

# EUROPEJSKI PRZEGLĄD PRAWA I STOSUNKÓW MIĘDZYNARODOWYCH

nr **2** (41) kwiecień-czerwiec 2018 r. - Warszawa



EUROPEJSKA  
WYŻSZA SZKOŁA  
PRAWA I ADMINISTRACJI

EUROPEAN REVIEW OF LAW  
AND INTERNATIONAL RE-  
LATIONS/EUROPEJSKI PRZE-  
GLĄD PRAWA I STOSUNKÓW  
MIĘDZYNARODOWYCH

ISSN-2081-0903

PUBLISHER/WYDAWCA

**European School of Law and Admi-  
nistration/Europejska Wyższa Szkoła  
Prawa i Administracji,  
Warszawa ul. Grodzieńska 21/29**

EDITORIAL BOARD/KOMITET  
REDAKCYJNY

**Chief of the Board /Przewodniczący**

Jerzy J. Wiatr

**Members/Członkowie**

Andrzej Bierć

Dariusz Czajka

Tadeusz Szymanek

Roman Wieruszewski

STAFF EDITORIAL/REDAKCJA

**Editorial Secretary/Sekretarz redakcji**

Tadeusz T. Nowacki

**Graphic Editor/Redaktor graficzny**

Małgorzata Głuszcza

ADDRESS/ADRES

03-750 Warszawa  
ul. Grodzieńska 21/29  
tel. +48 22 619 9011  
fax +48 22 619 5240

Tekstów niezamówionych redakcja nie zwraca. Zastrzega się możliwość zmiany tytułów i dokonywania skrótów w artykułach. Redakcja nie ponosi odpowiedzialności za treść ogłoszeń.

SUBSCRIPTION/PRENUMERATA

Informacji udziela dziekan  
Europejskiej Wyższej Szkoły  
Prawa i Administracji

From the editors

The present issue of our journal is composed of papers presented at the conference on "Regions between national and local", which was organized on January 8–9, 2018, by the Research Committee 47 (Global–Local Relations) of the International Political Science Association (IPSA) in co-operation with the Warsaw-based European School of Law and Administration, which housed the meeting in its Brussels branch.

First research committees have been established by the IPSA in early 1970s as groups of scholars interested in selected fields of political studies. There are now fifty-one such committees, of which Research Committee 47 is one of the youngest. Its history and intellectual profile are presented in this issue by Krzysztof Ostrowski – one of the founders of the committee and (since 2017) its chairman.

The Brussels conference focused on the role of regions in two meanings of this term: as territorial units within nation-states and as groups of states within a broader political constellation, such as the European Union. Three of the authors (Liebhart, Wiatr and Velikaya) deal with the controversial issue of the conflict between the right to self-determination of ethnically distinct regions and the principle of the integrity of nation-states. Four papers (Falcão, Gorbak, Ponomarenko, Putrenko) deal with regional policy in selected states and one (Kowalski) with the impact on authoritarian tendencies on the cohesion of the Central European region.

The conference was attended by the representatives of the European Committee of the Regions and of the Mazovia province of Poland, whose presentations provided a valuable insight in the practical aspects of European regional policy. Wolfgang Petzold's paper provides an interesting insight in the practical aspects of regional policy of the European Union and Roman Adamczyk presents the activities of the representation of the Mazovian province of Poland in Brussels.

Publication of this issue (the second issue of our journal published entirely in English and French – official languages of the IPSA) testifies to the lasting interest of our school in international co-operation.

<b>Krzysztof Ostrowski</b> , From local politics and social ecology to analysis of local–global relations. Forty eight years of research and debates .....	5
<b>Jerzy J. Wiatr</b> , Regional autonomy and co-operation in the era of self-determination .....	11
<b>Karin Liebhart</b> , Secession conflicts in the EU – Spain and United Kingdom by comparison .....	23
<b>Nataliya Velikaya</b> , Crimean Identity – Between Conflict and Consensus .....	35
<b>Victor Putrenko</b> , Modeling Spatial Relationships of Electoral Behavior in Ukraine .....	46
<b>Nadezhda Ponomarenko</b> , Regional Elites in Transitional Societies .....	53
<b>Erica E. Gorbak</b> , Mercosur and Latin American Regionalism in crisis: How it can survive? .....	61
<b>Michał Kowalski</b> , The Regional Trends in the Policies of the Selected Central and Eastern European States and the European Protection Systems of the Rule of Law .....	70
<b>Monique Falcão</b> , Les frontières entre l'identité ethnique et la globalisation. Des impacts de la globalisation sur une communauté traditionnelle à Rio de Janeiro. <i>Une brève note technique</i> .....	83
<b>Wolfgang Petzold</b> , Borders and margins: Europe, its regions and cities .....	94
<b>Roman Adamczyk</b> , La politique de cohésion après 2020 .....	103
<b>Contributors to this issue</b> .....	107

Krzysztof Ostrowski

## **From local politics and social ecology to analysis of local–global relations. Forty eight years of research and debates**

**T**he roots of present analysis of local – global relations in the framework of IPSA Research Committee 47 go back to late sixties – early seventies, golden years for empirical social and political studies. Three factors contributed to favorable conditions for social science research at that time.

First, comparative approach prevailed tendency of monographic case studies and gave encouragement for research projects based on cross-country comparisons. The success of *Civic Culture* (1963), comparing relatively similar political cultures (the United States, Germany, Mexico, Italy, and the United Kingdom) prompted other scholars to more ambitious projects. Robert Inglehart started to build

concept of World Values Survey, Stein Rokkan initiated ambitious study on formation of European nation-states, Terry Clark created a network of projects on local government and, last but not least, research team organized at the initiative of Philip Jacob completed in six years in India, Poland, the United States and Yugoslavia study of the influence of local leadership (*Values and the Active Community*, 1971). The book by Adam Przeworski and Henry Teune (*Logic of Comparative Social Inquiry*, 1970), based on experience from this project, was a first successful attempt to formulate methodological principles of comparative studies. At this time, James Coleman and

Robert Putnam (Ph.D. 1970) were close to comparative projects and the concept of social capital is certainly based on results of some of these studies.

The second factor for fast progress in social science research were revolutionary improvements in organization of research and, first of all, data analysis. In many countries sociological studies were introduced in late fifties–early sixties. In a few years relatively competent field workers and analysts were able to secure stable data collection and in some centers also data analysis. Fortunately fast improvements in computer technology were followed by more and more friendly software and changes in data entry. Such statistical packages as OSIRIS or SPSS useful for social research were available already in late sixties and replaced limited capacity software prepared by IBM for medical research. However, under iron curtain rules, access to computers were politically regulated: West did not send hardware to the East and East controlled transfer of data of any kind and applied complicate verification of purpose and motives of such transfer.

The third factor was an improved networking in academic contacts. Still without internet, exchange of letters and publications was a primary method of communication. However, in the sixties, the academic institutions facilitating international cooperation had enough resources, influence and prestige to secure regular face to face contacts starting at the top level of world congresses for thousands of participants down to small group meetings called for specific tasks.

Sponsorship of prestigious structures, such as UNESCO and its various subsidiary bodies often resulted in financing or co-financing of academic cooperation, but even just recognition of a project by international organization was sufficient to facilitate contacts. In this case, two organizations: International Sociological Association (ISA) and International Political Science Association (IPSA) simultaneously, but in mutual consultation, changed their principle of organization. Instead of facilitating contacts between national associations, they started to establish and support research committees as statutory bodies. Decision on creation or restructuring of such committee is taken by the association's authorities elected by the national associations, but in both ISA and IPSA national associations have no way to control or influence research committee.

From social ecology and local politics to analysis of local–global relations. This is a short summary of almost 50 years history of research committees of ISA and IPSA which – adjusting to changes – maintain integrity of academic cooperation, promote new initiatives and search for new supporters.

In 1971–1972 several scholars linked to Values in Politics project helped to form ISA Research Committee 24 on Social Ecology and IPSA Research Committee 5 on Comparative Studies on Local Government and Politics. In the nineties some of those scholars initiated new

research project Democracy and Local Governance and after completion of field work established ISA Working Group 01: Sociology of Local–Global Relations and IPSA Research Committee 47 on Local–Global Relations.

In late sixties personal contacts, cooperation, joint projects, joint conferences were already quite usual for scholars in the West, but still a rare chance for scholars in the East. For the purpose of this paper, I will refer to my personal experience, trying to explain how West–East networking operated in those times. I was elected Secretary of Polish Political Science Association in 1994 and met many famous political scientists in Warsaw, at first IPSA Round Table in 1966. However, my first contact with IPSA abroad was in 1967, when I attended IPSA Congress in Brussels. At this time I was already member of the Polish team in Values in Politics project (described above) and I visited all participating countries: Yugoslavia, India and the United States mainly attending long-lasting round tables which included debates, workshops and also field trips.

An important aspect of Values in Politics project was an emphasis that this is collaborative project, meaning equal rights of all participating partners at all stages of project, from preliminary discussions until preparation of final publication. The project was sponsored by International Social Science Council and was regularly consulted by various experts from many countries. It was hard to adjust to differences caused by different cultures, languages, academic background and skills. I was assigned to the group dedicated to cross-level analysis: individual, community, state and – back in

mind – differences of the political system. But I was also responsible for data analysis working on IBM computers in India and the United States and trying to cope in Poland with small British ICL and our Odra computers to match our analysis with those performed in the United States and India.

After Values in Politics project I was invited to attend UNESCO Data Confrontation Seminar at University of Michigan in April 1969. There about thirty scholars coming from all over the world brought their own data sets with ultimate goal to discuss perspectives of global archives and global analysis. I received no permission to take from Poland any individual data, but I already had community data file prepared for Values in Politics project. Some of participants have data at four levels: individual, community, region and state. I returned from this two weeks workshop with new ideas and new friends, some of them reaching soon high positions in academic structures (Mattei Dogan, Max Kaase, Klaus Liepelt, Stein Rokkan). Two powerful computers of the University of Michigan produced over two week's lot of output but we reached no conclusion how to proceed further. However, in the discussion I grasped interesting concepts hardly heard in sociological debates: space, time, spacial-temporal, social environment, social ecology.

In 1970 I met Mattei Dogan and Stein Rokkan at IPSA Congress in Munich and ISA Congress in Varna. In Munich Jerzy Wiatr launched an initiative to establish

Study Group on Comparative Studies on Local Government and Politics, which soon (in 1972) was recognized as IPSA Research Committee 5. Several of my colleagues from Values in Politics and myself joined the Study Group. Neither Dogan nor Rokkan were interested in problems of local government, but in concept of spacial-temporal conditions of change and development as well as concept of social ecology introduced in 1920's in Chicago in the context of urban development.

At ISA Congress in Varna, full of cultural shocks, after still long discussions we decided to apply for recognition of the Research Committee on Social Ecology, with Mattei Dogan as Chair, Frank Sweetser as Secretary, Eric Allardt, Krzysztof Ostrowski, Stein Rokkan, Ervin Scheuch as members of the Board. The Committee was recognized in 1971, and soon key collaborators of Values in Politics joined the Committee: Henry Teune, Zdravko Mlinar and Lester Milbrath.

In August 1970 Stein Rokkan organized in Bergen UNESCO European Seminar for the Training in Data Processing in Social Science Research. Aggregative data from Norway, France and Poland were used for training and list of lecturers included James Coleman and Raymond Boudon. The success of this training encouraged application for UNESCO support for Norwegian-Polish Workshop on Ecological Indicators of Social Change.

The Workshop was organized in August 1971 in Bergen and in April 1972 in Warsaw in the form of a "data confrontation seminar" at which attempt were made to maximize the comparability of analysis procedures to bring similarities or

differences in the observed geographical patterns of change. Polish team from Values in Politics took an active part in the Workshop.

At the 9<sup>th</sup> World Congress of the International Political Science Association in Montreal in August 1973 IPSA Committee on Local Politics and ISA Committee on Social Ecology organized a joint session "Impact of Local Politics on Community Development". Stein Rokkan and myself presented a paper on "Local Variations in Levels of Modernization: Centers vs. Peripheries in Norway in Poland", based on the Workshop analysis. We were not yet ready to introduce global dimension into evaluation of differences of center and periphery in Norway and Poland, but we concluded: "In a fuller analysis we clearly would have to link data at several levels of each national system: at the level of central budgetary allocations, at the level of local decisions of infrastructure investments as well as the level of individual household reactions to alternatives in the local context" Evaluating cross-level analysis empirically conducted forty five years this was not a bad statement. But life goes on...

Both Research Committees were established to meet some specific, hopefully well defined, research interest. Certainly not to keep group of friends together tied to specific structure. Both Committees reached 40-50 members from roughly 30 countries and composition of the Board changed at each ballot. At some point, both Committees changed their focus, not at the same time. Social Ecology switched to Environment and Society. Henry Teune and Zdravko

Mlinar were elected to the Board till 1994. Local Politics is now more oriented toward comparing administrative systems rather than values and attitudes of leaders. Jerzy Wiatr chaired this Committee till 1979, later Frank Kjellberg till 1988 when he was elected Secretary General of IPSA.

Political transformations in the nineties trigger new wave of interest in local elites. Members and experts of the Values in Politics met in Warsaw in early 1990 to discuss new project based on experience of last 25 years. Modified version of Values in Politics – Democracy and Local Governance – expanded to 32 countries, 3 continents in 10 years. Behind the new data were new colleagues responsible for data collection and analysis. When working meetings finished, the idea of new structures in international associations emerged.

At the time of growing interest in globalization it was natural to look for inspiring new approach to avoid treating global-local relations as vertical, hierarchical. We should try to interpret the world as flat space, and local-global relations as horizontal. Let me quote a paper “A Spatial Representation of Local-Global Relations” presented by late Professor Henry Teune and myself at 17<sup>th</sup> World Congress of the International Political Science Association in Seoul, in August 1997:

“In the political science of countries, levels almost always refer to hierarchical of national territorial governance although in international relations global usually implies some international system and nation-states and regions within them. The logical empirical

meaning of the concept of global-local, however, can be simple aggregates of entities at the same level. A group of proximate localities that make up a region without any structure of super-ordination is a familiar example. They are ‘near’ and may share other characteristics, making them different from other group or aggregates of localities that are more ‘distant’.

Most examples of the spatial dimensions of the concept of ‘global’ and ‘local’ use territorial referents. ‘Global’ and ‘local’, however, always requires specification of with regard to what, not simple one entity being inclusive of another. Hierarchies, networks, circuits are logical concepts that can refer to relations among ‘things’ that may or may not refer to physical space. Global and local, as a spatial concept, is relational referring to direction and distance/proximity, but necessarily also to inclusion. As it refers to physical space, it points to the world as a whole and places within it, but not necessary in a hierarchy of levels of inclusion. It does refer to more encompassing inclusions of things at the same level without specifying the nature of relationships, other than as aggregates”.

This quote from the paper presented and discussed 19 years ago illustrate climate of early discussion on the local-global relations. In such circumstances both International Sociological Association and International Political Science Association decided to establish and so far to maintain research structures devoted to local-global relations.



The sociological group is called ISA Working Group 01: Sociology of Local–Global Relations, political scientists form IPSA Research Committee 47 Politics of Local–Global Relations. Both structures work closely together, especially in preparation of their sessions at World Congresses. Both have roughly 50 members each, from roughly 30 countries. What we need most now is another round

of golden years for social science research.

At the forthcoming World Congresses (ISA in Montreal, June 2018 and IPSA Brisbane, July 2018) both groups will discuss future plans, including research projects. Participants in Brisbane Congress will be informed about conference in Brussels reported in this publication. It is quite likely that Research Committee 47 will concentrate future actions on problems of regions.

### Summary

The article provides background of the activities of IPSA Research Committee 47 on Local–Global Relations. This background incorporate interest in local politics, social ecology, change and development aspects and spatial-temporal approach. The author advocates horizontal rather than vertical approach in analysis of local–global relations.

**Key words:** Local–global, social ecology, comparative research

Jerzy J. Wiatr

## Regional autonomy and co-operation in the era of self-determination

It was exactly one hundred years ago, on January 8, 1917, that president Thomas Woodrow Wilson delivered his presidential address in which he declared that one of the principles of the future peaceful world should be the recognition of the right to national self-determination. It is true that Wilson restricted this principles to the nations, which had been ruled by the Habsburg or Ottoman empires, and had not opposed the continuing existence of colonial rule over African and Asiatic peoples. Neither did he apply the principle of self-determination to Ireland – the European nation living under foreign (British) rule, which had to fight for her right to become an independent nation for couple of years and, when she finally won the struggle for independence (in 1921), the peace arrangement left

“a large part of the territory, Northern Ireland with a third of the population, within the United Kingdom” (Peillon 1992:15).

### Difficult history of a noble principle

Nonetheless, this was an important turning point in the way in which nation-state has been seen in international relations. Prior to World War One, the dominant principle of international relations was the concept of state *legitimacy* – the cornerstone of world order in past centuries, strongly endorsed by the Vienna Congress of 1815. The idea of national self-determination had been voiced by advocates of the natural laws, who – like Emerich de Vattel (1714-1767) and Jean-Jacques Rousseau (1712-1778) – considered it a logical consequence of the right to live in liberty. The right of nations to become sovereigns in the states of their own has been proclaimed by the American

Declaration of Independence (1776) and by the French Declaration of the Rights of Man and Citizen (1789), but after the Napoleonic wars the new international order has been rebuilt on the old principle of legalism, which for a century remained the ideological justification for the rejection of the concept of national self-determination. The idea that nations have the right to determine their own future was cultivated by European revolutionaries like Giuseppe Mazzini (1805-1872) and accepted as one of the basic principles by the Socialist International (in 1895), but it took more than a century for this principle to be considered one of the cornerstones of a new world order.

In the immediate aftermath of the First World War, the principle of national self-determination was used by the victorious powers to determine the future of some of the disputed territories on the borders of Germany and Austria. Local referendum was used to allow local population to make its choice between Germany and Belgium (referendum on Eupen-Malmedy in 1920), between Germany and Denmark (referendum on Schleswig in 1920), between Germany and Poland (referenda on Allenstein, Marienwerder in 1920 and on Upper Silesia in 1921) and between Austria and the Kingdom of Serbs, Croats and Slovenes (referendum on Klagenfurt region in 1920). In 1921, there has been also a referendum on the future of Sopron, decided in favor of Hungary against Austria.

In his typology of referendums Jean Laponce classified them as belonging to the category of referendums on the transfer of sovereignty from one state to the other (Laponce 2010: 27-28). Even then,

referendum was not always used to settle controversial issues. None of the territorial losses suffered by Hungary has been subject to referendum in spite of the fact that ethnic Hungarians constituted local majorities in some of the territories lost to Czechoslovakia, Romania and Yugoslavia. The Polish-Czech dispute over part of Silesia South of the Olza river has been decided in favor of Czechoslovakia without the use of referendum.

In many parts of the world national self-determination remained an empty slogan. The Soviet state – in contradiction with its own declaration of 1917 – violated the principle of self-determination by annexation of Georgia (1922) as well as by unsuccessful attempt to do the same to Poland (1920). Democratic states of Western Europe (Great Britain, France, Belgium, Netherlands, Italy, Portugal and Spain) continued to rule over the colonial peoples of Africa and Asia and the United States of America did the same in the Philippines. In the nineteen-thirties, aggressive war launched by Nazi Germany, Italy and Japan resulted in occupation of several states. The Soviet Union used the opportunities created by its temporary alliance with Nazi Germany (1939-41) to annex the Baltic republics (Estonia Lithuania and Latvia) and to incorporate parts of Poland, Finland and Romania.

It took thirty more years – and another world war – for the Wilsonian principle of national self-determination to be included in an international document binding for the whole international community. During the Second World War the

principle of national self-determination was proclaimed by the allied powers – first in the Atlantic Charter and then in the Charter of the United Nations and was consolidated in the Universal Declaration on Human Rights adopted by the UN in 1948. In 1960, the General Assembly of the UN adopted the resolution in which it called for the termination of the colonial rule, explicitly applying the principle of national self-determination to the peoples living under the colonial rule. Since then, this principle is considered one of the cornerstones of the world order. While, during the cold war, national sovereignty of smaller nations has frequently been abused by super-powers, the principle of self-determination remained one of the cornerstones of the new world order – at least in the world of ideas.

After the end of the cold war, the disintegration of three socialist federations resulted in the emergence of several new states, many of which have never before been nation-states. While the dissolution of the Czechoslovak Federation (1993) took place peacefully, the collapse of Yugoslavia resulted in four ethnic wars and the international intervention under the umbrella of the North Atlantic Treaty Organization. The dissolution of the USSR (1991) resulted in the emergence of fifteen new states and in the local conflicts between ethnic minorities and the new nation-states. The common denominator of these conflicts was the clash between national ambitions of small ethnic groups and the legally bounding principle, adopt-

ed by the UN, under which only so-called “union republics” (unlike autonomous republics and smaller units) being constituent members of the federation had the right to statehood. This arrangement resulted in several local wars on the territory of former Soviet Union (in Georgia, Moldova, Azerbaijan and, recently, in Ukraine). In early 2014, the transfer of Crimea from Ukraine to the Russian Federation created a new “frozen conflict”, since – to quote the Slovenian political scientist Anton Bebler – “the political and legal stand-off between Ukraine and the Russian Federation will undoubtedly continue indefinitely having created a new and long ‘frozen conflict’ in Europe” (Bebler 2015a:207). In this case, Ukraine (supported by the majority of democratic states) claims her legal rights to the peninsula, while Russia justifies her policy as reflecting the will of the Crimean people, in great majority supporting the reunification with Russia. The Slovenian author points to some analogy between the separation of Kosovo from Serbia (in 1999, as result of the military action taken by the United States and its allies) and the separation of Crimea from Ukraine; in both cases the ethnic majority in the disputed regions supported the secession (respectively, from Serbia and from Ukraine) and in both cases outside powers (respectively, the United States and the Russian Federation) played the crucial role not having obtained the legal mandate from the UN Security Council (Bebler 2015b:33-34)

The dissolution of the colonial empires resulted in several conflicts – some of them taking the form of local wars – over disputed territories, where the “will of the people” was either ignored or difficult to

define in an impartial way. In 1967, Biafra rebelled against the central government of Nigeria and proclaimed independence – only to be crushed by force after a prolonged civil war, in which Nigerian government received support from great powers. In 1971, East Pakistan rebelled against the central government and – with the military support offered by India – successfully established itself as a new nation-state under the name of Bangladesh. In 2011 prolonged civil war in Sudan resulted in an agreement on the division of Sudan into two separate states. This, however, failed to produce a lasting peaceful arrangement. South Sudan is now on top of the list of “failed states” and is plagued by domestic strife between conflicting tribes and political factions. Secessionist movements emerged in several other post-colonial states (for example in Congo, Indonesia and Sri Lanka).

### **Subnational regions and their right to self-determination**

Contrary to views prevailing in the aftermath of World War Two, Europe has not been immune from conflicts, the roots of which lie in the secessionist ambitions of ethnically distinct regions within nation-states. In the late twentieth century and in the first two decades of the twenty-first, there have been several heated disputes over the right of subnational regions to secede from the nation-state. It is this type of controversy over self-determination which is the focus of this paper.

It was assumed in the last century that in the old democracies of Europe the “national question” has been solved forever. Democratic nation-states, with full guarantees of human rights and with protection of the collective rights of ethnic minorities, were supposed to be free from conflicts over national self-determination. Last decades have shown that this vision has not fully corresponded with reality.

In the Eastern part of the continent, the Soviet hegemony delayed the process of national separatism for almost half of century. After the collapse of the communist regimes, tensions between ethnic minorities and the states within which they lived became an important part of the painful process of transition: in Romania (with the Hungarian minority demanding full respect of its rights in Transylvania), in Bulgaria (where the Turks in the South of the country protested against what they considered ethnic discrimination), in Estonia, Lithuania and Latvia (where Russian, and in the case of Lithuania also Polish, minorities felt discriminated against by the newly independent states) and in some of the former Yugoslav republics with their complex ethnic structures. In Bosnia-and-Herzegovina such tensions led to four years of bloody ethnic war and in Serbia the armed conflict in Albanian-populated Kosovo resulted in the intervention of the NATO forces and in the forced separation of Kosovo from Serbia.

Democratic Western Europe has not remained immune from problems of this

type. Contrary to the optimistic views dominant in the first half of the past century, several “old democracies” in Europe has been confronted with the regional separatism, sometimes even employing the terrorist tactics. The most dramatic of such conflicts were the following:

- (1) Northern Ireland: established in 1921 in six (out of nine) counties of Ulster; catholic minority rebelled in the 1960s provoking a prolonged armed conflict solved by the “Good Friday Agreement” of April 16, 1998, which provided for the proportional representation in the Ulster Assembly, the provincial government based on power-sharing and for the establishment of the British-Irish Council to promote co-operation. The agreement has been approved in referendum on May 11, 1998 carried out in the Republic of Ireland and in Northern Ireland (with 94.4% in Ireland and 71.1% votes “yes” respectively).
- (2) Scotland: establishment of the local parliament and government in 1998. After the electoral victories of the Labor Party (1999, 2003, 2004), power switched to the Scottish National Party in the election of 2007. In 2012 British Prime Minister David Cameron and the Scottish Prime Minister Alex Salmond signed the Edinburgh agreement on referendum concerning the future of Scotland. In the referendum of October 25, 2014 the majority of voters (55%) voted for the continuation of Scotland’s membership in the United Kingdom.
- (3) South Tyrol: annexed in 1919 by Italy as a result of First World War; terrorist attacks in early 1960s caused by demands for unification with Austria; in 1972 the compromise solution based on the establishment of the autonomous province with the three officially recognized languages (Italian, German and Ladin).
- (4) Corsica: French island with strong ethnic identity; from 1975 through 2014 plagued by terrorist attacks organized by the separatist Front of National Liberation of Corsica; since 2014 separatists continue their struggle by political means only.
- (5) Basque Land (Euskadi, Pais Vasco): the Northern region of Spain populated by the Basque people; demands for independence were voiced by the radical organization ETA, resulting in the wave of terrorist attacks in 1960s and 1970s; the agreement of October 25, 1979 established the autonomous government (Euskal Autonomia Erkidegoa, Comunidad Autonoma Vasca, in Spanish).
- (6) Catalonia (Catalunya, Cataluña, Catalonha), a Northern region of Spain with strong tendencies for national self-determination; first attempt to establish a nation-state in 1914 (“Mancomunitat de Catalunya”) suppressed by the Spanish government in 1925. In 1931, after the fall of military dictatorship, the republican government granted Catalonia autonomy. On October 6, 1934 the Catalanian prime Minister Lluís Companys proclaimed the establishment of the Catalanian Republic; the move resulted in the forcible removal from office of Lluís Companys and the temporary abolishment of Catalanian autonomy. In the civil war (1936-39), Catalonia became the longest fighting fortress of the republicans and during the Franco’s dictatorship (1939-1975) was deprived of all elements of local autonomy. Span-

ish democratization after the death of Francisco Franco gave Catalonia the status an autonomous province (1978), but strong movement for independence continued to fight for self-determination. The election of 2012 gave a weak majority to the pro-independence parties. On January 23, 2013 the Catalanian Assembly voted for the Declaration of Independence, resulting in the open confrontation with the Spanish government in 2017. Referendum on the issue of future relations with Spain, declared illegal by the Spanish government, resulted in the overwhelming vote for independence and was followed by the adoption of the Declaration of Independence by the Catalanian Parliament on October 27, 2017. The Spanish government reacted by suspending of Catalanian autonomy and taking legal action against the Catalanian government of Prime Minister Carles Puigdemont, including arrests of several Catalanian ministers. Soon, however, the Spanish government suffered a humiliating defeat when, in the new regional election on December 21, 2017, the pro-independence parties won the majority of seats in the Catalanian regional assembly. The future of the Catalanian crisis remains undecided.

One general conclusion can be drawn from the experience of these conflicts. Confronted with the demands for self-determination of the sub-national regions, the national governments have only two options: concessions or repressions. The first option, while available in authoritarian states like the Russian Federation (in her conflict with

Chechnya), is not a viable strategy for a democratic state. Sooner or later the Spanish government will learn that oppression would not solve the Catalanian crisis and that some kind of a compromise will become inevitable.

What kind of a compromise? How can a nation-state defend its integrity without massive repression and a kind of authoritarian rule over an unwilling regional minority?

The crucial theoretical question underlining the controversies over national self-determination is the very concept of the nation. *Que-est ce qu'une nation?* – asked Ernest Renan (1823-1892) in his famous lecture at Sorbonne in 1882 (Renan 1996). His answer was that what constitutes a nation is the political will to act as a community, the everyday plebiscite. The political definition of a nation does not ignore the importance of cultural characteristics (such as a common language, common historical traditions and patterns of culture) but emphasizes the crucial role of the political will without which an ethnic group cannot be considered a separate nation. In many contemporary nation-states there are ethnic groups which, while distinctly different from the majority, are not separate nations because they do not wish to become political communities.

When they do, their right to self-determination can be satisfied in various forms: regional autonomy, federalization of the state, or independence. It is important to realize that independent state is only one way of implementing the right to self-determination and that in many cases nations decide to choose a different solution.

The crucial issue, however, is their right to make the choice in a democratic way. There are two possible scenarios for the democratic expression of the collective will: through decisions made by democratically elected parliaments or through referendum.

Who has the right to decide? The Spanish constitution requires that the decision must be taken by the whole country, through the ruling of the national parliament or through a referendum in which all citizens of Spain could vote. Such solution contrasts with the British one, in which the future of Scotland was decided by the Scottish referendum with other citizens of the United Kingdom having no power on this particular issue. It is quite obvious that the Spanish solution in practice means that the national minority, such as Catalonians, is deprived of its right to self-determination, because its decision alone is not binding on the central government. While the Spanish legal system can stop secession of a regional minority for a time being, it seems to be detrimental to the long-term preservation of the democratic system.

Secession is only one, the most radical, option. Alternative political solutions provide for the self-determination within the ethnically divided states. How can this be done?

The most frequently given answer calls for the recognition of multiculturalism understood as the acceptance of plurality of cultural traditions within a nation state (John 1998). The European Union considers multiculturalism an important aspect of

liberal democracy and one of the key conditions for the protection of human rights. Multiculturalism includes guarantees for the cultivation of linguistic and cultural identities of minority groups within a nation state and constitutes an alternative to the policy of assimilation. As such it is opposed by radical nationalists for whom the idealized nation-state should be based on unified cultural traits.

Multiculturalism cannot, however, solve the problem of political postulates raised by some of the sub-national regions. Demands for self-determination go beyond the right to cultivate regional cultures and aim at the political self-government. In a weak version, they can be satisfied by the decentralization of the state, which transfers a considerable part of political power to sub-national administrative units. Such solution, however, may not satisfy the more radical advocates of regional self-determination demanding greater role in the governance on national level.

Here the democratic principle of the majority rule collides with the legitimate claims of the national minorities. How to reconcile their right to self-determination with the principle of preservation of the existing borders and with the protection of the integrity of the existing nation-states?

The answer can be found in the theory of consensus (consocial) democracy formulated by Arend Lijphart (Lijphart 1977, 1984).



## Consensus democracy in plural societies

Forty years ago, the Dutch-American political scientist Arend Lijphart addressed the issue of the survival of democracy in – as he called them – “plural societies” (Lijphart 1977). By plural societies Lijphart meant societies permanently divided along ethnic and/or religious lines. Such divisions result in the weakness of political identification with the nation state, unless the political system does away with the majoritarian concept of democracy.

The democratic idea of the rule of majority cannot, argued Lijphart, be automatically applied to permanently divided (“plural”) societies for a very simple reason. Being in minority because of one’s ethnic or religious identity is qualitatively different from being in minority because one’s political views are not shared by the majority of citizens. Political views change, ethnic or religious identities do not. If one happens to belong to a religious or ethnic minority and feels that the interests of this minority are ignored by the majority, there is no moral reason for which she or he should bow to the will of the majority. This makes the political conflict in plural societies fundamentally different from that which one finds in ethnically homogenous nation-states.

The solution suggested by Lijphart is based on the rejection of the principle of the majority rule, substituted for by the concept of democratic compromise (under the name of “consociational democracy”, in

the later book substituted for by the term “consensus democracy”). Such constitutional arrangement includes far-reaching devolution of power (from central government to the regions), proportional representation in the parliamentary election, and the effective veto power for each of the ethnic or religious communities.

Prior to the publication of Lijphart’s books, “consensus democracy” experienced a dramatic failure in Cyprus, where it had been introduced (in reality, if not in name) under the London Treaty of 1960, which provided the internationally agreed upon framework for independence of the island, previously ruled (for last 82 years) by the United Kingdom. The London agreement had been preceded by the armed guerrilla campaign launched by the Greek Cypriots fighting against the British rule and demanding unification with Greece. The constitution of Cyprus provided for the veto power for the (Turkish) vice-president and other legal arrangement guaranteeing the rights of the Turkish minority (at that time accounting for 18% of the population). This arrangement constituted a case of “corporate federalism” in Carl J. Friedrich’s terminology (Friedrich 1968:124). As Arendt Lijphart argued, “because of the residential patterns of the Greek majority and the Turkish minority were at that time highly intermixed, a regular territorial federalism could not be instituted. Instead, the two ethnic segments were given a great deal of autonomy by means of sepa-

rately elected communal chambers with exclusive powers over religious, educational, cultural and personal status matters, and separate municipal councils in the five largest towns of the island" (Lijphart 1984: 184).

In the following years, there have been several clashes between two ethnic communities culminating in 1974 in the *coup d'état* of Greek-Cypriot nationalists aiming at the establishment of the unlimited rule of the Greek majority and, ultimately, at the unification with Greece (*enosis*). Turkey, acting as one of three powers guaranteeing the observance of the London Treaty intervened by sending her army to rescue the Turkish minority and to occupy northern part of Cyprus (approximately 40% of the island), where a secessionist state (Turkish Republic of Northern Cyprus) was established in 1983. The failure of negotiations between both communities and the rejection (by the Greek community) of the UN-sponsored compromise In the referendum of 24 April 2004, made the Cyprus case one of the oldest "frozen conflict" in Europe (Bebler 2015:19-41).

Following the publication of his first book, Lijphart continued his comparative study of democracies in monolithic and in plural societies which covered twenty-one cases (Lijphart 1984), two of which (Belgium and Switzerland) in his classification were consensus democracies.

### **Belgium: a model for regional self-determination?**

Perhaps the best example of the successful application of the principles of consensus democracy

in an ethnically divided society is Belgium. "It is often said – writes Sir Richard D. Lewis – that Belgium is not a country, but a compromise. Belgium was created in 1830 when the Catholic provinces of the Low Countries that had achieved independence from Spain in the seventeenth century broke away from the Calvinist north. Basically Belgium is two nations – a Flemish-speaking one in the north and a French-speaking one in the south. The two groups do not like each other, particularly since the balance of power is currently passing from the formerly mine-rich French speakers (Walloons) to the *nouveaux riches* and numerically superior Flemish, who are developing the hinterland of Antwerp, Europe's second largest port. To complicate matters further, the city of Brussels is a predominantly French-speaking enclave in Flandres, and a German-speaking minority lives along the German border" (Lewis 2006: 251).

The first one hundred years of independent Belgium were marked by the French domination in all fields of life. French was the official language of the kingdom, including the military and institutions of higher learning. Walloons constituted the majority of the political and cultural elites and the Flemish were reduced to the position of ethnically and economically discriminated minority,

This has changed slowly under the impact of three main factors.

First, during the German occupation (1940-1944) the Nazi authorities deliber-

ately conducted the policy of favoring the Flemish North at the expense of the Walloon South. Flemish became the language of instruction in the oldest Belgian university (Katholieke Universiteit Leuven) and was used in the local administration. Following the war, it became impossible to revert these changes.

Second, economic development of Flandres combined with the crisis of Walloon economy, heavily dependent on coal industry, did away with the economic inequalities between two parts of Belgium.

Third, the higher birth rate in Flemish North changed the demographic structure of Belgium in favor of the Flemish (new) majority of approximately 60 percent.

Ethnic tensions led to “linguistic war” of 1968, part of which was the division of the Catholic University into two separate institutions (the Flemish one in Leuven and the French one in Louvain-la-Neuve) and in the series of six state reforms (1970-2011). Belgium became a federal state composed of three cultural communities (Flemish, French and German) and three regions (Flanders, Wallonia and Brussels) with most of the prerogatives of central government (other than foreign and defense policies) being transferred to the communities and regions. In 2011, the Senate ceased to be directly elected and became the assembly of the representatives of regional parliaments.

Ethnic nationalism has not died, but has been considerably weakened. Both in Flanders and in Wallonia there are nationalistic parties calling for separation from Belgium, but they fail to attract mass support.

Strongly entrenched in the European Union and hosting the European capital, Belgium is a good example of the success of consensus democracy based on the respect for the right of ethnic communities to self-determination. The Belgians of all ethnic backgrounds enjoy they independence in the pluralist federal state. For other plural societies Belgium can serve as the reminder that difficult problems can be solved in the spirit of compromise and co-operation.

One of the general conclusions which can be drawn from the Belgian experience is that it pays to take risks and to offer ethnic and/or religious communities within a nation- state an option of walking out or working together for a mutually acceptable compromise. This is even more true in case of countries where, unlike in Belgium, there is a substantial asymmetry in the potential of majority and minority, like – for instance – in the case of the conflict between Catalonia and the Spanish government. In the short run, dominant majority can impose its will but in the long run this will not solve the problem of satisfying demands for self-determination. A democratic state – unlike an authoritarian one – encounters great difficulties when it tries to suppress desires for self-determination of a minority region by force. Therefore, in the long run it is safer to use the Belgian strategy of devolution of power than to insist on the unitarian character of the state.

European integration offers ethnic minorities a strong incentive to work for a compromise solution because it protects the integration of the member states but also because it creates legal and political framework within which member states must respect the rights of their citizens, including the collective rights of minori-

ties. Self-governing regions, based on freely expressed will of their citizens, are the best guardians of the collective rights and freedom of citizens living in plural societies.

### References:

- Bebler Anton, ed. (2015a), *'Frozen Conflicts' in Europe*, Opladen-Berlin-Toronto: Barbara Budrich Publishers
- Bebler Anton (2015b), "On political and cultural aspects of the Russian-Ukrainian Conflict" in: *The 15<sup>th</sup> International Likhachov Conference*, St.Peterburg: The Humanistic University of Trade Unions: 31-36
- Friedrich Carl J. (1968), *Trends in Federalism in Theory and Practice*, New York: Praeger
- John Michael (1998), "Schmelztiegel Mallorca? Zu Multikulturalität und Regionalisierung im neuen Europa" in Krzysztof Glass, Robert Hettlage and Riccardo Scartezini, eds., *Erweiterung Europas*, Wien-Poznań: Humaniora: 284-299
- Laponce Jean (2010), *Le referendum et souverainete: comparaisons, critiques et commentaires*, Quebec: Presse de l'Universite Laval
- Lewis Richard D. (2006), *When Culture Collide: Leading Across Cultures*, Boston-London: Nicholas Brealey International
- Lijphart Arend (1977), *Democracy in Plural Societies: A Comparative Exploration*, New Haven: Yale University Press
- Lijphart Arend (1984), *Democratic Patterns in Majoritarian and Consensus Government in Twenty-one Countries*, New Haven: Yale University Press
- Peillon Michel (1992), "State and Society in the Republic of Ireland" in: Patrick Clancy, Mary Kelley, Jerzy Wiatr and Ryszard Zoltaniecki, eds. (1992), *Ireland and Poland: Comparative Perspectives*, Dublin: University College, pp. 15-24
- Renan Ernest (1996), *Qu'est-ce qu'une nation et autres ecrits politiques*, Paris: Imprimerie nationale

**Key words:** Democracy, local politics, nation, region, self-determination

### Summary:

*The principle of national self-determination, formulated by the US president T.W. Wilson, while crucial for relations between nation-states, leaves open the issue of the right of ethnic and/or religious minorities within a nation-state to decide on their future. At present, several democratic states face the growth of regional demands for self-determination. The recent crisis in Catalonia is one of the sharpest illustration. While authoritarian regimes try to put down regional secessionism by force, democracies have to find a different solution. Multiculturalism, regional autonomy, federalism and secession are the alternative solutions. Arendt Lijphart's theory of consensus democracy provides the intellectual framework for reconciling the right of self-determination with the preservation of a common state in ethnically plural societies. The Belgian constitutional reforms of 1970-2011 have shown the success of such solution.*

[Paper presented at the international conference on "Regions: between national and local", which was organized in Brussels, January 8–9, 2018, by the European School of Law and Administration and by the Research Committee 47 (Global–Local Relations) of the In-

ternational Political Science Association. It will be published in *Europejski Przegląd Prawa i Stosunków Międzynarodowych (European Review of Law and International Relations)*, No 2, 2018].

Cena detal. – 30 zł (z 5% VAT) • nr indeksu 388602

