended its meetings in Geneva, Berne, Vienna and London until the organisation fell apart finally in 1937. Crucial to the congress was a belief that non-territorial autonomy offered a valuable tool for solving nationalities problems. The point was made at the foundation of the organisation, as well as in a number of resolutions and debates witnessed throughout its existence. The fact reflected the deep involvement of Baltic German minorities activists such as Paul Schiemann, Ewald Ammende and Werner Hasselblatt, all of whom had been involved in creating autonomy legislation in Latvia and Estonia. This paper focuses on the congress work during the period 1926 to 1932. Following its establishment, and before the difficulties posed by the rise of National Socialism in Germany, this was a period when the organisation was best positioned to forge an independent agenda. With representatives drawn from especially Central and Eastern Europe, with voices coming direct from minorities themselves, and with debate occurring in an essentially non-aligned, non-governmental forum, what emerged as the main hopes and challenges facing those present? How did non-territorial autonomy relate to the strengths and weakness of the congress? And what do our conclusions imply for the creation and functioning of any transnational association representing the interests of national minorities today and in the future?

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NTA and Ethnic Autonomous Region in China

The Austro-Marxists attempt of defining non-territorial autonomy (NTA) as cultural or personal autonomy which often implies a complex institutional arrangement where ethnic groups (ethno-nations) would be organized as corporate self-governing entities based on individual membership rather than on territory and residence triggers us to apply such concept to analyze the conceptual motivation, institutional structure design, and policy implementations of China's Ethnic Autonomous Region (EAR), a seemingly hybrid governance model which combines NTA concept and territorial arrangement. This paper firstly suggests an overview on conceptual and political elements of Chinese EAR to highlight the rationale and objective of such arrangement for a multi-national state, China. The NTA concept seems qualified as an analytical instrument to unveil conceptual fragments deeply integrated in the EAR policy discourse and autonomous territorial system design. Through a case study in which the Ga-Dǎ Dancers in a Dai, Lahu and Va ethnic groups autonomous County

(Menglian), Yunna Province seek an official recognition for the Transmitter status of China's national Intangible Cultural Heritage (ICH) register under the ICH Convention of the United Nations, we demonstrate that a global movement to preserve endangered socio-cultural non-material heritages becomes tangible measures, to assist preserving current ethnic groups socio-cultural practices, however, within a politically determined territory. Throughout the interviews to related actors of our case study, ambiguous but not necessarily antagonist gap between ethnic group autonomy policy and territorial arrangement, are found. Finally, it may be concluded that the NTA academic discourse seems not as a unique theoretical framework to analyze China's EAR empirical arrangement, nevertheless, remains pertinent to perceive ambiguities between EAR political discourse and policy implementation. Recommendations are made to continue observing the further social development within the EAR, and whether, or how, the ethnic minority rights entitled inside the ERA change when minority people move out the determined residential territories.

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In the shadow of history: the Poles in Lithuania

Minority protection in the Baltic countries is usually associated with problems with Russian population in Estonia and Latvia. For many researchers the minority issue in Lithuania, where Russian community is substantially smaller, is considered to be less acute. However, it is not true. The deteriorating relations between Poland and Lithuania caused by tensions over the Polish minority rights spoil relations between once geopolitical allies. The situation causes concerns of the neighbouring governments as well as the international organizations, just to mention an intermediary mission of the OSCE HCNM K.Vollebaek, who visited Lithuania and Poland in March 2012 to encourage dialogue on national minority issues. This paper presents the current situation of the Poles in Lithuania, the largest national minority in the republic. First it highlights national aspirations of Lithuania's Poles in the late 1980s, when the restored Lithuanian state had difficulties in accommodating ethnic minorities. Then the focus is moved to the current bilateral tensions over the minority protection. The presentation seeks to address the issue, whether a NTA model could be effectively implemented in Lithuania. Roots of the modern Polish-Lithuanian tensions lie in the early 1990s. In September 1990, in response to the growing Lithuanian nationalism, the Poles (6.6 per cent of the population) established an autonomous Polish district in southeast part of the republic, where they inhabited a compact territorial space. Such a decision was regarded by Lithuanians as an unconstitutional attempt of secession. Resolution of the Polish- Lithuanian conflict requires taking measures on protection the self-determination right of the Polish minority. However, failure of plans for creating a territorial autonomy weakened the chances of that ethnic group to achieve a compromise over any autonomous solution. Lithuania still treats the issue of the Polish minority as a strictly internal matter, refusing any idea of the territorial autonomy. In that situation, a NTA model could be the best way to bolster allegiance without arousing suspicions about Polish special hidden agenda.

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Non-territorial autonomy and the conflation of territorial and cultural demands in the case of Kurdish nationalism

The Kurds are considered as the largest nation without a state. Kurdistan, the Kurdish ideal homeland, encompasses parts of the territories of Turkey, Iraq, Iran, Syria and a very small section in Armenia. Today, in Iraq Kurds have attained autonomous status; in Iran the tension between Kurdish tribes, intellectual elites and the state is ongoing; in Syria Kurds are divided among those who support and are against Assad's regime; and in Turkey they desire a solution in the form of autonomy while continuing to engage in armed conflict. Leading Kurdish political parties seem to support the idea that a fulfilled cultural and social life for Kurds away from prosecution is possible only through living in an institutional environment in a specific territory that is compatible with their own cultural identity. This paper argues that Kurdish nationalist cultural demands and their claims to self-determination in the form of territorial autonomy or secession are intertwined, and therefore the applicability of Non-Territorial Autonomy appears difficult in the Kurdish case. This difficulty derives from two reasons. Firstly, territorial attachment has a strong sentimental power for Kurds, and territory, both as a national feature and a political aim, has played an important role in the construction and development of Kurdish national identity. Secondly, and more importantly, Kurdish movement is led by political and military parties that demand cultural rights within a politico-territorial context. This link between cultural/ethnic demands and territorial claims can be conceptually explained through a particular interpretation of self-determination that sub-state nationalist groups use. The meaning such groups attribute to self-determination is linked to a normative context that embraces a belief in democracy and human rights for groups with distinct cultural, linguistic and ethnic characteristics. Self-determination understood in this context reflects an amalgamation of two contrasting notions: on one hand, a belief in the achievability of the protection of human rights and democratic rights through self-determination, and on the other, a national identity that embraces ethnicist and cultural conceptions of nationhood. Framing their self-determination claims to territorial autonomy or independence in this way helps sub-state nationalist groups, such as Kurdish nationalists, maximise the support of international society. Therefore, Kurdish political parties see the protection of cultural and ethnic rights of Kurdish people as viable only through the attainment of semi or full jurisdictional control over the territories they claim Kurdish, and this makes the applicability of NTA difficult for the Kurdish case.

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The Ukrainian experience of Non-Territorial Autonomy as a model of minority rights protection

What are the limits and/or possibilities of implementing NTA models in liberal democracies? Ukrainian political and legal tradition has unique precedents of implementing the NTA models not only in 90th after gaining the independence, but also during the struggle for statehood in 1918, before establishing the European system of ethnic minorities' protection. According to the articles 69-78 of the Constitution of Ukrainian Peoples Republic (29.04.1918), all the ethnic minorities, including the dispersed ones, were allowed to create National Unions as self-governmental institutions. According to the article 6 of modern Law of Ukraine, on national minorities in Ukraine (1992), state guarantees to national minorities the right for national and cultural autonomy. At the same time, the Ukrainian policy of unconditionally recognizing ethnic minority rights on a high level

unexpectedly caused the long-term provocative conduct of some minorities, resisting against the governmental institutions or simply ignoring their existence, violating and rejecting the rights and needs of the whole society, giving preferences to neighbouring kin-states. Such precedents push Ukrainian state to the need of implementing minority protection mechanisms only according to special conditions, such as the priority of individual human rights, freedoms and duties; the sociological understanding of law etc. Having been already realized in Ukraine NTA concept proposes effective mechanisms of protecting self-conscious and well organized ethnic or linguistic minorities in the multiethnic state. At the same time it must preserve territorial integrity and the unity of Ukrainian civil society. That is why the broad list of ethnic groups collective rights and individual rights of their representatives should be recognized on the basis of the mutual correspondence of such rights and the balance of interests (between the individual and collective rights, between the economic and cultural rights) as well as with respect for the rule of law and non-rejection of the state interests.

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Models of Non-territorial Autonomy and Kymlicka type Multiculturalism: Liberal Approaches to Kurdish Question in Turkey

This paper challenges Kymlicka's ethnocentric approach to multiculturalism and particularly the self-government rights he proposes for national minorities. His theory focuses on national minorities that are territorially concentrated, sizable and more or less constitutionally complete, historically and linguistically distinct communities. However this definition of what counts as national minority in his theory, does not capture minorities like the Kurds in Turkey. Although Kurds comprise 15% of whole population and as much as half of its population is concentrated in South-eastern Turkey, the other half of the Kurds are scattered across the country. The majority of Kurds speak Kurmanji dialect in Turkey, yet the 20% of Kurdish population in Turkey is speaking Zaza dialect. Although almost all the Kurds in Turkey are Muslim, they are divided along the line of Sunni-Alevi distinction. They belong to different income groups; hold various positions of influence in the society and their political motivations are rather driven by their social status and above-mentioned distinctions than ethnicity. As well exemplified by the case of Kurds in Turkey, minorities in most cases are members of identity categories other than ethnicity. Identity sources are too many to be represented under a singular unitary culture, so that any policy proposal merely based on ethnicity does not capture the complexities of economic, cultural and social disparities among members of a national minority like Kurds in Turkey. Challenged by this fact in general, Kymlicka's ethnocentric multiculturalism that proposes territorial autonomy for national minorities must compromise with models of non territorial autonomy as expressed for example in the millet system, the national cultural autonomy models of Bauer and Renner, Lijphart's consociationalism, and the demands of indigenous peoples for non-territorial self determination. This paper elaborates on what these alternative models have to offer for national minority problems of Turkey in particular and for multiculturalism theory in general.

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Exploring a Non-territorial Model of Joint Governance as an Avenue of Transcending Assimilation/Segregation Trap in Education of the Roma in Slovakia

One of the critical challenges in promoting inclusion of Slovakia's most marginalized minority, the Roma, is the simultaneous pursuit of socio-economic empowerment and policies of recognition. So far, the dominant policy approach seeking integration or inclusion into mainstream institutions has been delivering ambiguous results. Integrationist approach, consisting predominantly of antipoverty measures, have not been targeting structures into which Roma are supposed to integrate. The minority members are thus left with two alternatives: segregation or, the less likely to be achieved alternative of assimilation. The proposed paper draws on my earlier work that examined the model of National Cultural Autonomy (NCA)) combined with aspects of joint governance called transformative accommodation (Shachar, A. 2001) as a normative and institutional point of departure of accommodation of the Slovakia's Roma. I have argued that TA ensures the right to decide on matters affecting their communities. Saliiently, TA promises an institutional mechanism that could facilitate the much need transformation of mainstream institutions providing a space for inclusion for the minority members. The proposed paper has the ambition to reveal the potential and limits of NCA and TA in accommodating minorities experiencing both cultural and socio-economic inequalities through the focus on Romani education. Education of the minority is salient for cultural reproduction as well as their socio-economic empowerment. It is also an area of perhaps the most deeply institutionalized practices of segregation; either through special schooling or creating parallel Roma only schools/classes within mainstream education. I will explore to what extent can NCA, modified by principles underpinning TA, serve as an institutional model that would create an opportunity for Romani cultural and linguistic reproduction and inclusion without being confronted with the binary choice segregation or assimilation.

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Examining Language Management in Canada from the Perspective of NTA

This paper draws on the paradigm of non-territorial autonomy to critically evaluate the existing relationship between the central state and Canada's francophone minority communities that are close to one million French-speakers residing in provinces and territories outside Quebec. Since the founding of the country in 1867, and in particular since the passage of the initial Official Languages Act in 1969, the federal government has adopted laws, policies and eventually programs to protect and promote the status and use of the French and English languages in public life. The result, which too often goes unnoticed, is a two-track language regime: state measures aimed at the status and use of the two official languages in the federal public administration, and state measures that are focused on the status and use of the two official languages in civil society. In this paper, I set aside the first track in order to focus on the second. Broadly speaking, this second track directs resources to francophone minority organizations and institutions so that they can deliver French language services and offer cultural programming broadly understood. After signposting the main features of language management and explaining the functioning of the civil society track, the second half of the paper draws on non-territorial autonomy to criticize the existing relationship between the central state and francophone minority communities, as well as to devise an alternate relationship that enables self-administration and promotes group empowerment. In all, I hope to show that part of the road to the equal recognition and just accommodation of Canada's francophone minority

communities has already been travelled, and that principles and mechanisms of non-territorial autonomy can help travel the part that remains.

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Cultural autonomy: 'divide et impera'

This paper aims at comparison and presentation of the cultural autonomy institutions implemented in three Western Balkan countries: Albania, Croatia and Serbia. Cultural autonomy separates ethnically defined policy areas concerning the cultural, linguistic, ethnic, or religious matters from policy areas affecting all citizens alike. By contrast to its territorial counterpart, cultural self-government is praised for providing ethnic groups with a means to self-determination in policy areas that are particularly relevant for preserving their ethno-cultural identity, while avoiding the incentives for separatism that are commonly associated with territorial solutions. In order to further lower a risk of escalation of ethnicization of politics and economy, just as in the case of Bosnia and Herzegovina, the countries in question undertook certain steps enabling them to strengthen position of the central authorities towards ethnic minorities and their councils, as institutions of non-territorial autonomy. These steps are: 1. Strong cultural autonomy, reflected in self-government in the area of education, use of language and media control, ability to form associations, foundations, etc. Such autonomy has to be reinforced by significant financial means from the state budget, possibility of other donation streams has to be widely opened. Leaders within one minority group are likely to turn against each other, rather than cooperate. 2. Recognition of possibly many ethnic groups entitled to cultural autonomy. Perspective of conflict between this group and the state authorities will be much softer if other groups present alternative point of view (i.e. similar to those presented by the government) 3. Existence of the intermediary (Croatia and Albania only). Establishment of highly placed institution, which on one hand represent minorities in the state level, but on the other hand is closer to the central authorities than to the minority villages weaken position of the councils, as primary representatives of ethnic groups.

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The Role of Self-Identification of Ethnic Minorities in the Creation of Modes of NTA in the New Nation States of Eastern Europe

This paper will address the ways the process of identification (external and internal) of ethnic minorities affects the nation building in the new European nation-states. It will ultimately explore the opportunities and restrictions of the NTA models in two new EU countries: Lithuania and Latvia due to the position of the ethnic minority populations in this process. Major historic and geopolitical changes in Europe after WWII "post-war border changes, disintegration of the USSR, Czechoslovakia, and the enlargement of the European Union to the East emphasized the need to review the political, social and cultural status of Europe's ethnic minorities: virtual communities created after the break-up of larger nation states due to political changes and the emergence of new nationalisms in newly independent states. Prior to their admission to the EU, candidate states have to make changes to their laws to comply with the requirements of the EU in various areas including human rights in general and the state's treatment of minorities. Laws that were deemed to be discriminatory to minorities or policies that adversely affect their ability to compete politically, economically or socially were flagged out, and until they were sufficiently amended the targeted country could not

become an EU member. The paper will explore how ethnic minorities position themselves between the nation-building of new states, their cultural, ethnic, and national affiliations, and the formation of their own new identities using the bottom up approach. The future of ethnic minorities depends on the strength of their self-identification. Individually they may decide to be absorbed to or to blend with the majority culture of the new country they find themselves resident in, or they might maintain their unique culture, languages and identities by resisting the cultural influences of the majority. Alternatively, they may leave the locality, despite being born and bred there, and move further away. Using a variety of empirical data, including qualitative and biographical analysis, the proposed paper contributes to the multidisciplinary debate on the relationship between ethnic self-identification and new nation-building. It analyses the emotional and practical dimensions of individual life strategies and choices as narrated by ethnic minority individuals from cross generational, gender perspectives and comparative analysis of different ethnic minorities. The paper will focus on the ethnic minorities analysed in the EC FP7 ENRI-East project (2008-2011), in Latvia and Lithuania: Russians in Latvia and Lithuania; Poles and Byelorussians in Lithuania. Developed approaches and findings could be crucial for other European studies and policies regarding ethnic minorities, particularly in European countries where there is a trend of transferral of power to sub national layers of government such as the UK, Spain and Belgium.

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The Notion of Non-territorial Autonomy as a tool to Analyze Diversity Policies? The Russian Case

The notion of non-territorial autonomy (hereinafter “NTA”) was elaborated more than a hundred years ago as part of a normative model. Besides, it has been also widely employed in political vernacular. This paper seeks to explore whether it can productively serve as a category of analysis. The author suggests that two interpretations of NTA may be, first, not based on groupist assumptions and, second, can bring some added value to the analysis of identity-related social activities. The first interpretation of NTA implies combination of broadly understood self government in affairs related to ethnicity with regular allocation of public resources. The second one means that NTA may depict top-down arrangements and actions (including discursive strategies and symbolic policies) designed for the accommodation and facilitation of collective activities pursued on behalf of identity-based groups. In other words, NTA may apply when the government behaves as if ethnic categories as such were able to organize, govern and represent themselves and thus needed respective normative and institutional frameworks. The author addresses the case of the Russian Federation and demonstrates that the notion of NTA suits to describe a certain type of domestic policies. Official authorities discursively frame the country as a combination of ethnic groups regarded as holders of certain collective entitlements. For bringing this mosaic in order, the central government and its regional branches directly set up or indirectly encourage institutions in between public and private sector resting on the idea of group agency and group self-organisation. The emphasis is placed on such arrangements as national-cultural autonomy, congresses of peoples and assemblies of peoples which differ at least in symbolic sense from ordinary civil society organization, on the one hand, and public institutions, on the other.

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Non-territorial autonomy and the national question in Spain

It is widely believed that the nation-state, the most important political institution of the modernity, is in crisis. Both external and internal pressures subject it to considerable tension and, as a result, individuals must look for a different source of identification in a multinational state. Minority nations are able to fulfil that function. Following the example of the nation-state, national minority demands are normally based on the territorial principle: territory is a key delimiting element of nationality, so autonomy and self-government are usually conferred on territorially concentrated minorities. However, in some states with dispersed minorities the principle of territory cannot be applied. Some scholars have suggested a system of non-territorial autonomy, based on the principle of personality, as a form of ethnic conflict resolution. The Austro-Marxist proposal for National Cultural Autonomy can be cited as an example. Spain is a country with persistent and intense national problems. In 1978 the Constitution established a model of territorial autonomy which was extended to the whole country, not only to the regions where national minorities were claiming self-governing rights. With the formula “café para todos” (Coffee for all), the “state of the autonomies” was meant to be a significant advance from the previous regime, a centralist dictatorship with a sole and exclusive national identity founded on objective criteria. Nevertheless, the national question is still a burning issue. In this paper I am going to examine whether non-territorial autonomy could be a solution perhaps complementing the system of territorial autonomy currently in force, to the national problems in Spain, and if so, how could it be implemented in this country. This will require a careful analysis of Spanish autonomic organisation in order to detect its weaknesses, and even to consider different alternatives to that model.

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From the Bund to Balad: Non-Territorial Autonomy as a Critique of Zionist Theory and Practice

The idea of national-cultural, non-territorial autonomy for minority ethnic groups in multiethnic states was first conceived by Karl Kautsky at the end of the 19th century. It was meant to solve the nationalities problem of the Austro-Hungarian Empire while preserving its unity, and the unity of the Austrian Social-Democratic party, by recognizing the right of every nation to self determination within a unitary political entity. In this paper I discuss two instances where demands for national-cultural autonomy were, or are, being made as critiques of Zionist theory or practice. In the final decades of the Russian Empire (and later on in inter-war Poland as well), the Jewish socialist Bund demanded national-cultural autonomy for Jews in the future Russian democratic republic. It envisioned that kind of autonomy rather than a Jewish state in Palestine -- as a solution to the Jewish problem in Russia and as a fulfillment of the Jewish national right to national self determination. In contemporary Israel, a citizen-Palestinian political party, Balad (National Democratic Assembly), demands national-cultural autonomy for the Palestinian citizens in a de-Zionised Israel, which will be defined as a state of all of its citizens, and only of its citizens. The Bund's critique challenged the Zionist claim that the solution to the Jewish problem lay in re-territorialization and political sovereignty in Palestine; Balad's challenges Israel's determination to adhere to its self-definition as the ethno-national state of the Jewish people. To provide the theoretical context for, and highlight the historical continuity between these two critiques, but also to point out some problems in their arguments, I begin with a discussion of the work of Will

Kymlicka. Both the Bund and Balad assume, as the foundation for the culturally autonomous national communities they envision, a larger liberal society with equal citizenship rights for all. This is also the basis on which Kymlicka advocates national-cultural autonomy for at least some ethnic groups in multi-ethnic states, and the abstract nature of his arguments makes it easier to identify the strengths and weaknesses of this position.

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Russian National Cultural Autonomy in Estonia: Learning from Failure

Estonia is routinely referred to as a country that successfully implemented the principles of national cultural autonomy in the interwar period. Cultural autonomies were also established in Estonia after 1991, i.e. when its independence was regained. The national administration treats the very idea of autonomy rather seriously. National cultural autonomy – the specific organisation of a national minority group – proved to be a useful solution in the inter-war period for small, consolidated and wealthy minority groups who sought differentiation (if not isolation) from the ‘larger society’. Nowadays the autonomy concept has repeatedly been used by Estonian authorities to establish the liberal character of its ethnic policies. In the national context cultural autonomy seems to belong to the domain of symbolic rather than instrumental policies. After 1993, small, motivated ethnic groups – Ingrian Finns and Swedes – were the first to found autonomies and to realise their limited practical importance. As for Estonian Russians, the creation of a single representative body for a large heterogeneous group seems to be hardly feasible. Furthermore, there are fears that autonomy might be a form of (potential) mobilisation of a politically ‘dangerous’ minority group. The interwar and modern history of Estonia provides us with evidences that the very existence of autonomies will always be dependent on political will and voluntarism of the authorities. Therefore cultural autonomies cannot serve as a substitute to comprehensive minority protection mechanisms which are essentially based on the protection of individual rights deducible from and inspired by respect for human dignity.

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Peace by Design? Revisiting the implementation of territorial and non-territorial autonomy models through the case of constitutional design in Kosovo

This paper aims to conceptualize and evaluate the non-territorial autonomy model through the lenses of post conflict constitutional design applied to the case of Kosovo. Holding that power sharing arrangements are used to address ethnic divisions and encourage inter ethnic integration, we pursue the argument that both models of territorial and non-territorial autonomy which assure the protection of minority rights result as counterproductive when a negotiated post conflict political settlement is missing. Namely, phenomena as ethnic patronage, double institutions, segregation of ethnic minorities and territorial claims result. Stemming out of an internationally sponsored drafting, Kosovo’s constitutional design provides the conditions for a system of shared rule at the central level and a special autonomy (self-rule) at the local level. Notwithstanding, the inter-ethnic grievances are particularly difficult to mitigate in a case like Kosovo. The barriers of language, religion, inter ethnic exchange have all added up to the general reluctance and distrust which currently hinders the implementation of the consociational model of democracy in the territory. The selected case study questions the benefits of implementation of the non-territorial autonomy models.

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The Cosmopolitan Gypsy: On the Transcendence of National Citizenship in the Light of the Case of Rom

The Roma are increasingly seen as a group that challenges the principle of territorial democracy and the Westphalian international order. While diverse in customs, languages, church affiliations, and citizenship, the Roma can also be seen as members of a non-territorial nation. One international non-governmental organization, the International Romani Union, advanced claims for the recognition of the non-territorial Romani nation and advocated a general vision in which people are no longer represented on the basis of state. The manifesto of the Declaration of National claims that the Roma have survived for several centuries as distinct individuals and groups with a strong identity without creating a nation-state, so therefore, their example could help humanity find an alternative way to satisfy the need for identity without having to lock it to territorial boundaries. The paper studies theories of post-national citizenship in the light of the case of Roma. What are the empirical preconditions of the transcendence of liberal nationhood? Under what circumstances can claims of post-national citizenship be justified? To what extent do transnational social, religious, and ethnic movements challenge the foundations of the so-called Westphalian international order, in particular the trinity of state-nation-territory? What forms of political participation do they claim? Do transnational nations pose a different challenge to normative political theory than other transnational communities? By studying the case of Roma, the paper relates the literature on Diasporas and global civil society to cosmopolitan theories thus offering a new typology of boundary problems. The paper demonstrates that the trinity of state-nation-territory is challenged from all three directions. Trans-state, transnational and non-territorial forms of solidarity and political action are thriving. Such developments challenge state-centric liberal, multicultural and nationalist theories alike. The paper discusses five potential ways cosmopolitan theories may respond to such challenges.

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The Roma Community Act in the Republic of Slovenia (ZRomS-1): Legal Implementation of Roma Non-Territorial Autonomy?

Different scholars have argued that in order to address the specific socio-economic position of the European Roma a targeted minority rights approach based on non-territorial autonomy should be taken. A similar stance was adopted by the International Romani Union since it pronounced Roma as a transnational nation without territorial claims. Although a consensus exists also within the EU institutions, i.e. the position of Roma is specific, most of the European states did not introduce special legal acts addressing explicitly the rights of Roma. The first EU state to adopt a special act concerning the Roma minority was Slovenia in 2007. In the proposed paper, I intend to critically evaluate this act entitled The Roma Community Act (ZRomS-1) since it declaratively offered special protection of the Roma community in Slovenia based on the principle of non-territorial autonomy. Firstly, I will focus on the importance of context, in which ZRomS-1 was adopted since it raised an issue that after Slovenia's accession to the EU, Roma are still treated as second-class citizens. In the main part of the paper, I will conduct a structural analysis of the act itself. My hypothesis is that the

introduction of this act itself enhanced an inequality of Romani citizens of Slovenia. Although ZRomS-1 was manifestly represented as founded on non-territorial autonomy, it still latently limited some rights to those Roma residing on specific territories. Furthermore, with an indirect reference to territory, ZRomS-1 created a major division in the Roma community between those who had the right to minority rights and those without the same right. Finally, although an introduction of such a legal act was in fact welcome, I will argue that it should have been structured without any references to territory to avoid the inequality of Romani citizens of Slovenia that it had (re-)produced.

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Challenges of non-territorial autonomy in contemporary central and Eastern Europe

The last two decades have seen the adoption of laws on non-territorial autonomy (NTA) by several states in Central and Eastern Europe, as well as debates on the applicability of this concept to other countries of the region. This development has in turn elicited a growing interest from relevant international organisations in the potential of NTA as a means of a) reconciling ethnic conflicts with the context of state and nation-building processes in the region; and b) bolstering democratisation and minority participation in public life. In spite of this interest, relatively little is known about the practical implementation of NTA within this setting, its reception by ethno-national minorities and majorities and consequently, its impact and possible future relevance in terms of advancing the two related policy agendas outlined above. This paper will offer a preliminary comparative analysis of debates and practices around NTA in four countries. Estonia, Hungary, Romania and Russia and seek to link these cases to the broader themes outlined in the conference call.

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Bosnia's Third Citizens: Nested citizenship and political rights in the Brcko District

Territorially, the state of BiH is divided into two entities, the Serb dominated and highly centralised Republika Srpska (RS) and the further ethnically fragmented Bosniak and Croat dominated Federation of Bosnia and Herzegovina (FBiH). A high degree of ethnic power sharing and non territorial autonomy of ethnic groups exists at the central state level. Brcko District is an anomaly not only because it is defined and functions as a multi-ethnic polity in the divided state but because it formally belongs to both entities (and the state) while enjoying competences of the same breadth as the entities to which it belongs. In many ways, as this paper will show, Brcko exists outside the state institutional framework especially as regards its residents' political rights as well as its representation as a distinct polity in the central institutions. The aims of this paper are following. First of all to highlight the case of partially disenfranchised BiH citizens residing in Brcko and the consequences of their situation. Secondly, to show the democratic deficit of the current model of representation of individual Brcko residents in the BiH entity legislatures and both groups lack of direct representation at the state level. Based on these two sets of issues, the paper will try to indicate potential volatilities arising from the asymmetric integration (or attempts thereof) of the Brcko District polity into the quasi-federal but primarily consociational structure of the post-conflict Bosnia and Herzegovina. And finally, at a more theoretically informed level, the paper considers if the insights from this specific case can serve as an addition to theories of autonomy, consociationalism and federalism and can help avoid problems of integrating a sub-state polity that is territorially defined into state structures established on the principles of ethnic, non-territorial autonomy.

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Ethnic Minorities in Latvia and the Perspectives of Non-Territorial Autonomy

Latvia in the past as well as the present is a country with explicitly expressed ethnic diversity. The Latvians comprised 62.0% of the total 2.2m population of Latvia in 2012, the ethnic minorities 38.0%. The content of the modern sociological and political science literature in Latvia in relation to the concept of “identity of ethnic minorities” is connected with idea of personal (non-territorial) autonomy of the representatives of ethnic minorities. The right for such personal autonomy is guaranteed by the Latvian law. Ethnic minorities have rights for preserving their cultural identity mainly in the structures of a private sphere of the civil society. But one of the variants of multiculturalism (J.Habermas) which relates the process of formation of a civil society to the recognition of the value of a collective identity by such actors as, for instance, traditional ethnic groups can become, in our opinion, an important constituent of a scientific understanding of the new perspectives of personal (non-territorial) autonomy of ethnic minorities in Latvia. In order to demonstrate the attitude of a civil society towards the participation of collective actors (ethnic groups) as fully-fledged subjects of non-territorial autonomy of ethnic minorities in the modern Latvian Republic, the author has carried out the sociological research. The character of the attitude towards these forms of revealing of the ethnic minorities’ socio-cultural and political life shows to what extent the society perceives non territorial autonomy of ethnic minorities. The respondents were offered several variants of attitude towards mass media in the ethnic minorities languages, educational institutions in the ethnic minorities languages, ethnic minorities public organizations which express the ethnic minorities interests, political parties which express the ethnic minorities interests. The data obtained in the run of the research demonstrate the possibility to reconcile the liberal conception of personal (non-territorial) autonomy of the ethnic minorities in Latvia with the recognition of the value of a collective identity of ethnic minorities in the model of this autonomy.

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Non-territorial autonomy and conflict regulation in the South Caucasus: a productive relationship?

The aim of this paper is to assess the merits, limitations and pitfalls of applying non territorial autonomy as a solution to ethnic conflicts in divided societies in the South Caucasus with a particular focus on the Armenia-Azerbaijan contestation over Nagorno-Karabakh. I critique those existing studies in this area that concentrate almost entirely on the political-legal and philosophical aspects of NTA, as well as its normative underpinning. Instead I propose to focus on micro-level perspectives, interpretations and context-specific rhetorical strategies of those actors not participating in NTA and their interactions with the respective societies. Building on extensive fieldwork, documentary and press material and over 50 semi-structured interviews with elite and non-elite actors in Armenia, Azerbaijan and Nagorno-Karabakh I argue that one of the greatest challenges to the implementation of NTA in this context is that the cultural landscape of Nagorno-Karabakh is still conceived and configured in exclusivist terms. Any practical attempt to implement elements of NTA and to allow for local-level decision-making on contentious issues is dependant on the openness of Karabakh Armenians to a minimum symbolic return of Azerbaijanis. At the same time the Azerbaijani state should be willing to continue a slowly emerging dialogue on a plurality of cultural landscapes of Nagorno-Karabakh and surrounding regions. I show that NTA does have the potential to address concerns that are perceived to be of vital importance to both sides, such as

rights protection and the representation of communities in institutional structures that would not be fixated on the issue of a single national homeland. However, prevailing conceptions of space, community attitudes towards (symbolic) return and wider societal perceptions of (non)-representation need to be incorporated into the analysis. By evaluating the limits of NTA in this theoretically and empirically under researched region the paper contributes to a better understanding of institutional design in specific environments. In so doing, it also refines the theoretical conceptualization of non-territorial and territorial forms of autonomy by drawing attention to perceptual and symbolic dimensions that inhibit the application of NTA to ethnically divided societies.

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Can Non-Territorial Autonomy Secure Identity *and* Reduce Conflict Between States and Communal Groups?

Over the past several centuries something remarkable has happened. Three to four thousand historically self-governed communal groups were distributed across (and under) the sovereign jurisdiction of just under 200 states. The process of “combining” thousands of communal groups into several hundred states is now widely recognized as violent – conquest, colonization, imperialism and forced assimilation are violent social and political processes. The result of this “state-making” is a world of states made up of multiple ethnic, communal, religious, and linguistic groups where the identity of one group prevails as the norm and other groups are relegated “minority” status. Consequently, inter-group relations in most states today are characterized by histories of conflict, injury, and injustice in addition to the marginalization that attends “minority” status in a majority state. Can granting autonomy without territorial sovereignty to these minority communal groups mitigate those conflicts and offer some relief from the tension inherent in minority-majority relations? This paper argues that in order for such agreements to be successful they must satisfy the underlying values that a group aspires to by seeking territorial autonomy – values and a means of securing their identity that normally follow from having territorial control or sovereignty. Territory functions in four ways to secure identity and group values: as a cultural resource; an economic resource; as a site of physical security or where physical integrity can be defended and secured; and territory provides legal and jurisdictional boundaries. So when a group lacks or is denied sovereignty over a territory, is it also denied the ability to secure those values or is there a way to accommodate security for those values without attaching the group to a territorial space? Although it focuses on the cases best known to the author – indigenous peoples and ethno-national relations in the former Yugoslavia and Yugoslav-successor states – the paper also concludes by asking whether insights from these cases can be instructive in other settings such as the European Union or in Palestinian-Israeli relations.