Self-Governance Plus Regional Integration:

A Solution to Self-Determination or Secession Claims in the Emerging International System

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Introduction and Summary

The problem of self-determination, namely the search for greater autonomy and even secession has become important anew – though in a more restrictive dimension. In the emerging international system since September 2001 issues of the State, protection of the suppressed, possible humanitarian intervention, and readiness to redraw external boundaries have given way to immediate concerns of security, terrorism, international terror networks and problems of economic security. Arguably, the world has entered a much more uncertain, unpredictable and indeed insecure period than during the cold war with its mutual assured destruction and super power hegemony. Besides the fear of terror attacks and proliferation of weapons of mass destruction, recent secession crises have also shed light on the influence of organized crime in the realm of activists for self-determination, thus providing incentive for central authorities to embark on more re-strictive – some would say repressive – policies against activists for independence. While the independence of East Timor was the high point of the search for sovereignty and independence in recent times, sovereignty issues in Kosova, Chechnya, and Kashmir remain unresolved to this day.

It appears increasingly unlikely that the international community would easily recognize a new state. This the more since such state formation would imply rearranging boundaries of presumably more than just one state and hence will cause change and po-tential instability in a region, in addition to setting a potentially dangerous precedence. No creation of a new state is possible without international recognition, and the ap-proval by the five permanent members of the United Nations Security Council.[1] Never-

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[1]. See the literature on UN recognition and UN SC voting.

theless, to simply deny a community the right for greater independence as a matter of principle will remain with limited success in light of the general awareness of human and group rights in today's international environment and the individual empowerment. On the other hand, sustained avoidance or suppression of such demands by the central authority will over time only exacerbate the explosive potential of such problems.[2] But experience with self-determination crises has also proven that in most cases where one specific community is looking for greater independence from the center, at least one other community exists as well within the same sovereign territory, though frequently more. This community/ies also will be affected by the outcome of the search for greater autonomy of the one community. Hence that struggle for self-determination is rarely a zero-sum game between one community and the center, but has repercussions for other communities within the same state, and in neighboring states as well. In light of the decreased readiness to recognize new states in the emerging international system it is thus important to offer new concepts that can on the one hand address the search of a community for greater independence as well as fulfill their dream of relatively independent outside (international) presence and wide-ranging autonomy in interaction with other sub-states, states, international, and supranational organizations. In the emerging international system it is important to try to achieve that, however avoid triggering new state formation and redrawing of existing boundaries.

This paper tries to develop a solution – self-governance plus regional integration – for this conundrum between communal desire and reality. It is divided into four parts. The first defines the problem, the second outlines the major conceptual dimensions, the third offers the potential solutions and describes that new notion of self-governance plus integration, and the fourth offers conclusions and recommendations.

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[2]. See Atul Kohli's arguments on the "bell curve" of self-determination in Atul Kohli, "Can Democracies Accommodate Ethnic Nationalism?" in Wolfgang Danspeckgruber, ed., *The Self-Determination of Peoples: Community, Nation, and State in an Interdependent World,* Boulder, CO: Lynne Rienner Publishers, 2001, pp. 287-313.

I. The Problem of Self-Determination

Generally five options are available in case a community successfully tries to obtain greater independence from the existing state and change the *status quo* – baring a "degradation" of the situation, i.e. repression and possible conflict:

> a. Secession and independence
> b. Secession and accession
> c. Division (in case there live other 'minorities' in that territory)
>   and partial secession or partial secession and accession
> d. Continued *status quo*
> e. Self-governance plus regional integration

Solution "a" leads to the formation of a *new* independent actor in the international system with new territory, boundaries and international recognition. Presumably it changes the situation in the region and raises questions regarding economic viability, stability, and security (combined with prolonged international involvement). It also addresses future international status like alliance membership or neutrality, and membership in supra or international organizations. Solutions "b" and "c" in turn presuppose the (active) involvement of a third – the to be accessed – state in the region and causes change in boundaries. This may affect the communities within that state and certainly its geostrategic role and weight, also in respect to the other actors there , though it does not lead to a new independent state.

Solutions "a-c" comprise the redrawing of external boundaries, as well the rearrangement of internal administrative ones. Only solutions "d" and "e" help avoid such alterations and thus may prove to be more supportive of regional stability. However, from the view of the community concerned option "d" will presumably prove to be unacceptable and become a cause for further problems if not conflict. On the other hand, options "a-c" will most likely prove unacceptable to both the central government of the state in question as well as to the neighboring states and their governments since they may fear repercussions for their respective national situation as well as possibly for communities which are related or elsewhere.

Characteristics of Different Self-Determination Regimes*					
		Self-Determination Regime			
		Status Quo (none)	*Secession (statehood)*	*Autonomy*	*Self-Governance plus Regional Integration*
Boundaries	*internal*	old	new	old	old
	external	old	new	old	may alter over time
International Recognition		none	yes	none	none
Internal Sovereignty	*local governance*	probable	independent	autonomous	independent
External Competencies	*foreign treaty-making powers*	none	independent	dependent	limited independence
	foreign representation	none	Independent	dependent	possible
	int. organization membership	no	yes	no	possible
	regional foreign policy & organiza-tion membership	no	yes	no	possible

* The author is grateful to Tyler Felgenhauer for assistance.

In order to offer a community enough incentive to ignore the strong movement to become independent and secede from a given state, that new notion has to carry attraction and conviction. Three elements are critical: i.) the credible engagement of capable outside powers, ii.) the attractiveness of the plan and the offer to fulfill some of the aspirations of the community's longing for freedom, and iii.) the feasibility of the initiative.

With respect to the first requirement, the onus is on the international representatives to convince the community of the plan's attractiveness. The notion of 'self-governance plus regional integration' however has to offer both more than the traditional "freedom" and 'autonomy' that the community has 'enjoyed' previously.[3] It also has to address two concerns of the community: the future and security of the younger generation, and minimal interference with direct contacts with the outside world, the region, and the global market place. 'Internal sovereignty' should hence be accompanied with wide ranging 'external competencies' – both form an integral part of 'self-

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[3]. Typically the community will insist that this "autonomy" really has become increasingly limited and that the situation now is unbearable, and that its members find themselves always in the disadvantage, particularly compared to the other communities of the state. In turn the central government will argue that the community enjoys all freedomes as guaranteed in the national legal framework (constitution) and that it, the central authority, has to up hold law and order in the state, and justice towards the other communities.

governance *plus* regional integration.' On the other hand, the outside world should help in fostering stronger intra-regional interactions, both economic and cultural, and assisting with provisions of the appropriate regional security arrangements.

A key condition however rests in the acceptance of multiple identities and a flexible political culture. The members of the community in question ought to accept that their community membership represents just one of perhaps several identities. For example being a Kashmiri may also mean holding Indian or Pakistani citizenship, like a South Tyrolian may also be an Italian citizen. This multiple identity will include efforts in education and the implementation of transparency and justice.   This will also encourage trans-border activities and thus regional integration, which in turn will alleviate the external boundaries.

Self-governance plus regional integration will thus help avoid to redraw existing external boundaries. Through the increased regional interaction, the widened authorities of the community, and eventual regional integration the boundaries will change over time in character and meaning. Such a solution will help minimize instability and challenges to regional peace.

The community should perceive such a solution as a credible option facilitating the enjoyment of its linguistic, ethnic, and religious identity. This option should also offer a maximum degree of socio-cultural development, democratic and transparent policy, and capability to participate as independently as possible in regional integration and the global market place. This should offer hope for its younger ones and counteract the dangerous "brain drain." It is critical that the community perceives a gain in safety, an enhancement of its status and rights, perceives its cultural identity not to be threatened, and that it discerns a viable future for its children. This has to be combined with the guarantee of sustained and credible international assistance and involvement in the region. Only under such conditions will any community accept a lasting solution short of full sovereignty and creation of new external boundaries.

II. The Conceptual Dimensions

Summary of important dimensions :

1. a. A *community* and with its specific identity;   can be a *minority* or a majority
   in a given area within a state;
   The concerns of that community/minority: equality and justice, cultural freedom,
   security, viable future for the young ones, economic opportunities, etc.
2. The influence of *diaspora* and *irredenta*;
3. Self-determination
4. Sovereignty vers. autonomy;
5. Boundaries and international recognition;
6. Communal *leadership*;
7. The role of *gender* and generational dimensions;
8. The role and influence of *media*;
9. The *security* and the potential interactions with *terrorism* and organized *crime*;
10. The danger of access to *weapons of mass destruction*;
11. Regionalization and integration;
12. Technological progress as it influences the national and regional setting as well as
    global real-time *information* and mobility.

Due to space considerations only selected important dimension will be dealt with here:

Ad 1. a. *Community*

Community is clearly the key concept for any struggles linked to self-determination.
Traditionally "community" has been defined as a group which derives its identity from
blood, religion, language, race, common history or any other defining special feature.

> [A] "community" means the members of a distinct group which inhabits a limited
> area within a State and possesses a sufficient degree of organization as such a
> group [...][4]

This means there should be a "group of people" – not necessarily but possibly linked to a
certain territory which it has inhabited during a certain time – who defines itself clearly
by distinctive characteristics. These typically comprise cultural, religious, or ethnic
qualities, i.e. race, blood, language, religion, culture, or other contents of identity. That
group of people also must have a common solidarity or the sense of preserving the

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[4]. Section I., Article 1 "Liechtenstein Draft Convention on Self-Determinaton Through Self-Administration" in
Wolfgang Danspeckgruber with Arthur Watts, eds., *Self-Determination and Self-Administration – A*, Lynne Rienner
Publishers, 1997, p. 38.

groups heritage and traditions.[5] Its concerns are typically reflect on equality and justice, safety, cultural freedom from repression, viable future for the young ones, economic opportunities, etc.[6]

A Community can be a majority or minority or sub-group within the same state. For those remaining outside the state's or community's territory, it can also be irredenta (separated by borders) or diaspora (leaving abroad, elsewhere); and the question of authority as it derives from a local, regional, national, or supranational source.   A community can have another community – a minority – within its territory.

Ad 1.b. *Minority*

One of the most important dimensions in any discussion related to self-determination concerns the role of minorities, their protection, their relative situation in the state, with regard to other (also related) communities, as well as their possible development. There seems to exist a discrepancy in the awareness of established legal instruments and international treaties concerning the protection of national minorities. The following enumerates certain basics.[7]

The issue of a "minority" has always been confronted with four major dimensions:

- "We-they"-problem (with antagonism); the one community and the *other* community – frequently the majority, but also "just" another minority;

- Boundary (inter-state or intra-state): potentially dividing an ethnic group into a majority on one side and a minority on the other; as an international issue – then it is a question of "irredenta;" or as a domestic issue, i.e., when the boundary is administrative, within a sovereign territory where it becomes an issue of national governance;

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[5]. Sir Arthur Watts, "The Liechtenstein Draft Convention on Self-Determination Through Self-Administration – A Commentary," in Wolfgang Danspeckgruber with Arthur Watts, eds., op. cit., p. 24.

[6]. We need to determine which entity can justifiably argue for self-determination and perhaps classical independence: a "community," a region, a (suppressed) people, a former colony? For an excellent discussion of this issue see Benedict Anderson, *Imagined Communities: Reflections on the Origin and Spread of Nationalism* (London: Verson, 1983); Donald L. Horowitz, *Ethnic Groups in Conflict* (Berkeley: University of California Press, 1985)

[7]. See also Wolfgang Danspeckgruber with Tyler Felgenhauer, "Minorities in the Former Soviet Union," in Sabina A-M Crisen, *Minorities and Tolerance—Central Europe and Eastern Europe & the NIS,* Woodrow Wilson International Center, George Kennan Institute, July 2001, pp. 22-40

- **International recognition: the ability to be recognized as a minority by the central authorities, and, if necessary, also by outside states and organizations; and**

- <u>**Role of a minority in the world policy**</u> **as a function of increasing global interdependence and the resulting challenge to state and sovereignty.[8]**

From very early on the concept of the nation-state <u>could not accept</u> those who were not part of the same community as the majority – with regard to race, language, religion, culture, etc. – within the same sovereign boundaries. So whoever was within that same border but was a member of <u>another group</u> was seen as an <u>outsider or de facto a foreigner</u>. Thomas Musgrave argues in his book *Self-Determination and National Minorities*, that "minorities were anomalies within the nation state … and were perceived as elements which weakened and divided it."[9] Since it was not possible for these "outsiders" to contribute to nation building, they were frequently seen as alien, thus setting the stage for tensions to rise.

In the discussion of self-governance, i.e. maximum autonomy, or traditional self-determination, the right of minorities to self-determination, i.e. declaration/recognition of a new state in the international system is still widely rejected. This is due to the threat perceived by the international community to the existence of states as such, the danger of tempting minorities elsewhere, and the overall stability of areas concerned. There is however a caveat: in case there is a clear case of repression – other rules apply. (See Kosova's "conditional sovereignty" or de-colonization after the 'end of European empires' and "East of Suez" 1950s.[10])

Ad 2.a. *Irredenta*

This is a national minority created from a redrawing of boundaries that places it outside the main territory of the nation state. Revanchism can be a form of expression

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[8]. See Stephen Krasner, ed., *Problematic Sovereignty: Contested Rules and Political Possibilities* (New York: Columbia University Press, 2000).

[9]. Thomas D. Musgrave, *Self-Determination and National Minorities* (Oxford University Press, Clarendon Press, 1998), p. 10;

[10]. International Kosovo Commission, Oxford University Press, 2000

of dissatisfaction of an irredenta. It has been argued by nationalists that the irredenta could not be satisfied without joining the nation state to whose community it belongs. It is important to accept that in rigid internal structures with serious internal – albeit soft – administrative boundaries, irredenta can also cause problems if it reflects parts of an ethnic community in one administrative unit and the majority of the other. Such a situation can be further complicated in case an irredenta is found in areas with mixed populations.[11]

Ad 2.b. *Diaspora*

Diaspora ("dispersed" in Greek) implies a permanent separation from the state where the community presently resides, and is in conflict with the need to demonstrate loyalty. Members of a diaspora are outsiders, i.e. live in *another* state, but retain strong bindings – frequently via friends and relatives – in the (old) home country. The impact of the diaspora on (and support for) any issue in the former home country can be matched by the impact of the diaspora on the formation of policies in their new state of residence. Diasporas have a particular relevance for Russia, as the break up of the USSR left some 25 million Russians outside of sovereign Russian borders.[12] Equally there is a significant Chinese diaspora abroad, e.g. in the United States, and a large Indian dias-pora as well outside the respective homeland.

Ad. 3*. Self-determination*

Self-Determination has been one of the most prevalent causes of international and inter-state crises since the middle of the 19th and beginning 20th century, and has been of renewed importance following the fall of the Berlin Wall 1989, and the subse-quent unification of Germany and the end of the Cold War.[13] Struggles for autonomy

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[11]. Musgrave, *op.cit.*, p. 11.

[12]. See the excellent collection by Michael Mandelbaum, ed., *The New European Diasporas: National Minorities and Conflict in Eastern Europe* (New York: Council on Foreign Relations Press, 2000), pp. 2-6; as well as Mendel-baum's earlier edited work, *The New Russian Foreign Policy* (New York: Council on Foreign Relations, 1998).

[13]. Morton H. Halperin and David J Scheffer with Patricia L. Small, *Self-Determination in the New World Order,* Carnegie Endowment for International Peace, 1992; Christian Tomuschat, "Self-Determination in a post-colonial world," in Christian Tomuschat, *Modern Law of Self-Determination,* Martinus Nijhoff Publishers, 1994, pp. 7-15.

and secession have been the source of tremendous human suffering and destruction in Africa, Europe, and Asia.

Since September 11th, 2001 however, the "war on terrorism" has hampered the possibilities for self-determination since most central authorities have become more resistant to movements for autonomy and independence. This clearly reduces the parameters for those who work for such ideals and intentions of a community – namely for greater autonomy and freedom from the center. Too many times have actors been considered in "the bad light" between legal and illegal operation and accordingly accused by other parties in a given state which object to their aims. What was in the past a "freedom fighter" and "patriot" is now easily labeled a "terrorist."[14] Notwithstanding the fact that the final entry into history books will be determined by the victorious' power's emergence from the struggle.

What has changed in the immediate aftermath since September 11th concerns the fundamental attitude of many governments and leaders, which in the past worried that the United States would oppose their suppressive treatment of autonomy movements – (see indeed Belgrade, Indonesia and East Timor) – and obviously influences the struggle for self-determination or autonomy. Now, in the post-9/11 international environment central authorities resisting such movements either find encouragement for that hardened attitude in Washington, or sell their suppression of liberation movements as their own direct contribution to the U.S' "war on terrorism." A situation which assists the blurring of the distinction between those searching for greater autonomy in earnest, versus those fighting central authority with terrorist intentions. –Indeed it might itself contribute to the difficulty to identify and bring to justice those who really are engaged in terrorist activities. The current environment clearly favors those governments who enforce restrictive and defense positions and unleash the full force of national police and

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[14]. However one has to keep in mind then Yugoslav President's Slobodan Milosevic's assertion in the mid-1990s that any Kosovo Albanian opposing central government (Serbian) actor is a "terrorist." The west and then even Russia saw them as "fighters for Kosova's equal status" and Kosova-Albanian patriots. Eventually the harsh Serbian repression of Kosova Albanians and the beginning ethnic cleansing led to NATO intervention in 1999 – though not with agreement by the UN SC.

Also the Moscow leadership has after the Moscow Gas explosions of 1998 consistently and predominantly referred to Chechen fighters as "terrorists" or "criminals" – very much like Milosevic. Today there might be no assistance whatsoever, and President Putin has received green light in his "fight against terrorism" by U.S. President George Bush (allegedly for also other reasons than the United States engagement in its defense against terrorism).

security apparatus.[15] This includes tightened controls of borders, trans-border activities, media, and even "profiling." Whether that hardened and uncompromising attitude improves chances to find peaceful solutions in situations tense due to self-determination or whether increased suppression contributes to radicalization and adds an escalatory dimension as it strengthens the resolve of those searching for greater freedom, remains to be seen.

Classical self-determination, in the Wilsonian sense, includes two dimensions: [16] the search for full independence and sovereignty by a community at the expense of the existing state, and the right to form a government and administration according the community's wishes.[17] The redrawing of new international boundaries and international recognition offer the quintessential test of the "slippery slope" potentially entered in the implementation of classical self-determination towards possible full scale independence. Interestingly, over the course of history communal and ethnic empires gave way to larger, multi-ethnic empires, which in turn got destroyed again by nationalism and re-introduced self-determination. During the cold war self-determination was seen primarily in the context of decolonization, influencing the movement of the non-aligned states. In the 1980s and particularly the 1990s regionalization, trans-border contacts, and empowerment of communities with global real-time technologies and the Internet has begun to challenge the traditional position of the nation state and national central authorities.

There exists a dichotomy between the traditional perspective of state, state authority and state formation in the Westphalian System while being confronted with ultimate freedoms of communities and empowerment reflecting such elements like heightened access to information and knowledge and access to the global market place. It seems as if in the international system one would deny to the community, what the state takes for granted – to integrate and to permit its citizen intensified interaction with

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[15]. It is interesting to observe the increased frequency of the use of the term "terrorist," "terrorist activities" in international media reporting from South Asia or other areas since September 11th.

[16]. Woodrow Wilson has originally distinguished external versus internal self-determination. External being the right of a nation/community to exert freedom in chosing its allies; internal bestowing the right of chosing freely one's government. See Antonio Cassese, *Self-Determination of Peoples: A Legal Reappraisal*,

[17]. Continued analysis sees the critical seven "S" issues: namely state, sovereignty, self-determination, security, subsidiarity, supranational, and symbolism in cases dealing with self-determination.

all other states and organizations (as long they are not illegal). Self-determination is thus a notion very much "en vogue" in today's situation, but the continuing tendency of states to protect their interests, institutions, and their territory, as well as the current global security concerns hamper effective translation of a community's self-determination desires. It seems hence important to try to find solution which addresses that dilemma while accepting the national interest of powers concerned.

Ad.11. *Regionalization*

Regionalization reflects the intention of preserving some degree of self-governance on the local or communal level that is independent of external national boundaries. If subsidiarity means 'government by the lowest possible level,' 'regionalization' means closest possible interaction between communities and peoples who like to cooperate, under circumstances favored by inter-communal relations, geography, and tradition. Several "regionalist waves" took place in the 1960s and 70s.[18] Since the enlargement process of EU and NATO in the 1990s regionalization obtained yet another meaning as it did also by the forming of economic and financial regions in Europe, Asia, and Latin America. Communities are torn between the attraction to participate in integration, economic advance, technological progress, and the global market place, while preserving some of their "old certainties, structures," and traditional ethnic-cultural values.[19]

The underpinnings of regionalization may comprise geography, social and cultural affinities, traditional ethnic relations, trade and infrastructure, and even internal and external security.[20] Regionalization furthers decentralization and democratization by encouraging responsibility and autonomy from below, which ought to inspire the regions to develop their own appropriate capabilities to compete with other regions.

[18]. For an excellent volume on regionalization see Louise Fawcett and Andrew Hurrell, *Regionalism in World Politics*, Oxford University Press, 1995; debating regionalism and self-determination see: Yonah Alexander and Robert A Friedlander, *Self-Determination: National, Regional, and Global Dimensions,* Westview Press Special Studies, 1980; Margaret Moore, "The Territorial Dimension of Self-Determination," in Margaret Moore, ed., *National Self-Determination and Secession*, Oxford University Press, 1998.

[19]. Emil J. Kirchner and Thomas Christiansen, "The importance of local and regional reform," in Emil J. Kirchner, ed., *Decentralization and Transition in Visegrad,* St. Martin's Press, 1999, p. 4

[20]. Regionalization understood as the emergence of subregions, of several smaller states or parts of states according to infrastructural needs, is based upon similarities in ethnicity, history, geography, and even climate.

It is predictable that the ongoing economic and strategic developments will contribute to the formation of other mega regions also elsewhere. NAFTA (The North American Free Trade Agreement) fosters free trade and economic-industrial cooperation between Canada, Mexico, and the United States, and similar initiatives around the Black Sea Economic Cooperation Pact (BSEC)[21] and now the Indian Ocean Rim States Organization (IOR-ARC)[22] are cases in point. The (gradual) integration of several states in a larger region offers the most effective answer to modern economic challenges and the intention to trade and cooperate beyond established borders, while permitting the continued enjoyment of communal identity, cultural and religious values, and traditions if the boundaries of the existing states become too narrow, and since it seems inconceivable to alter them for each case where such desires prevail. In 1997 former U.S. Federal Reserve Chairman Paul Volcker has suggested that three global currency regions may develop: The Dollar in the Americas, the Euro in the EU and neighboring states, and the Yen in Asia. Taking one of the strongest regional currencies and pegging the others in the same region to it seems an effective way to foster regional trade and integration and thus cohesion between regional entities.

In Eastern Europe and the Former Soviet Union (Bosniaks, Montenegrines, Kosovars, and Chechens) leaders of many communities have frequently expressed both their desire to become internationally recognized as independent sovereign entities, while at the same time stressing their interest to join the European Union, EU. Interestingly there has been ignorance concerning the implicit tension between these two objectives. The EU is a supranational organization with the right – granted by its member states – to limit sovereignty and infringe upon the rights and competencies typically performed by central governments. It can impose EU regulations in such critical areas like taxation, fiscal policies, home affairs (visa, citizenship), minimum human- and social-economic rights, technical standards and safety, and increasingly even education and certain foreign and security issues. Thanks to the powers of the European Court of Justice, the European Commission even has the capability to enforce its decisions and levy penalties from member governments.

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[21]. http://www.photius.com/bsec/bsec.html.

[22]. http://www.ficci.com/ficci/International/ior.html.

It is important to recognize that in a region with increased integration, like *Euroland*, sovereignty and independence – and thus self-determination – are of decreasing relevance though 'subsidiarity' offers communities maximum autonomy in cultural, educative and other dimensions important for identity.[23] The key to a functioning supranational society is the flexibility and openness for other cultures and the readiness to accept multiple identities. In turn, maximum possible and direct contact between the community and those beyond the international boundaries of its state is critical to alleviate constant demands for independence. This concerns the level and extent of treaty making powers, permission for various foreign affairs agenda – independent from the central administration – the quest for participation in customs and border protection, even certain dimensions of participation in defense agenda.

Regional integration in combination with maximum parallel self-governance will be an effective, albeit longer-term recipe for satisfying the aspirations of freedom of ethnic communities. It would appeal to the reasoning of the community and the responsibility of state, neighborhood, region, and international community. It will also bring about greater prosperity and stability while slowly alleviating the relevance of the respective hard international boundaries in a time of global interdependence.

III. Two options to anticipate and offer solutions for potential self-determination crisis

In order to offer communities an acceptable and predictable way towards their dream of greater freedom and to achieve feasible standards both for the central government and the other communities concerned it is possible to: i.) clearly delineate self-governance and secession modes and mechanisms in the constitution of a state in order to also demonstrate to the national and international community the various thresholds imposed. ii.) to try to find a feasible and acceptable alternative to full classical self-determination, (i.e. secession and independence) which is in line with the emerging, globalized international system and which helps avoid that continuing separation is accompanied by bloodshed and destruction. At the same time, this process provides for a

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[23]. For a discussion of regionalization and subsidiarity in Europe see Wolfgang Danspeckgruber, "Self-determination and Regionalization in Contemporary Europe " in Wolfgang Danspeckgruber, ed., *op. cit.* pp. 177-200.

peaceful and lasting solution, namely the proposed self-governance plus regional integration.

The Institutionalization of Self-Determination

In light of a more general trend to introduce meaningful democratic principles into daily life, several states have recently tried to offer provisions permitting classical self-determination, that is, secession to their communities. Two constitutions can be seen as examples for specifically enumerating the right of self-determination: the constitution of Ethiopia and the constitution of South Africa. Article 39(1) of the Ethiopian constitution reads, " Every Nation, Nationality and people in Ethiopia has an unconditional right to self-determination, including the right to secession." Chapter XIV, section 235, of the constitution of South Africa offers self-determination as well.[24] In the Principality of Liechtenstein, in Central Europe, an amendment to the existing constitution that would include the right of self-determination is under consideration. The Princely House suggests the introduction of the following passage on self-determination in order to offer communities the possibility to search for new legal arrangements.[25]

Self-governance plus regional integration

Self-governance is a concept more positive, extensive, humane, and forward looking than classical self-determination. It avoids the slippery slope to secession and independence, i.e. state shattering – and contains less emotionally loaded connotation of past ethnic-historical experiences. The notion of self-governance is "progressive," lead-

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[24]. The right of the South African people as a whole to self-determination, as manifested in this Constitution, does not preclude, within the framework of this right, recognition of the notion of the right to self-determination of any community sharing a common cultural and language heritage, within a territorial entity in the Republic or in any other way, determined by national legislation

[25]. Chapter 1: The Principality - Article 4

1. The change in the boundaries of the territory of the state can be accomplished only by law. Changes of boundaries between communities require a majority vote of the Liechtenstein citizens in the communities in question.

Each community has the right to secede. Secession is to be regulated by law or on a case-by-case basis by contract. Secession must be approved by a majority of Liechtenstein citizens resident in the community in question. In the case a majority approves secession the reigning prince shall have the right to order within thirty days a vote of reconsideration six months later.

See http://www.fuerstenhaus.li/Verfassung/index-e.html

ing to increased gender equality and non-discriminatory politics, and cultural flexibility, environmental awareness, i.e. the readiness to accept multiple identities.[26] To the extent that self-governance plus regional integration affects international borders at all, it will do so gradually, through enhanced economic, cultural, and person-to-person contacts, greater independence, accompanied by effective international and regional assistance.

Self-governance and regional integration can be defined as a combination of maximum autonomy, i.e. 'internal sovereignty,' and wide ranging 'external competencies.' Internal sovereignty would encompass concern the areas of culture, education, language, religion, finance, judicial administration, and public safety, as well as certain industrial, energy, and infrastructure projects, while external competencies should include as many dimensions as possible for permitting a community maximum freedom to interact with the neighbors, in the region and with other states and international organizations.[27] Internal Sovereignty can be understood as "partial" or "limited" sovereignty but the term sheds light on the will by the community to have certain sovereign rights for certain agenda, and the readiness of the central government to grant these rights. This should consider the attractions and constrains of modern day (global) interdependence and should also be seen within the – eventual – greater regional integration. Self-governance should allow for the local administration of daily communal or regional affairs and offer more freedom for creativity to adapt local institutions, organs, laws, and regulations to the specific needs of the community, though it remains bound by the constitution of its sovereign state. Such enhanced rights and authority obliges the community to recognize and respect the rights of minorities within its territory. Thus self-governance is inherently democratic – whatever "democracy" may mean in view of the tradition and political culture of the community. However self-governance plus regional

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[26]. Richard Falk, On Humane Governance, Pennsylvania: Penn State Press, 1997.

[27]. "Internal Sovereignty" should contain all those rights and obligation as set forth by the respective Constitutions, the practice of the relevant governments and possible regional and international organizations. There exists an extensive literature dealing with sovereignty in the contemporary international system; see e.g. Sohail H. Hashmi, ed., *State Sovereignty,* Pennsylvania State University Press, 1997; Stephen Krasner, ed.., *Problematic Sovereignty,* Columbia University Press, 2001; Daniel Philpott, *Revolutions in Sovereignty*, Princeton University Press, 2001; Henrik Spruyt, *The Sovereign State and Its Competitors,* Princeton University Press, 1994

integration ought to ascertain the cultural independence and human rights of any minority within that community.[28]

In practice 'self-governance plus regional integration' ought to include substantial independence if not sole competence for such agenda like: local administration; religious, cultural, educational, judicial, and even fiscal authority; and local security, even adequate communal contribution to external security. It is important that the community perceives equality both in comparison to the other communities in the state as well as in the just order of a transparent and decentralized national structure. Competencies within self-governance ought also to consist of certain international treaty making powers and representation, as long as they do not challenge national (federal) objectives as laid forth in the constitution. Such 'external competencies' could comprise cultural, educational, scientific and technical contacts with other regions and sub-states, or even states and international organizations.[29] In certain regions of the world there already exists exchange in experience and information regarding security mechanisms, crime prevention, and catastrophe and humanitarian assistance between regions and sub-states.[30]

But effective self-governance and regional integration can only be achieved by introducing the readiness to identify with multiple identities – being a Catalan, Spaniard, as well as a European; or being a Kashmiri as well as an Indian or Pakistani citizen. [31] Stringent efforts in education and representation and special emphasis of the media, presumably under some sort of neutral supervision, are a critical condition for such a readiness to accept multiple identities.

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[28]. Regarding the rules of democracy embedded within the concept of self-governance see also Prince Hans Adam II. of Liechtenstein, "Democracy and Self-Determination," IISS, London, January 2002

[29]. "External Competencies" are like those under 'internal sovereignty' to facilitate a community's interaction with other regions outside the sovereign state territory. They are also regulated by the constitution and administrative laws of the state. However there may be a discrepancy between legal competencies and material actions as including direct contacts with regions, cooperations in science and technology, security, environment, etc. "Sonderdruck: Die grenzueberschreitende Taetigkeit der oesterreichischen Bundeslaender," *Oesterreichische Aussenpolitische Dokumentation*, Wien, 1992.

[30]. The author is grateful for interview with Dr. Erich Haager, Praesidium, Oberoesterreichisches Government, Linz, July 25, 2002.

[31]. That introduction of multiple identities as part of "self-governance plus regional integration" could offer a possible solution for the Kashmir Conflict – see below.

The examples of the German State of Bavaria, the Austrian Bundesland Oberoesterreich, the Spanish Region of Catalunya, and the Italian Region Bolzano-Südtirol offer a significant level of internal sovereignty for the respective communities, and demonstrate also considerable external competencies and the ability to conduct 'regional foreign policy' (particularly for Bavaria and Oberoesterreich).[32]

Planned Case Studies and Content					
	Powers	**Freestate of Bavaria (D)**	**Land Oberoesterreich (A)**	**Alto Adige/ South Tiyol (It)**	**Catalunya (E)**
Internal Sovereignty	cultural/ religious				
	linguistic				
	education				
	financial				
	fiscal				
	judicial				
	administrative				
	security　police　paramilitary				
External Competencies	customs				
	immigration				
	intelligence				
	defense				
	presentation abroad				
	regional foreign policy				
	international treaty making power				
	membership in regional, international, or supranational organizations				

Often federalism or confederalism are seen as a possible solution. Federalism is a potential solution for devolution from the center to the federal states. It is based on a strong constitution which delineates the various competencies as separated between *Laender* and the Federal government. The Federal Republic of Germany and the Re-

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[32]. They would, however, exclude national defense, currency, or an independent foreign service. Regarding Oberoesterreich see publications like *Aussenbeziehungen des Landes Oberoesterreich*; and *Schlussdeklaration der Regierungskonferenz "Politik fuer Generationen," Muenchen, 31.1.2002*.

public of Austria are good examples where federal states have extensive rights but still are held accountable by the Central Government. In the case of Switzerland, the Helvetic Confederation, the Cantons wield maximum rights including distinctly separate cultural and education policy, taxation, and defense and security arrangements. Switzerland represents perhaps the most elaborate model of Federalism or really "confederalism" as in her name, grown over five centuries and combined with the outmost of direct democracy. The federal structure of Germany though is more restrictive as is the one of Austria. Both have a parliamentary democracy and are federal republics. In the case of Germany fiscal control and taxation rank amongst the critical control which the federal government has over the *Laender* – besides federal legal and executive regulations.

Self-governance in its optimum form may however function more like the confederal model. Daniel Elazar defines confederalism as "several existing polities joined together to form a common government for strictly limited purposes ... that remains dependent upon its constituent polities ... and must work through them."[33] Anthony Smith sees new relevance in regional or pan-continental associations or federations. Such "pan-nationalisms" on the base of culture or accepted basic norms – such as for instance the acquis communitair – could offer a "supersession of existing national states in the interest of much larger super states" or supra national entities.[34]

Parallel to establishing structures and institutions for such extensive self-governance, an immediate incentive has to be launched for trans-border inter-regional cooperation and integration in conjunction with "outside" (either international or by the central authorities) economic, industrial, and infrastructural assistance programs, and the (international) guarantee of security and the borders. This parallel initiative is critical to provide credibility to the offers of maximum self-governance and for the community to trust in international efforts for an appropriate and equal, fair, and effective new status. Resulting increase in people-to-people contact, mobility, trade, regional income, and openness to mutual interaction will influence the regional setting and possibly ameliorate inter-communal frictions while reducing the desire for separation and full inde-

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[33]. See Daniel J. Elazar, *Federal Systems of the World: A Handbook of Federal, Confederal, and Autonomy Arrangements,* accessed via http://www.jcpa.org/dje/books/fedsysworld-intro.htm

[34]. Anthony D. Smith, *Nations and Nationalisms in a Global Era,* Polity Press, 1995, pp. 119-120

pendence. Over time such regional development and integration within and beyond the state, (including the other communities there) will relax the hardness of the external boundaries and will change their character into softer administrative boundaries, permitting the free movement of people, goods, services, and capital. Much like the four European Economic Area (EEA) freedoms of movement (goods, services, capital, and citizens)[35] such softened boundaries will permit regional economic development, integration, and participation in the global market. There ought to be effective engagement of the governments of all the neighboring states concerned, since through effective regionalization is only possibly thanks to their engagement. All that changes the borders both in practice and perception while avoiding their redrawing. It offers the community in question maximum independence from the central authority while avoiding the problems associated with obtaining full independence.

Self-governance requires stability, predictability, transparency, and most important, communal security. The experiences during the conference on security and cooperation in Europe (CSCE) in the early 1970's may be of relevance in this case. Then critical dimensions concerning regional security, both internal and external, as well as the plight of minorities, etc. were separated into military strategic, socio-economic, and humanitarian "baskets". In order to establish a benevolent and encouraging framework for a viable region such considerations are relevant also today and elsewhere.

Military security is of obvious relevance; para-military organizations can hinder effective self-governance by the existence of arms and armed forces or groupings as well as criminal elements, organized locally or regionally. *Demilitarization and decriminalization (including disarmament)* of the region are a *conditio sine qua non* for the successful introduction of self-governance and a peaceful decentralization process. *Detraumatization* and specific education and employment programs for the younger ones are of importance as well.[36] In the post 9/11 discussion and emphasis on the "war

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35. For an excellent study about the Province of Suedtirol see Melissa Magliana, *The Autonomous Province of Bolzano-Suedtirol—A Model of Self-Governance?*, European Academy, Vol. 20, Bolzano, Italy, 2000

[36]. These obligations for immediate action in a region to assist and reconstruct can be summarized in the Seven "Ds" : De-militarization; De-mobilization; De-criminalization; De-traumatization; De-radicalization; De-centralization; Democratization; as well as the Seven "*R*s ": Re-construction; Re-patriation; Re-conciliation; Re-legitimization; Re-integration; Regionalization; Re-education; see Wolfgang Danspeckgruber, " Final Assessment," in *idem, op.cit.*, p. 355.

against terrorism" this has obtained an urgent and more complex meaning. The process of stabilization of a region may well be taken one step further by introducing *neutraliza-tion*; thus denying foreign actors the right to use the territory as a staging ground for any armed or military operations and therewith reducing the danger of armed clashes. An international guarantee of the inviolability of the rights and territory of the community in question may bring added stability and reduce the urge for armed forces to secure borders.

Most importantly, the leadership in the community, region, state, and abroad must have the will and farsightedness to concern itself with the real interest and fate of individual citizens, the young and the old, the rich and the poor, instead of concentrating on personal interests and advantages. Too many times, issues of self-determination have been employed to serve leadership interests rather than the true interest at the very core of self-determination – the safety, economic and political possibilities and rights of individual men, women, and children. It is for them we ought to implement feasible and acceptable solutions that will provide in the long run for their peace, justice, and prosperity.

Possible Applications

In the Balkans

On many occasions it has been suggested to create an integrated zone in the Balkans among all successor-states of the old Federal Republic of Yugoslavia and the new comers in the EU with Hungary, Austria, and Slovenia in the north, Romania and (eventually) Bulgaria in the East, and Greece in the South, including the need to speed up the admission process of Turkey.[37] This integration process with a special internal security framework being established in parallel, would permit to leave the final status as to be discussed for Kosova (UN Res 1244) open while maximizing Pristina's self-governance and participation in the integration process, i.e. offering also wide ranging external competencies, independent from Belgrade. Currently Kosova is an international protec-

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[37]. See Wolfgang Danspeckgruber "Subregional Crisis and Potential Lessons for Future Self-Determination Conflicts: The Case of Kosovo," in Laurent Goetschel, ed., *Security in a Globalized World: Risks and Opportunities*, Baden-Baden, Nomos Verlagsgesellschaft, 1999, pp. 119-136.

torate, under UNMIK, though it seems plausible that this status could be at one point transferred under EU auspices. Obviously security, migration and relations with neighboring countries would fall under stringent EU/NATO regulations.   Swedish emissary Carl Bildt detailed the institutional forging of closer links between the EU and the Balkan states. He suggested that "The EU should provide clear blueprints for reforms that would pave the way [for closer cooperation and integration] ... if not full-blown [EU] membership ... [including] the possibility of making them part of a broader Euro-zone."[38]

Chechnya

The (legal) basis for the Chechens' claim to independence lies in their refusal to sign the Russian Federation Treaty of 1992, as well as the claim that because the dissolution of the Soviet Union was illegal then legal arguments based upon the Soviet Constitution have become invalid. [39]

It still appears that President Aslan Maskhadov and his government are not insisting on full sovereignty and unconditional independence. Some of his representatives even refer to the example of Puerto Rico within the United States as a potential model to build upon. This conforms to the idea of "self-governance plus regionalization," namely that borders should not be changed, rather self-governance should be maximized and cooperation and integration among states and sub-states in the region enhanced.[40]

Kashmir

The introduction of multiple identities as part of "self-governance plus regional integration" could offer a possible solution for the traditional Kashmir problem.   Instead of making a decision on the territory and searching a solution for redrawing external

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[38]. Carl Bildt, "Embracing the Balkans," *Financial Times* (February 19, 1999), p. 14. See also Benn Steil and Susan L. Woodward, "A European "New Deal" for the Balkans," *Foreign Affairs,* November/December 1999, Vol 78. See also "Kosovo Final Status—Options and Cross-Border Requirements," *Special Report 91,* US Institute of Peace, Washington, D.C., 2002.

[39]. Most importantly, the Khasavyurt Agreement (30 October 1996), signed by both the Chechens and the Russians, explicitly refers to the right of self-determination and stipulates that relations between the Chechen Republic and the Russian Federation be governed by the universally accepted principles and norms of international law.

[40]. http://www.princeton.edu/~lisd/caucasus.html.

boundaries, self governance plus regionalization could be introduced to permit the Kashmiris and those on either side of the Line of Control (LoC) to keep their sovereign territories and could spare India to give up completely what it considers within its borders. Sir John Thomson suggests offering the Kashmiris south of the LoC both Kashmiri ID cards and Indian Passports, and those on the Pakistani side, hence north of the LoC both Kashmiri ID cards and Pakistani Passports. This solution would help to avoid a redrawing of international boundaries and neither India nor Pakistan were to loose Kashmir (or Jammu and Kashmir for India). No territorial change would take place and it could be considered to arrange for international assistance to monitor borders or help prevent influx on either side of criminal elements.

IV. Conclusions and Recommendations

It has been demonstrated that self-governance plus parallel regional integration can be a model for offering a community most of the sought-after freedoms, while assisting also other neighboring communities and avoiding the difficult path of redrawing international boundaries. The protection of minorities, the provision of communal and regional security, and the introduction of stability and reduction of criminality in the region are, however, critical conditions for an eventual introduction of self-governance in the region. But several other important conditions have to be fulfilled as well in order to enable it to work:

First, any solution of a new status for a community ought to include the idea of respect of *multiple identities* accepted throughout the region. This appreciation of diversity allows for increasing flexibility in defining the relationship between geographical living space and local, state, and regional hierarchies. An important condition is significant tolerance in education and culture towards the complex intricacies of ethnic and religious identities. Once multiple identities are accepted, the influence of militant nationalism may wane, and tolerance for other identities will increase. As we have seen in successful cases of self-governance, a person can "hold several identities" – e.g., be proud to be a Catalan, as well as Spaniard, a Mediterranean, and a European. Interestingly, research has shed light on the relationship between significant wealth and heightened readiness to accept multiple identities. This suggests the immediate need to address the socio-economic situation in a community searching for greater independence.

This evolution is a question of understanding, education, and time, and most importantly linked to a new generation of leaders. The role of the diaspora – all those living outside the national territory – may influence the readiness for such heightened flexibility as in "multiple identities." Typically, diasporas wield negative influence in the critical phases and can contribute to antagonism. It will be for the communal and national authorities to limit the negative influence of those who live abroad.

Second, the involved parties must develop a *flexible and forgiving (political) culture* based, ideally, on democratic values and notions such as tolerance, flexibility, forgiveness, and compromise. Such a culture allows minorities – even within the community that searches for greater independence from the center – to contribute and play a role. Democratization offers a just and appropriate way to ascertain community's will and to ensure international acceptance and continued support. This includes the very important aspect of *equality* of communities and offering equal rights in a transparent and just way, so that the community and its leadership gains trust in the just, fair, and equal treatment of any of its demands, not only by other communities and majorities, but also by the central authorities. This in turn will take away the base for radicalization, and deprive extremism of its attraction, especially if combined with better economic conditions.

Third, organized *crime* and all kinds of semi-legal actions need to be eliminated. But in most cases this works only with a concomitant major investment in micro and macro aspects of economic development, industrialization and availability of training and jobs for the younger, and – at least in the start up phase – significant international assistance. It is also relevant to address the need for a regional framework based on binding agreements between the governments concerned. This presumably includes some form of international guarantee or, at least, involvement. Experience has proven that frequently communities in search for greater autonomy are those who need economic assistance most.[41] Indeed their economic hardship, frustration is many times part of the cause for their search for self-determination - . Effective and imminent in-

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[41]. Though, interestingly, Slovenia and the Czech Republic "are the exceptions which prove that rule." Both were looking for independence because they found that the union with the respective rest of their states has proven over time to be economically and politically disadvantageous for them.

ternational assistance has such critical meaning for many important dimensions – from decriminalization to effectively assisting development of livelihood.

Fourth, it is indispensable to create immediate efforts on education, neutral and objective and teaching materials and information, and general economic programs with real effects for the community – in one phrase, to create possibilities and *hope* for the younger ones. This should offer enhanced possibilities for employment and create positions and opportunities for all, especially also the young ones. This will help fulfill aspirations of the younger generation and hinder the dangerous brain drain and keep the young ones off the street and away from illegal activities. This concerns also *education, cultural performances*, and the dissemination of *reliable information* in order to minimize negative interference and exaggeration and create a realistic picture of the environment and the other communities concerned while diminishing idealization and romantic images. Education serves also to introduce the notion of multiple identities and a forgiving, flexible political culture.

Fifth, in a globalized world the international media has to recognize its responsibility in terms of "de-emotionalizing" the reporting, reducing hype and not lending itself to cheap albeit publicity-effective reporting which ignores the truth and puts news reports into the local and timely context. Real-time media "life" is by definition more powerful then those reports which one knows stem from "prior-to yesterday."

This has particular influence on diaspora which can mobilize most effectively human, financial and material support for those involved in a self-determination or secession crisis and which has to be curtailed or brought to reason in order to avoid escalatory rhetoric or other influence. Traditionally diaspora has proven to be more radical and nationalist than those actually living in the area.

Education of leadership about many-fold possibilities just short of full independence and nation-hood. This relates obviously to the willingness of the international community to participate in such endeavors and credibly demonstrate longer term commitment and involvement both active and in terms of concrete support.

Finally, it is imperative that the central authority offers a community the perspective of trust, transparency, justice, and serious commitment to legal, administrative and economic development, and that the community can count on equality in national and regional life. For the sake of stability and peace, any attempt to suppress communal

strive for autonomy cannot and will not function in the long run – certainly not in a world where information has become imminent and borderless.

On the international scale it is thus imperative to create a mechanism with anticipatory capabilities to permit the community searching for greater independence from the center to engage in a transparent, predictable, and fair process. This requires *three simultaneous developments*: i.) to engage in *negotiations* for autonomy, ii.) to commence regional *cooperation* and enhance a transborder process, and iii.) to draw on international attention and assistance so as to ascertain security and economic assistance in order to avoid escalation or crises in the region. In the end however, it is the individual man and woman, child and elder, who have to bear the consequences. It is for them that peace, justice, and prosperity ought to reign - it is their interests that government must serve.

In times of heightened international tensions – as is the case during the 'war on terror' and in a situation comprising change and appearance of new rules – self-determination and related matters experience thus once again challenges and need for adaptation. As stated earlier, international readiness for humanitarian intervention or recognition of new, seceded territories is low. So why not search for new concepts which may offer the parties concerned a solution that address their needs and desires? Offer more freedom but retain geopolitical status quo, at least for the near future. Self-governance and regionalization may do so, less dramatic, less costly and more effective – certainly than drawn out political and legal battles, or worse, conflicts and wars which destroy dreams and togetherness.