Approaches to Conflict Resolution in Divided Societies

The Many Uses of Territorial Self-Governance

Stefan Wolff

Professor of International Security | Department of Political Science and International Studies | University of Birmingham, UK

E-mail address for correspondence: stefan@stefanwolff.com

Abstract

This paper explores the multiple uses of territorial self-governance (TSG) arrangements as mechanisms of ethnic conflict management. Proceeding in several steps, I first conceptualize the meaning of TSG in the context of conflict management in divided societies and then offer a brief history of its practical usage in the period until 1990. This historical contextualization is important for an understanding of both the contemporary theory and practice of TSG as a strategy of conflict management which I examine at length conceptually and empirically in the third section of this paper, before concluding with some general observations on the utility of TSG as an approach to conflict management in divided societies.

1.   Introduction

In what remains a classic work in the field of ethnic conflict and conflict resolution theories, Donald L. Horowitz (1985) discusses a range of structural techniques and preferential policies to reduce ethnic conflict. Among them, he emphasizes that 'the most potent way to assure that federalism or autonomy will not become just a step to secession is to reinforce those specific interests that groups have in the undivided state' (1985: 628). Recognizing federalism and autonomy as significant potential remedies for ethnic conflict, Horowitz simultaneously points to one of the major objections to their use. To mitigate the assumed danger of secessionism, Horowitz, while making an explicit case for federation in his proposals for constitutional design in post-apartheid South Africa (1991: 214–26), argues for federation based on ethnically heterogeneous entities. In a later study, more explicitly focused on federation as a mechanism for conflict reduction, Horowitz (2007) accepts that homogeneous provinces, too, can prove useful for this purpose, but argues that rather than the aim being to facilitate group autonomy (the consociational rationale), homogeneous provinces offer the possibility to foster intra-group competition (2007: 960–1; see also Horowitz, 2008: 1218). In an earlier contribution to the debate, Horowitz had recognized the need for federal or autonomy provisions, but cautioned that they could only contribute to mitigating secessionist demands if '[c]ombined with policies that give regionally concentrated groups a strong stake in the center' (1993: 36). Similar to Wimmer (2003), Horowitz, citing the Nigerian experience, sees utility in splitting large ethnic groups into several provinces as this potentially encourages the proliferation of political parties within one ethnic group, resulting in intra-group competition and a lessened impact of relative numerical superiority of one group over others (Horowitz, 1985: 602–4; 2007: 960–1; see also 2008: 1218). The 'many uses of federalism' (as Horowitz's 2007 article was titled) are the subject of the following analysis, yet in a conceptually and empirically rather different way. The following exploration takes a broader view of territorial approaches to conflict settlement, extending the discussion beyond the usually narrower focus on federation and autonomy. It also considers territorial approaches in a temporal or

procedural perspective, that is, not only as permanent status settlements but also as interim frameworks on the way towards final status for a particular territorial entity.

Is such an engagement with just one distinct approach to conflict settlement justified? Among the strategies aimed at preventing, managing, and settling internal conflicts in divided societies, territorial approaches have traditionally been associated in particular with self-determination conflicts, or more precisely with conflicts in which territorially concentrated identity groups (whose identity is, in part, derived from association with this territory, or homeland, in which they reside) demand to exercise their right to self-determination. Such territorially concentrated groups in divided societies are more likely to demand self-determination (for example, Saideman and Ayres, 2000; Toft, 2003; Jenne et al., 2007; Toft and Saideman, 2010) and to be engaged in violent conflict in its pursuit (Fearon and Laitin, 1999; Weidmann, Rød, and Cederman, 2010), and the initiation of peace negotiations in such conflicts fought over territory is significantly less likely as are government concessions (Walter, 2003). At the same time, the academic community is deeply divided over the issue whether territorial approaches to conflict resolution in divided societies offer appropriate mechanisms to keep or restore peace while preventing the break-up of an existing state. For example, Cornell (2002: 252) in his analysis of ethnic conflicts in the Caucasus argues that the 'institution of autonomous regions is conducive to secessionism', a point that Roeder (1991) made more than a decade earlier in relation to Soviet ethnofederalism and later reiterated in a broader empirical study (Roeder, 2007), in line with similar findings by Hale (2000, 2004) and Treisman (1997). While these authors are thus highly skeptical of territorial approaches to resolve conflicts, arguing that rather than being a cure, territorial approaches induce conflict, others have presented empirical evidence to the contrary. Gurr (1993: 301) argues that the 'recent historical track record shows that, on balance, autonomy arrangements can be an effective means for managing regional conflicts.' Wallensteen (2007: 175, 179) concurs with such a positive assessment, pointing out that 'since the Cold War, autonomy solutions have been of increasing interest' and that '[t]hus far, the territorial solutions negotiated since the end of the Cold War using autonomy or federation have not failed.' Saideman et al. (2002: 118) find that 'federalism reduces the level of ethnic violence', Bermeo (2002: 97) concludes that

'federal institutions promote successful accommodation' in cases of ethnic conflict. Rothchild and Hartzell (2000: 269) find that 'territorial autonomy [...] combined with other safeguards [...] can be used to reassure groups in deeply divided societies about their security and ability to exercise a limited authority' and that such 'arrangements may help to lay the foundation for a stable, accommodative politics.' Hartzell and Hoddie (2007: 169) offer statistical evidence that '[d]esigning a negotiated settlement or negotiated agreement to include [territorial power sharing] lowers the risk of a return to war'. Cohen (1997) and Schneckener (2002) similarly endorse the use of territorial approaches to resolving self-determination conflicts, while Wolff (2009a) offers a survey of the widespread use of territorial approaches in contemporary conflict settlements. Harff and Gurr (2004: 186) argue that 'if no autonomy options are open to regionally concentrated groups, armed conflict may occur.'

A final point that highlights the relevance of engaging with (potential) conflicts in which control over territory is at stake is the fact that situations in which ethnic groups demand self-determination (by violent means or not) occur frequently and across all continents. According to Quinn (2008: 33), since the end of the Second World War alone, '79 territorially concentrated ethnic groups have waged armed conflicts for autonomy or independence, not counting the peoples of former European colonies' (Quinn, 2008: 33). By 2006 there were 26 ongoing violent self-determination conflicts, as well as 55 ethnic groups who pursued their self-determination agenda with non-violent means and an additional 40 groups that used both non-violent and violent means. Thus, at the beginning of the twenty-first century there are more than 120 territorially concentrated ethnic groups worldwide that seek a greater degree of independence from their host state, with demands ranging from cultural and territorial autonomy to secession, leading either to independent statehood or unification with another state (Quinn, 2008: 33). In a broader historical assessment focused on Europe only, Csergo and Wolff (2009) identify a total of 82 groups in 28 countries who have sought a greater degree of political control over territories they consider their traditional homelands at some stage after 1945.

Self-determination claims made by territorially concentrated groups refer to a group's expressed preference for self-government and can range from demands for independent statehood, unification with another state, territorial self-governance within an existing state, and non-territorial self-governance (or cultural autonomy). The former two demands are also referred to as claims for external self-determination, the latter two as claims for internal self-determination. From the perspective of the traditional nation-state, the challenges that the two categories of claims (external or internal) present are substantively different. External self-determination claims – if they are made in sincerity, rather than as part of a bargaining process at the end of which an internal self-determination status is sought (and achieved) – threaten the political boundaries of the state, but they do not challenge, and in some cases may even reinforce, the traditional nationalist pursuit of 'one state – one nation'. By contrast, national minorities' internal self-determination claims challenge the fundamental principle of the modern territorial nation-state. Minorities that demand territorial self-governance are viewed as groups engaged in competitive nation-building that counters majority nation-building. For majorities, then, self-governance is primarily a question of state stability and conflict regulation. For minority groups, in turn, the pursuit of territorial self-governance usually becomes a question of state legitimacy: they view this form of self-governance as an instrument by which they can counter the inherent structural asymmetry of the unitary nation state that inevitably provides national majorities with control over the institutions of government and cultural reproduction throughout the territory of the state.

A similar distinction can be made from the perspective of international conflict regulation, that is, from the perspective of third parties engaged in helping those actors in conflict over self-determination claims (usually a state and an ethnic group challenging it) to find a way to accommodate each other. External territorial 'solutions', principally independent statehood (achieved qua secession or partition)

or unification with another state (qua irredenta) evidently pose different challenges of negotiation, implementation, and operation compared to internal territorial solutions.[1]

Conflict parties and third-party conflict managers, moreover, face yet a different set of challenges if self-governance arrangements are specifically intended to be of a temporary nature under international supervision only: be it as transitional arrangements on the way to either full reintegration of a disputed territory within the (unitary) metropolitan state or on the way to full independent statehood; or in the sense of an interim arrangement prior to the determination of final status, for example, following a referendum in the disputed territory.

The focus of the following exploration is on the multiple uses of territorial self-governance (TSG) arrangements as mechanisms of conflict management. The discussion proceeds in several steps. First, I conceptualize the meaning of TSG in the context of conflict management in divided societies and then offer a brief history of its practical usage in the period until 1990. This historical contextualization is important for an understanding of both the contemporary theory and practice of TSG as a strategy of conflict management which I examine in the subsequent section. I conclude with some general observations on the utility of TSG as an approach to conflict management in divided societies.

2.   Territorial Self-governance: A Brief Conceptual and Empirical History

There are considerable conceptual and empirical problems with the definition of TSG as a strategy of conflict management.[2] Moreover, much discussion has focused on just two forms of TSG – autonomy and federation. Conceptually broader and more contested is the term autonomy – referring simultaneously to the specific territorial status of an entity within an otherwise unitary state (for example, the Åland Islands in Finland) and the functional status of a particular level of government within a multi-

[1] Similar distinctions between internal and external territorial solutions are made by a number of authors. See, for example, Henrard (2000: Ch. 4), McGarry and O'Leary (1993: 1–40) and Wallensteen (2007: 171–9).
[2] There have been a number of attempts in the past to conceptualize 'territorial solutions'. These include especially Dinstein (1981), Hannum (1996), Lapidoth (1997), Nordquist (1998), Ghai (2000), Wehengama (2000), Coakley (2003), O'Leary (2005b), Weller and Wolff (2005), Benedikter (2007), McGarry, O'Leary, and Simeon (2008), Brancati (2009), McGarry and O'Leary (forthcoming).

layered system (for example, the autonomy of a federal state to make certain decisions independent of the federal government). Put differently, autonomy, which is one of the most often employed terms to describe territorial approaches to conflict management in divided societies, is used both in an abstract functional sense in the context of governance arrangements and as a concrete manifestation of territorial self-governance in a specific (often singular) sub-state entity in a given state.[3] At the same time, there are empirical issues: for example, do the territorial arrangements in the former communist bloc, such as in Czechoslovakia and the Soviet Union, count as examples of TSG?[4] And what about arrangements in place for the Free City of Danzig and the Memelland territory in the inter-war period or for the Saarland in the same period and again after the Second World War? Without pre-empting a proper definition of the term, TSG incorporates notions of both a territorial and functional kind and a limitation in the sense of being short of full sovereignty, that is, being bound by some form of 'higher authority' such as a metropolitan state's constitution or international supervision. It is, therefore, useful to trace the academic history of the concept of 'autonomy' and its practical application in a broad sense as this illustrates how TSG as a tool of statecraft and as a tool of conflict management, especially in self-determination conflicts, have become more and more intertwined.

Tim Potier (2001: 54) has noted some time ago that '[...]international lawyers have failed to come to any agreement on a "stable" workable definition for autonomy. [...] it escapes definition because it is impossible to concretize its scope. It is a loose and disparate concept that contains many threads, but no single strand.' In political science, too, the difficulty to pin down and conceptualize autonomy has been recognized. Two of the most eminent scholars in the field, Brendan O'Leary and John McGarry, similarly observed:

> Overlapping cantonization and federalization there exists a grey area of territorial management of ethnic differences which is often found in conjunction with external arbitration. International agreements between

---

[3] See also the more detailed discussion on the use of the term in Benedikter (2007: 16–20), Elazar (1987: Ch. 2), and Ghai (2000: 8–24).

[4] In the case of Czechoslovakia, the Czech Socialist Republic and Slovak Socialist Republic were established in 1969. In the Soviet Union, 15 Union Republics (16 if one counts the short-lived Karelo–Finnish Socialist Soviet Republic that existed from 1940 to 1956 when it was incorporated into the Russian SFSR as the Karelian Autonomous Soviet Socialist Republic) and numerous lower-level autonomous republics and districts within them existed, and, especially in the Russian Federation, have at least notionally survived the end of the Soviet Union.

states can entrench the territorial autonomy of certain ethnic communities, even though the 'host state' does not generally organize itself along either cantonist or federalist principles. (McGarry and O'Leary, 1993: 32)[5]

Despite this appreciation of the difficulty to define clearly what autonomy is, political scientists and international lawyers have not hesitated to propose a variety of definitions. In doing so, many focus on the functional aspect of autonomy, rather than its concrete territorial manifestation. Michael Hechter (2000: 114) describes political autonomy as 'a state of affairs falling short of sovereignty'. In Ted Robert Gurr's (1993: 292) understanding 'autonomy means that a minority has a collective power base, usually a regional one, in a plural society', and Harff and Gurr (2004: 221) define autonomy as 'a political arrangement in which an ethnic group has some control over its own territory, people, and resources but does not have independence as a sovereign state.' Hurst Hannum and Richard Lillich (1980: 859) stated in their influential essay on the concept of autonomy in international law that 'autonomy is understood to refer to independence of action on the internal or domestic level, as foreign affairs and defence normally are in the hands of the central or national government, but occasionally power to conclude international agreements concerning cultural or economic matters also may reside with the autonomous entity'. In her extensive study on autonomy, Ruth Lapidoth defines territorial political autonomy as 'an arrangement aimed at granting a certain degree of self-identification to a group that differs from the majority of the population in the state, and yet constitutes the majority in a specific region. Autonomy involves a division of powers between the central authorities and the autonomous entity' (Lapidoth, 1997: 174–5).[6] Daftary (2000: 5) makes a similar point, emphasizing that such

---

[5] More recently, McGarry and O'Leary (forthcoming) use the term 'federacy' for such arrangements, noting that 'the grant of self-government is constitutionally guaranteed and cannot be revoked by the centre unilaterally' and that it 'normally applies to a part of the state's territory, and normally a small part (in population)', thus setting it apart from both devolution (lack of constitutional guarantee) and federation (application to the entire territory). Elazar (n.d.) defines federacy in similar terms as a relationship '[w]hereby a larger power and a smaller polity are linked asymmetrically in a federal relationship in which the latter has substantial autonomy and in return has a minimal role in the governance of the larger power. Resembling a federation, the relationship between them can be dissolved only by mutual agreement.'

[6] It should be noted here that autonomy in a functional sense need not be conceived of in territorial terms only. Rather, there is also a strand in the literature of conflict resolution that advocates non-territorial autonomy arrangements, especially in cases where claimant groups are territorially not sufficiently concentrated. Such '[p]ersonal autonomy applies to all members of a certain group within the state, irrespective of their place of residence. It is the right to preserve and promote the religious, linguistic, and cultural character of the group through institutions established by itself' (Lapidoth, 1997: 175). This distinction between territorial and non-territorial autonomy is made by a number of other scholars as well, including Heintze (1997: 37–46; 1998: 18–

arrangements normally mean that 'powers are not merely delegated but transferred; they may thus not be revoked without consulting with the autonomous entity. [...] the central government may only interfere with the acts of the autonomous entity in extreme cases (for example when national security is threatened or its powers have been exceeded).'

As a consequence of this wide range of definitions, there is little consensus over what forms of state construction actually qualify as 'autonomies'. Palley (1991: 5), for example, claims that '[p]olitical autonomy may range from devolution of power to small communities, through regionalism, to federal government' and cites the examples of South Tyrol, Swedish-speakers in mainland Finland and the Åland Islands, the German minority in Denmark and the Danish minority in Germany, Belgium, Switzerland, and the Netherlands all as cases of autonomy. Elazar, in the introduction to his *Federal Systems of the World: A Handbook of Federal, Confederal and Autonomy Arrangements* identifies 91 'functioning examples of autonomy or self-rule, ranging from classic federation to various forms of cultural home-rule' in 52 different states (Elazar, 1991), while Benedikter (2007) counts 58 regions across the world with territorial autonomy.

Regardless of the scope and detail of the above definitions, the one common feature they all share, directly or indirectly, is the transfer of certain powers from a central government to that of the (thereby created) self-governing entity, and the relatively independent exercise of these powers. Such arrangements then can incorporate executive, legislative, and judicial powers to varying degrees. Where they are used as an instrument for conflict prevention and settlement in divided societies, they ideally include such a mix of the three that enables the self-determination movement in question to regulate independently the affairs central to the concerns of its members, which are normally easily identifiable as they manifest themselves in concrete claims. However, as such TSG arrangements fall short of full sovereignty, this often happens within the broader constitutional and legislative framework of the existing state and under the supervision of a central government or similar agencies.

24); Hechter (2000: 72ff); and Potier (2001: 55–6, 59–60). For a recent conceptual and empirical study of this phenomenon, see Cordell and Smith (2007).

It is important to bear in mind that TSG is seen here as a tool of statecraft *and* a mechanism of conflict management in divided societies, specifically when compact ethnic groups make demands for self-determination. McGarry and O'Leary's definition of the broader concept of territorial pluralism is useful in this context:

> Territorial pluralism assists geographically concentrated national, ethnic, linguistic, or religious communities. It is not relevant for small, dispersed communities, including immigrant communities, for whom self-government is infeasible or undesirable. Territorial pluralism should be distinguished not just from group-based (non-territorial) autonomy, but also from territorial self-government based on 'administrative', or 'geographic' criteria, including regional components of the state's majority community. (McGarry and O'Leary, forthcoming; see also McGarry, O'Leary and Simeon, 2008: 63–7)

Hence, not every form of TSG is relevant to this analysis. The German or Austrian federal states, for example, are less relevant than the Swiss confederation; devolution in the UK and regionalization in France have greater relevance than the application of the subsidiarity principle to local municipalities in Finland or Ireland.

In summary, then, I define TSG as the legally entrenched power of territorially delimited entities within the internationally recognized boundaries of existing states to exercise public policy functions independently of other sources of authority in this state, but subject to its overall legal order.[7] Conceptually, this definition of TSG applies its meaning as a tool of statecraft to the specific context of conflict management in divided societies and encompasses five distinct governance arrangements – confederation, federation, autonomy, devolution, and decentralization.

- *Confederation* is an empirically relatively rare form of voluntary association of sovereign member states which pool some competences (for example, defence, foreign affairs, and currency) by treaty without normally giving executive power to the confederal level of government. Relevant examples include Serbia and Montenegro under the terms of the 2003–6 constitution (which was never fully implemented) and Switzerland between 1291 and 1848

---

[7] The definition of self-governance has been adapted from Wolff and Weller (2005) and is identical to its usage in Csergo and Wolff (2009).

(formally Switzerland retains the term confederation in its official name, functionally, however, it is a federation).

- *Federation*, in contrast, implies a constitutionally entrenched structure in which the entire territory of a given state is divided into separate political units, all of which enjoy certain exclusive executive, legislative and judicial powers independent of the central government.[8] Commonly cited contemporary examples of successful federations include Canada and Belgium, historically failed federations are those of Yugoslavia, the Soviet Union, and Czechoslovakia. The verdict on success is still open on cases like Bosnia and Herzegovina, Iraq and Sudan.

- An *autonomy* normally enjoys similar powers and constitutional protection as federal entities, but is distinct in that it does not necessitate territorial sub-divisions across the entire state territory. Autonomy is normally a feature of otherwise unitary states (see also Weller and Wolff 2005, Wolff 2010). Classical examples include the Åland Islands (Finland) and South Tyrol (Italy), as well as more recently Aceh (Indonesia), Bougainville (Papua New Guinea), and Gagauzia (Moldova).

- *Devolution* is another form of achieving territorial self-governance. Like autonomy, it can be applied to selected territories in an otherwise unitary state. In contrast to autonomous territories, however, the degree of legal protection for entities with devolved powers is usually weaker (in the sense that it is easier to reverse) and often extends only to protection by 'regular' rather than constitutional laws. Spain and the United Kingdom are most commonly used to illustrate this form of TSG.

- *Decentralization* (guided by the principle of subsidiarity) means the delegation of executive and administrative powers to local levels of government. It is rarely constitutionally entrenched and does not normally include legislative competences. Recent examples of the application of this form of TSG as a mechanism of conflict management in divided societies include Macedonia (under the 2001 Ohrid Agreement) and Kosovo (under the terms of its 2008 constitution and related 'Arthisaari legislation').[9]

---

[8] There are common exceptions to this entire-territory rule. For example, capital cities, unless they are federal entities of themselves, often have special status (Washington, D.C., vs. the German capital Berlin which is a *Bundesland*). Occasionally, there are also other special territories that are directly ruled by the federal government, even though they may enjoy some degree of self-governance (falling short, however, of full federal status), such as the India's Union Territories.

[9] Note here that decentralization only 'counts' as a TSG arrangement if it is specifically applied as a mechanism of conflict resolution. Hence, Macedonia and Kosovo qualify as cases, whereas, for example, Greeks in Albania's historical Northern Epirus region do not.

These five different forms of TSG can be further distinguished and specified according to a series of dimensions, including the range of competences exercised, the extent of constitutional entrenchment, the existence of dispute resolution mechanisms, the degree of symmetry and asymmetry between multiple instances of TSG in a single country,[10] and whether they operate in combination with other specific governance mechanisms for conflict management, such as power sharing or corporate (cultural) autonomy. Such further specification is essential because it allows a more context-sensitive analysis, as can be illustrated with the wide range of TSG arrangements that have been adopted across Europe in order to address minority self-determination claims (see Table 1). For example, federations can be highly centralized with very few powers actually exercised by the federal subjects (for example, a large number of republics in the Russian Federation) or they can border quasi-confederal power structures with very little real power left for the centre (as in the case of Belgium). At the same time, local municipalities may enjoy a relatively significant degree of competences and may even be constitutionally mandated (for example, Macedonia and Kosovo). Sami TSG in Finland, Sweden, and Norway is primarily a matter of decentralized local government, but incorporates elements of cultural autonomy and power sharing. Bosnia and Belgium are examples in which TSG is intrinsically linked with consociational power sharing at the centre, whereas in Northern Ireland and South Tyrol TSG arrangements emerged alongside consociational power sharing at the level of the self-governing entity. This is also the case in the Belgian capital of Brussels: itself one of three regions in the Belgian federation, the local consociational arrangement there illustrates that sovereign and regional consociations are not mutually exclusive. Such 'nested consociations' also exist in relation to South Tyrol where power-sharing arrangements at the level of the province (South Tyrol) and the region (Trentino–South Tyrol) are mutually constitutive (see Wolff 2004, 2008). Devolution in the UK has resulted in very different statuses for Scotland, Wales, and Northern Ireland. This asymmetry in terms of public policy functions exercized by TSG entities is also present in Russia and Spain, and has been retained, to a degree, in Italy in the post-2001 federalization process, while attempts in France to grant a higher level of autonomy to Corsica have so far failed.

---

[10] For an excellent discussion of asymmetry, see McGarry (2007).

TABLE 1: TSG ARRANGEMENTS IN EUROPE[11]

Metropolitan state	Self-governing entity	Nature of arrangement
Belgium	Flemish Region (1980–) Walloon Region (1980–) Brussels-Capital Region (1989–)	Federation Federation Federation
Bosnia and Herzegovina	Republika Srpska (1995) Federation of Bosnia and Herzegovina (1995) Ten cantons of the Federation (1995) District of Brčko (1996)	Federation (at the state level) Federation (at the state level) Territorial autonomy (in the Federation) Territorial autonomy (at the state level)
Croatia	(Eastern Slavonia)	International administration (1995–8)
Denmark	Faroe Islands (1948–) Greenland (1978–)	Territorial autonomy Territorial autonomy
Finland	Åland Islands (1920–) Sami Homeland (1990s–)	Territorial autonomy Decentralized local government
France	Brittany (1981–) Corsica (1981–)	Devolved government Devolved government
Georgia	Abkhazia (1931–92/3)[12] Adjara (1921–) South Ossetia (1922–91/2)[13]	Territorial autonomy Territorial autonomy Territorial autonomy
Italy	Sicily (1948–) Sardinia (1948–) Trentino–Alto Adige/Südtirol (1948–) Friuli–Venezia Giulia (1948–) Aosta Valley (1948–)	Territorial autonomy/Federation (since 2001) Territorial autonomy/Federation (since 2001) Territorial autonomy/Federation (since 2001) Territorial autonomy/Federation (since 2001) Territorial autonomy/Federation (since 2001)
Kosovo	Mitrovica region (2008–)	Decentralized local government
Macedonia	Western Macedonia (2001–)	Decentralized local government
Moldova	Gagauzia (1995–)	Territorial autonomy
Norway	Sami Finmark County (1980s–)	Decentralized local government
Portugal	Azores (1976–) Madeira (1976–)	Territorial autonomy Territorial autonomy
Russia[14]	30+ republics and autonomous oblasts, okrugs and krais (1992–)	Federation/territorial autonomy
Serbia[15]	(Kosovo) Vojvodina (2006–)	International administration (1999–2008) Territorial autonomy
Spain	17 autonomous communities (established between 1979 and 1983)	Territorial autonomy
Sweden	Finnish Administrative Areas Sami Administrative Areas	Decentralized local government Decentralized local government
Switzerland	23 cantons and 6 half-cantons[16]	Federation

[11] Table 1 excludes territorial autonomy arrangements in the former Soviet bloc: Czechoslovakia (Czech Socialist Republic and Slovak Socialist Republic, both established in 1969) and the Soviet Union (15 Union Republics, 16 if one counts the short-lived Karelo–Finnish Socialist Soviet Republic that existed from 1940 to 1956 when it was incorporated into the Russian SFSR as the Karelian Autonomous Soviet Socialist Republic, as well as numerous lower-level autonomous republics and districts within them).

[12] Abkhazia was initially a Union Republic within the Soviet Union, associated by treaty to Georgia. In 1931, it was annexed to Georgia as an Autonomous Soviet Socialist Republic (ASSR) within Georgia.

[13] South Ossetia had the status of an autonomous oblast in Georgia during the Soviet period.

[14] TSG arrangements in Russia vary considerably as they are negotiated directly between centre and entity. Under the presidency of Vladimir Putin there was a strong re-centralization trend, including the imposition of Moscow-appointed regional governors.

[15] As established in 2006 (after the secession of Montenegro).

[16] The revised constitution of 1999 only mentions 26 equal cantons, thus removing the term half-cantons from the constitutional dictionary. Two half-cantons, Obwalden and Nidwalden, have always existed in the Swiss

Metropolitan state	Self-governing entity	Nature of arrangement
Ukraine	Crimea (1995–)	Territorial autonomy
United Kingdom	Northern Ireland (1921–72, 1998–) Scotland (1997–) Wales (1997–)	Devolved government Devolved government Devolved government
Yugoslavia[17]		
Socialist Federal Republic of Yugoslavia[18]	Bosnia and Herzegovina (1946–91/2) Croatia (1946–91/2) Macedonia (1946–91/2) Montenegro (1946–91/2) Slovenia (1946–91/2) Serbia (1946–91/2) Kosovo (1946–90) Vojvodina (1946–90)	Federation Federation Federation Federation Federation Federation Territorial autonomy within Serbia Territorial autonomy within Serbia
Federal Republic of Yugoslavia[19]	Montenegro (1992–2003) Serbia (1992–2003) (Kosovo) (Vojvodina, 2002–2003)	Federation Federation [Under international administration (1999–2008)] Territorial autonomy in Serbia
Serbia and Montenegro[20]	Serbia (2003–6) Montenegro (2003–6) Vojvodina (2003–6) (Kosovo)	Confederation Confederation Autonomy within Serbia [Under international administration (1999–2008)]

The significant variety of TSG arrangements is not the only empirical problem in studying territorial approaches to conflict management in divided societies: TSG arrangements also change over time. For example, Belgium has undergone further, significant constitutional reforms since 1990 and experienced a deep constitutional crisis regarding its federal consociational structure throughout most of 2008. Yugoslavia no longer exists following its bloody disintegration after 1991, with Kosovo's independence in 2008 the latest, and hopefully last chapter in this process. TSG in Northern Ireland was abrogated in 1972 with the institution of direct rule from Westminster, and despite several attempts to restore some form of self-governance, it took until 1998 and a further settlement in 2006 (as well as additional specification

---

federation, the other four emerged from the split of the full cantons of Appenzell (1597) and Basel (1833). The separation of Jura from Bern in 1979 resulted in Jura becoming a full canton in its own right.

[17] The territorial history of Yugoslavia is complex and requires a few 'shortcuts'. Thus, I do not cover the SFRY's forerunners: the Kingdom of Serbs, Croats and Slovenes (1918–29), and the Kingdom of Yugoslavia (1929–41). I treat the FRY and the SUSM as direct successors, but individual 'singular' states as separate entities that appear in alphabetical order in the table above (that is, Bosnia and Herzegovina, Croatia, Kosovo, Macedonia, and Serbia.

[18] The SFRY underwent a process of disintegration in 1991/2, its immediate successor being the Federal Republic of Yugoslavia, established in 1992. The formerly autonomous provinces of Kosovo and Vojvodina lost most of their autonomy in September 1990, even though the latter retained some, including a regional parliament and government, albeit with no real autonomous decision-making power under Slobodan Milosevic's rule until 2000.

[19] As established in 1992 (after the collapse of the Socialist Federal Republic of Yugoslavia).

[20] As established in 2003 when the relationship between Montenegro and Serbia changed from federal to confederal.

thereof in 2010) that TSG regained traction and a measure of sustainability as a mechanism of conflict settlement. Autonomy statutes in Spain are regular reviewed and 're-negotiated'. TSG arrangements in Denmark, Finland, and Portugal, too, have seen significant reforms over the years.

Somewhat related to this is the use of TSG arrangements as frameworks for a temporary settlement, that is, for an agreed period of time prior to a final settlement of the status of the disputed territory. Reflecting conflict management practice, this has been discussed in the literature for some time and under different names, including interim status (for example, Wolff, 2003; Weller, 2005a, b) and earned sovereignty (for example, Heymann, 2003; Scharf, 2003; Williams, 2003; Kirschner, 2007). The purpose here is 'to create an opportunity for resolving sovereignty-based conflicts by providing for the managed devolution of sovereign authority and functions from a state to a sub-state entity' (Williams, Scharf, and Hooper, 2003: 350), the idea being that such devolution goes hand-in-hand with the shared exercise of sovereign functions between the two levels of governance, is accompanied by institution-building in the entity over which control is disputed, and involves the determination of its final status, usually by popular referendum in the disputed territory. The devolution of sovereign powers can be gradual and/or conditional, and the degree of sovereignty gained according to the determination of final status can be further constrained and internationally supervised. Kosovo and South Sudan are among the most frequently cited examples of this emerging practice.

A final temporal dimension in the use of TSG arrangements is their use as transitional mechanisms prior to the reintegration of a disputed territory into its metropolitan state. While the outcome of processes described in the preceding paragraphs is one of increasingly enhanced self-government (including, specifically, the option of attaining full sovereignty as an independent state under international law), the use of TSG arrangements as mechanisms to facilitate reintegration points into the opposite direction. An example of this is the case of Eastern Slavonia between 1995 and 1998 when a UN mission (UNTAES) oversaw the exercise of self-

government in this de-facto break-away region by the local Serb population and facilitated its reintegration into Croatia.

The relatively broad scope of territorial approaches to conflict management in divided societies, as embodied in the use of the term 'territorial self-governance', also allows addressing both of these empirical problems (variety of specific arrangements and change over time). Focusing on the conflict-resolution 'purpose' and the state-construction 'mechanism' of TSG thus enables abstracting from the traditionally narrower focus on autonomy and federation as principal models of territorial conflict management, and analyzing the utility of territorial approaches more generally, thereby also changing the terms of the debate on their viability and feasibility as part of the conflict management toolkit.

3.   From Theory to Practice (and Back): Territorial Self-governance as Conflict Management

TSG arrangements are not a uniquely European model of conflict management in divided societies. In fact, a striking feature of much contemporary conflict management practice in cases of self-determination disputes is that a very significant number of actual and proposed settlements involves forms of territorial self-governance. This reflects the assumption (albeit not necessarily the reality) that such regimes can contribute to sub-state, state, regional, and international stability. In ethnically, linguistically and/or religiously heterogeneous societies in which corresponding group identities have formed and become salient, the degree of self-governance enjoyed by the different segments of society is often seen as more or less directly proportional to the level of acceptance of an overall institutional framework within which these different segments come together. Self-governance arrangements are thus also meant to provide institutional solutions that allow the different segments of diverse societies to realize their aspirations for self-determination while simultaneously preserving the overall social and territorial integrity of existing states. In doing so, self-governance arrangements above all offer mechanisms for conflict parties to settle their disputes by peaceful means (see Weller and Wolff, 2005). Consequently, there is a large number of such settlements that provides evidence for this trend, including in North America (for example,

Canada), Central and South America (for example, Panama, Colombia, Mexico, Ecuador, and Nicaragua), Africa (for example, Sudan, Zanzibar),[21] Asia (for example, Iraq, India, Indonesia, Papua New Guinea and Philippines),[22] and, as noted above, Europe.[23]

Analytically and empirically, two questions, thus, need to be addressed: under which conditions do TSG arrangements emerge as feasible responses to self-determination claims and when do they prove viable and sustainable as a compromise between a central government and a self-determination movement?

3.1 Structural Conditions for the Emergence of Territorial Self-governance Arrangements (and Complimentary Institutions)

One of the shortcomings of current theoretical engagements with TSG as a mechanism for conflict management in divided societies is a focus on just the territorial dimension of conflict settlement. Critiques of the utility of TSG focus on the degree to which territorial arrangements empower fundamentally separatist elites and their supporters and endow them with resources to pursue their agenda even more vigorously (for example, Treisman, 1997, 2007; Bunce, 1999; Hale, 2000, 2004; Roeder, 2007; Brancati, 2009). Only rarely do scholars look beyond the territorial dimension and towards a more complete package of institutions within which TSG is but one, albeit central element. Hartzell and Hoddie (2003, 2007), for example argue, that conflict settlements (after civil war) are the more stable the more they institutionalize power sharing across four dimensions – political, economic, military, and territorial. Schneckener (2002) reaches similar conclusions in a study that is focused on European consociational democracies. Such specific conceptual and empirical links between consociation and federation had already been established by Lijphart three decades ago, noting two crucial principles, namely that 'the component units [must] enjoy a secure autonomy in organizing their internal

---

[21] Proposals for decentralization/federalization also exist in Ethiopia, Nigeria and the Democratic Republic of Congo, but all three cases lack serious implementation efforts. I am grateful to Sandra Joireman and the late Donald Rothchild for providing me with this information.

[22] In India, one could include the so-called Union Territories, such as Pondicherry (Puduchery).

[23] This is not meant to be a comprehensive list of cases. For an analysis of some examples and general trends in the spread of territorial self-governance regimes as part of conflict settlements, see contributions in Weller and Wolff (2005).

affairs[...] [and] that they *all* participate in decision-making at the central level of government' (Lijphart, 1979: 506, emphasis in original). McGarry and O'Leary (forthcoming) also note that 'some successful cases of territorial pluralism suggest that, at least with sizable nationalities, autonomy should be accompanied by consociational power sharing within central or federal institutions. Such arrangements prevent majoritarianism by the dominant nationality, and make it more likely that minorities have a stake in the state.' This is in line with conclusions reached by Weller and Wolff who argue that 'autonomy can only serve in the stabilization of states facing self-determination conflicts if it is part of a well-balanced approach that draws on elements of consociational techniques, moderated by integrative policies, and tempered by a wider regional outlook' (Weller and Wolff, 2005: 269).

This phenomenon of TSG arrangements occurring in combination with other conflict management mechanisms has been identified by several authors over the past few years. Kettley, Sullivan, and Fyfe (2001: 4–5), Weller (2008), and Wolff (2009a, b) refer to it, albeit in somewhat different ways, as 'complex power sharing', O'Leary (2005a: 34–5) uses the term 'complex consociation', and Hartzell and Hoddie (2007) conceptualize it as 'highly institutionalized negotiated settlement'. Analytically, it is possible to explain both why such multi-dimensional institutional arrangements emerge and why they might have a greater chance of success. Empirically, there is some evidence of their sustainability, as well as a relatively large number of more recent cases in which such arrangements have been the outcome of negotiated settlements, even though they are too recent to assess their longer-term success.

Leaving aside the rather more trivial condition that TSG is only of real benefit to minorities that live territorially concentrated (for example, Treisman, 2007; McGarry and O'Leary, 2008; Brancati, 2009; Wolff, 2009a), two characteristics are particularly important in determining the likelihood of a combination of TSG arrangements with power-sharing institutions at the local and/or central levels of government: the degree of ethnic heterogeneity in the territorial entities to which powers and competences of self-governance are to be assigned; and their significance relative to the rest of the state. Thus, it can be expected that the settlement for a territorial

entity characterized by ethnic (or another identity-based form of) heterogeneity would exhibit local power-sharing institutions, whereas a more homogeneous one might not – compare Brussels to the Flemish region, the Federation of Bosnia and Herzegovina to Republika Srpska, or Northern Ireland to the Åland Islands. The institution of local power-sharing mechanisms, that is, within the self-governing entity, also addresses one frequent criticism and potential flaw of TSG arrangements – that they empower a local majority to the disadvantage of one or more local minorities either creating new conflict within the entity or, if the local minority is a state-wide dominant group, destabilizes the TSG arrangement as the central government (out of concern for its ethnic or religious kin) might want to abrogate or delimit the powers of the TSG, seeing them as being abused to discriminate against other population groups.[24]

As far as power sharing at the level of the central government is concerned, the most likely structural predictor here is the significance of the self-governing territory (or territories) relative to the rest of the state. For states, territory possesses certain value in and of itself, including natural resources, the goods and services produced there and the tax revenue generated from them, and military or strategic advantages in terms of natural boundaries, access to the open sea, and control over transport routes and waterways. Additionally, for ethnic groups, territory very often is also important in a different way – as a crucial component of their identity. Territory is then conceptualized more appropriately as place, bearing significance in relation to the group's history, collective memories, and 'character'. Yet, for ethnic groups, too, territory is, or can become, a valuable commodity as it provides resources and a potential power base. Thus, significance can arise from size, population density, natural resource availability, strategic location, and cultural importance. Power-sharing institutions at the centre then are a reflection of the bargaining position that a given self-determination movement has – the greater that is, the more it can assert its position at the centre. Yet, elements of a carefully designed set of power-sharing institutions at the centre can also address a frequently-mentioned reservation about TSG arrangements, namely that they empower self-determination movements while

---

[24] This problem can be, and frequently is, also addressed qua strong state-wide human and minority rights legislation and institutions empowered to enforce it.

weakening the central government; in other words that they create an asymmetric power relationship that privileges separatists. Power-sharing institutions, however, for their own success, also need to involve agreed dispute resolution mechanisms, which in turn can contribute to regulating ongoing bargaining processes between central government and self-governing entity in ways that maintain a political process of dispute management (rather than resurgence of violence) and enable to state- and TSG-preserving outcomes (rather than state break-ups or abrogation of TSG arrangements).[25] Consociational power sharing in the Belgian federation, combined with the so-called alarm-bell mechanism, is one example of this. Belgium is also an instructive illustration of the notion of 'significance'. The country has three linguistic groups – French-speakers, Dutch-speakers, and German-speakers – but only the former two are large enough to warrant inclusion in central power-sharing arrangements. In the UK, none of the three devolution settlements (Northern Ireland, Scotland, and Wales) provided for central-level power sharing, given the predominance of England within the UK. On the other hand, the Comprehensive Peace Agreement for Sudan and the constitution of Iraq of 2005 both provide consociational institutions to include the SPLA/M and the Kurds into decision-making at the centre, and both offer dispute resolution mechanisms, including judicial arbitration and joint committees and implementation bodies.[26] In Macedonia and Kosovo, even though TSG here only exists in the form of decentralized local government, Albanians (in Macedonia) and Serbs (in Kosovo) share power at the centre,[27] and agreed dispute resolution mechanisms are in place.

---

[25] Ghai (2003, 187–8) observes correctly that '[a]utonomy arrangements [...] also contribute to constitutionalism. The guarantees for autonomy and the modalities for their enforcement emphasize the rule of law and the role of independent institutions. The operation of the arrangements, particularly those governing the relationship between the centre and the region, being dependent on discussions, mutual respect and compromise, frequently serve to strengthen these qualities.'

[26] The (sad) caveat here is, of course, that the formal existence of institutions does not automatically translate into their proper functioning.

[27] In Kosovo, Serb participation is hampered by a boycott, thus far, of government institutions by Serbs from the north (Mitrovica region), so that only a small segment of Kosovo's Serb population makes use of the constitutional mechanisms that provide them with access to power-sharing government at the centre.

3.2 An Empirical Illustration

By way of a more systematic empirical illustration, let us consider 13 country cases from Europe, Africa, and Asia:[28] Belgium (Brussels, Walloonia, Flanders); Bosnia and Herzegovina (District of Brčko, Federation of Bosnia and Herzegovina, Republika Srpska); Indonesia (Aceh); Iraq (Kurdistan); Italy (South Tyrol); Kosovo (Serbs/Mitrovica); Macedonia (Albanians); Moldova (Gagauzia); Papua New Guinea (Bougainville); Philippines (Mindanao); Sudan (South Sudan); Ukraine (Crimea); United Kingdom (Northern Ireland, Scotland). As Table 2 indicates, all but two of the 18 self-governing entities are distinct, and clearly demarcated territories. Only the situation in Macedonia and Kosovo is different inasmuch as the settlement areas of ethnic Albanians and ethnic Serbs, respectively, do not constitute a specific larger territorial entity but comprise relevant local government units only. However, the constitution of Kosovo specifically allows for the establishment of 'horizontal links' between local units of self-government, that is, greater levels of cooperation on matters devolved into the competence of the local communes. This makes it conceivable that Serb-dominated communes can establish their own quasi-region. In contrast to similar provisions in the Iraqi constitution of 2005 (formation of regions from provinces/governorates), in the Kosovo case this does not mean a change in status or powers at the disposal of the quasi-region.

When it comes to demographic characteristics, only three of the 18 regions (with the relevant qualifications) are not heterogeneous: South Sudan (Sudan), Republika Srpska (Bosnia and Herzegovina), and the Flemish Region (Belgium). With the exception of the Walloon Region (Belgium), all other regions display levels of diversity of at least five per cent local minorities. As far as the demographic diversity of the territories in question is concerned, two further observations are noteworthy. First, constitutional reforms in Macedonia following the 2001 Ohrid Framework Agreement, which established the principle of far-reaching decentralization, went hand in hand with redrawing the boundaries of local communes, thus rendering them

---

[28] The following sub-section is based on previous and ongoing research, parts of which have been published in Wolff (2008, 2009a, 2010a, b).

more ethnically homogeneous.[29] Second, two of the territorial entities – Gagauzia and ARMM – are, in fact, not territorially contiguous, but rather a patchwork of territories whose populations decided by referendum that they wanted to be part of the respective territorial entity.[30] In South Tyrol, similarly, the boundaries of the autonomous province were largely determined on the basis of the historical entity of South Tyrol, but some 'adjustments' were made to incorporate some predominantly German-speaking municipalities that would have otherwise been part of the province of Trentino.[31]

TABLE 2: GROUPS AND THEIR CORRESPONDING TERRITORIAL ENTITIES

Case	Group/s	Territorial Entity	Heterogeneity[32]	Significance[33]
Belgium	Dutch-speakers, French-speakers[34]	Brussels Capital Region[35]	85:15	High
	Dutch-speakers[36]	Flemish Region	No	High
	French-speakers, German-speakers[37]	Walloon Region	98:2	High

[29] In the cases of Bosnia and Herzegovina and Kosovo greater ethnic homogeneity at various levels of governance (from entity to local commune) is a result of deliberate policies of ethnic cleansing during the wars of Yugoslav disintegration in the 1990s. High levels of separation and residential segregation, partly the result of violence and partly grown of long-term trends in population movement and settlement, can also be observed in Belgium and Northern Ireland.

[30] In Mindanao, an initial referendum took place in 1989 in which four of the eligible twenty-two provinces and cities opted for inclusion into the Autonomous Region of Muslim Mindanao (ARMM). In 2001, a second referendum was held, and one further province and one further city joined the ARMM. In Gagauzia, only one referendum was held in 1995. In both cases, the autonomous entity that emerged as a result of the referenda was territorially non-contiguous.

[31] The second important feature that distinguishes South Tyrol from the other cases here is that it was not an entity in its own right under the provisions of the 1948 and 1971 autonomy statutes, but rather was joined with the province of Trento into a region and derives its autonomous status principally from the devolution of powers from the region to the province. The revised 2001 autonomy statute constitutes the two provinces as entities in their own right, even though they remain formally part of the region of Trentino–South Tyrol.

[32] This is calculated as the ratio between the largest group and the total of all other groups. If local minorities make up more than 10 per cent of the total, the share of the largest local minority group is indicated in parentheses.

[33] As noted earlier, significance can arise from size, population density, natural resource availability, strategic location, and cultural importance. If more than three of these indicators matter, I define significance as 'high', for two indicators as 'medium' and for one or none as 'low'.

[34] Of the 1 million Belgian citizens resident in Brussels, 85 per cent are French-speaking, 15 per cent Dutch-speaking.

[35] The bilingual Capital Region of Brussels only came into being as a fully self-governing region in 1989, consisting of 19 communes with a majority of French-speaking citizens. While this constituted major progress compared to the situation since the 1960s, plans to redraw the region's boundaries have been part and parcel of a broader constitutional crisis engulfing Belgium at the end of 2007.

[36] The province of Flanders contains 58 per cent of Belgium's population (6.1 million people), and is, bar six municipalities with facilities for French-speakers along the border with the Walloon Region and another six such municipalities in the so-called Eastern Rim of Brussels, exclusively populated by Dutch-speakers. The total French-speaking population of these 12 municipalities is below 80,000 or less than 1.5 per cent of the total population of the Flemish Region.

[37] The Walloon Region contains 32 per cent of Belgium's population (3.4 million people). Of these, approximately 70,000 are German-speakers, concentrated in nine eastern municipalities along the German border. There are also four municipalities with facilities for Dutch-speakers along the language border.

Case	Group/s	Territorial Entity	Heterogeneity[32]	Significance[33]
Bosnia and Herzegovina[38]	Bosniaks, Croats[39]	Federation of Bosnia and Herzegovina	(60:40)	High
	Serbs	Republika Srpska	No[40]	High
	Serbs, Croats, Bosniaks[41]	District of Brčko	49:51 (35)	Low
Indonesia	Acehnese, Javanese, others[42]	Nanggröe Aceh Darussalam	70:30 (16)	Medium
Iraq	Kurds, Turkoman, Arabs, Christians[43]	Kurdistan Region	95:5	High
Italy	German-speakers, Italian-speakers, Ladin-speakers[44]	Province of South Tyrol/Region of Trentino–Südtirol	64:36 (24)	Medium
Kosovo	Albanians, Serbs[45]	Districts of the Mitrovica Region	88:12 (7)	Medium
Macedonia	Macedonians, Albanians[46]	Local districts in western Macedonia	65:35 (25)	High
Moldova	Gagauz, Moldovans, Bulgarians, Ukrainians, Russians[47]	Territorial Autonomous Unit of Gagauzia	82:18 (5)	Medium

[38] There has been no census in Bosnia and Herzegovina since 1991, when the following data were established: total population–4.38 million, Muslims–1.9 million (43.5 per cent), Serbs–1.37 million (31.2 per cent), Croats–761,000 (17.4 per cent). Current population estimates set the total resident population at 3.84 million. See http://www.bhas.ba/ Arhiva/2007/TB/Demografija-hr.pdf.

[39] This ratio is based on the 1991 population data and the assumption that Bosniaks and Croats live overwhelmingly in the federation. It is noteworthy, however, that the cantons of the Federation are ethnically relatively homogeneous.

[40] Returns of non-Serbs to the RS have been very few and far between, and as there are no specific census data available, personal observation and interviews lead me to make the assumption that the RS remains ethnically more or less completely homogeneous.

[41] As with the overall population for Bosnia and Herzegovina, no recent census data are available. An estimate for 1999 was 49 per cent Serb, 35 per cent Bosniak and 15 per cent Croat. Since then, the number of Bosniaks has probably increased and that of Serbs somewhat decreased. I am grateful to Florian Bieber for providing this information.

[42] According to data of 2003, Aceh's total population of an estimated 3.93 million consisted of several ethnic groups of which the Acehnese were the largest with approximately 70 per cent, followed by Javanese (16 per cent). A census was apparently conducted in 2005 with support from the UNFPA, but no data are publicly available. See http://www.pcgn. org.uk/Indonesia-%20Population&AdminDivs-%202003.pdf and

[43] There are only estimates of the current population of Kurdistan. UNDP data of 2004 project the population size of the three governorates of Dohuk, Suleimaniya, and Erbil at 3,579,916. See http://www.reliefweb.int/rw/RWFiles 2005.nsf/FilesByRWDocUNIDFileName/KHII-6CC44A-undp-irq-31dec1.pdf/$File/undp-irq-31dec1.pdf. The same source calculates a total Iraqi population of just over 27 million. The official website of the Kurdistan Regional Government gives a slightly higher number of 3,757,058, based on the 2002 UN Oil-for-Food Distribution Plan. See http://www.krg.org/articles/ detail.asp?lngnr=12&smap=03010400&rnr=141&anr=18657. Other unofficial estimates commonly assume a total population of around 5–6 million. All estimates agree that of the total population of the Kurdistan Region in Iraq 95 per cent are Kurds, the rest Assyrians, Chaldeans, Turkmen, Armenians and Arabs.

[44] According to the 2001 census, of South Tyrol's total population of 462,999, 296,461 (64 per cent) declared their linguistic identity as German, 113,494 (24.5 per cent) as Italian, and 18,736 (4 per cent) as Ladin. Another 34,308 people (7.8 per cent) opted for the category 'other'. See http://www.provinz.bz.it/astat/download/JB07_K3-pdf.pdf.

[45] The current estimate of the total population of Kosovo is 1.9 million of which a total of 228,000 (12 per cent) are non-Albanian groups. Of these, Serbs are the largest group with 128,000 (7 per cent) most of whom live in the north around Mitrovica where they make up over 95 per cent of the local population. See http://www.ks-gov.net/ ESK/esk/pdf/english/population/Demographic%20changes%20of%20the%20Kosovo%20population%201948-2006.pdf.

[46] Albanians, who make up a total of 25.17 per cent are geographically concentrated in the west of Macedonia where they often make up for 90+ per cent of the population in local municipalities. See http://www.stat.gov.mk/pdf/ kniga_13.pdf. Other minorities include Roma, Serbs, and Vlachs.

[47] Latest statistics for the population of Gagauzia are as follows: Gagauzians–82.1 per cent, Moldovans–4.8 per cent, Bulgarians–5.1 per cent, Russians–3.8 per cent, Ukrainians–3.2 per cent. See http://www.statistica.md/ statistics/dat/1269/en/Populatia_str_1999_2006_en.pdf.

Case	Group/s	Territorial Entity	Heterogeneity[32]	Significance[33]
Papua New Guinea	Bougainvilleans	Province of Bougainville (North Solomons)[48]	Yes[49]	Medium
Philippines	Muslims, Catholics, Evangelicals, others[50]	Autonomous Region of Muslim Mindanao	90:10	Low
Sudan	Southerners	South Sudan (ten states)[51]	No[52]	High
Ukraine	Ukrainians, Russians, Crimean Tatars[53]	(Peninsula of) Crimea	58:42 (24)	High
United Kingdom of Great Britain and Northern Ireland	Protestants, Catholics[54]	Northern Ireland	53:47 (43)	Low
	Scots, British[55]	Scotland	88:12 (7)	Medium

Several cases – Bosnia and Herzegovina, Iraq, Sudan, and Belgium – highlight another interesting phenomenon: territories that are internally disputed either between the centre and the self-governing territorial entity (Iraq, Sudan) or between two self-governing entities (Belgium, Bosnia and Herzegovina). These are critical issues for the stability of any settlement, and have potentially significant international implications, as illustrated by the ongoing dispute over Kirkuk. The internationally arbitrated Brčko Award indicates a potential way toward the resolution of such

---

[48] The name change of the province from North Solomons to Bougainville happened in 1996. The province comprises four islands: Bougainville, Buka, and the Green Islands (Nissan, Pinipel).

[49] In Bougainville heterogeneity is predominantly of a political nature, dividing the population politically between autonomists and secessionists. There are also some regional and linguistic differences: some 20 different languages are spoken in the islands, with Buin in the south and Haila in the north being the two largest. The total population according to the 2000 census is 141,000, but some areas of the province were not covered by the census (the 1990 population figure is 154,000). See http://www.statoids.com/upg.html.

[50] Mindanao as a whole comprises 18.1 million people (24 per cent of the total population of the Philippines). The ARMM's population is 2.8 million (15.5 per cent of the population of Mindanao), and of these, 90.1 per cent were Muslims (compared to a total of 20.4 per cent in Mindanao as a whole). The largest ethnic group in the ARMM (Maranao), in contrast, made up only 26.4 per cent of the total population. See http://www.census.gov.ph/data/sectordata/ sr05173tx.html.

[51] The states of Abyei, Nuba Mountains, and Blue Nile are currently disputed territories between north and south. They are to hold a referendum in 2011 on whether to join South Sudan, which will at the same time decide upon its independence or continued membership in Sudan.

[52] The term 'Southerners' in Sudan is an umbrella term for various predominantly non-Arab tribes and communities, including Dinka and Nuer as the two largest groups. Divisions among them are linguistic (the two official languages are English and Juba Arabic, with a variety of officially recognized regional languages). The Sudanese People's Liberation Army/Movement (SPLA/M) has been the sole political (and military) representative of the South since its merger with the South Sudan Defence Force in January 2006.

[53] Russians are the largest ethnic group in Crimea (58.32 per cent of the total population), followed by Ukrainians (24.31 per cent) and Crimean Tatars (12.1 per cent). See http://www.ukrcensus.gov.ua/eng/regions/reg_crym/.

[54] 'Protestants' and 'Catholics' are the most common, historically determined markers for the two population groups in Northern Ireland, indicating both religious affiliations and sense of national belonging. The conflict as such, however, is not a religious one, but rather one in which one population group seeks continued membership of the region in the United Kingdom, while the other strives for unification with the Republic of Ireland. See McGarry and O'Leary (2004), Wolff (2001, 2003). The 2001 census data establish the distribution of the two communities in the total population in Northern Ireland at 43.76 per cent Catholics and 53.13 per cent Protestants. See http://www.nisranew.nisra.gov.uk/census/ Census2001Output/KeyStatistics/keystats.html.

[55] The 2001 census data put the percentage of the population declaring their primary ethnic group identity as White Scottish at 88.09 per cent and as Other White British at 7.38 per cent. See http://www.scotland.gov.uk/Publications/ 2004/02/18876/32939.

disputes, while the lack of boundary demarcation between South Sudan and the North following a ruling of the International Court of Arbitration in The Hague equally demonstrates its limits in the absence of international enforcement capabilities and a lack of local will to accept and implement the outcome of an arbitration.

The theoretical assumptions that I have outlined earlier about the structural conditions under which TSG arrangements emerge as a compromise solution in negotiated settlements to self-determination conflicts and under which they are combined with other conflict management mechanisms, such as power sharing, include that conflict management in cases of territorially compact groups making self-determination claims (1) requires territorial self-government, (2) that 'internal' heterogeneity in the thus emerging self-governing territories leads to power sharing arrangements there, and (3) that high significance of the territory relative to the rest of the state results in power sharing at the centre. The data in Table 3 empirically confirm that these assumptions are, by and large, correct for the 13 countries included in this analysis. They also illustrate, again, the broader application of TSG arrangements for conflict management purposes in divided societies beyond the European examples referred to above.

TABLE 3: INSTITUTIONAL ARRANGEMENTS

Self-governing Territorial Entity	Heterogeneity	Local Power Sharing	Significance	Central Power Sharing
Brussels Capital Region	85:15	Yes	High	Yes
Flemish Region	No	No	High	Yes
Walloon Region	98:2	No	High	Yes
Federation of Bosnia and Herzegovina	60:40	Yes	High	Yes
Republika Srpska	No	No	High	Yes
District of Brčko	49:51	Yes	Low56	No
Nanggröe Aceh Darussalam	70:30	No	Medium	No
Kurdistan Region	95:5	Yes	High	Yes
Province of South Tyrol/Region of Trentino–Südtirol	64:36	Yes	Medium	No
Districts of the Mitrovica Region	95:5	No	Medium	Yes
Local districts in western Macedonia	95:5	No	High	Yes
Territorial Autonomous Unit of Gagauzia	82:18+political	No	Medium	Yes
Province of Bougainville (North Solomons)	Yes (political)	Yes	Medium	Yes

---

[56] Note that low significance refers explicitly to the state as a whole. The two entities of Bosnia and Herzegovina–the Federation and Republika Srpska–disputed control over Brčko for several years and finally agreed to an international arbitration placing the district into 'condominium' between them.

Autonomous Region of Muslim Mindanao	90:10	No	Medium	Yes
South Sudan (ten states)	Yes (political)	Yes	High	Yes
Peninsula of Crimea	58:42	No	High	No
Northern Ireland	53:47	Yes	Low	No
Scotland	88:12	No	Medium	No

3.2.1 Forms of territorial self-government

With two exceptions, the territories in which the relevant compact groups live have distinct legal status and enjoy legislative and executive powers of their own and do so independently of the central government. The exceptions to this rule are Macedonia and Kosovo where territorial self-government exists only qua decentralization of power to local communes. While the degree of centralization is quite substantial, the powers enjoyed by local communes do not include legislative powers. Moreover, strictly speaking, decentralization in these two cases also means that the relevant groups – ethnic Albanians in Macedonia, ethnic Serbs in Kosovo – cannot fully determine themselves as distinct population groups in their countries of residence, but only as sub-groups in their relevant local communes. This is somewhat mitigated in the Kosovo case, however, where the constitution specifically provides for local communes to cooperate on matters of joint interest in areas in which they do have powers.

In all other cases, the specific territories in which the groups reside have legal status as a whole and on their own. This takes different forms:[57]

- Devolved government (one country, two cases): Scotland, Northern Ireland;
- Autonomy (seven countries, seven cases): Brčko, Aceh, South Tyrol,[58] Gagauzia,[59] Bougainville, ARMM, Crimea;
- Federation (four countries, seven cases): Brussels Capital Region, Flemish Region, Walloon Region, Federation of Bosnia and Herzegovina, Republika Srpska, Kurdistan Region, South Sudan.

---

[57] I am only discussing legal status here, not the substance of actual powers enjoyed by the entities.
[58] Constitutional reforms towards federalization have been under way in Italy since 2001. Once complete, the status of the *province* of South Tyrol will still be that of an autonomous entity, but that of the *region* of Trentino–Südtirol would be that of a federal entity.
[59] It is conceivable, but unlikely, that Moldova will become a federation in the process of resolving the conflict with Transnistria. In this case, Gagauzia might either retain its autonomous status (within the Moldovan federal entity) or become a federal entity of its own, alongside a Moldovan and Transnistrian entity.

3.2.2 Forms of local power sharing

The initial assumption made about the impact of local demographic diversity was that ethnic heterogeneity in the self-governing entity leads to the establishment of local institutions that guarantee power sharing between relevant identity groups. The results of the case analysis here are less unambiguous at first sight. Even assuming that heterogeneity is politically (that is, electorally) relevant only above the level of five per cent, there are still several cases that do not confirm this assumption: Aceh, Gagauzia, Crimea, and Scotland. The case of Aceh is the one most difficult to explain, given the relative novelty of the arrangements and lack of data availability. In Scotland, during the first two terms of devolved government, the pro-union Labour Party governed first in a majority government of its own and then with the support of the Liberal Democrats in a coalition. The only decisively pro-independence Scottish National Party (SNP) achieved a plurality of votes in the 2007 elections (47 out of 129) and has been governing as a minority government since then. From this perspective, the nature of the party system, at least in part, explains the lack of a power-sharing government: the SNP is the only decidedly pro-independence party, and none of the other major parties (Labour, Liberal Democrats, and Conservatives) was keen to join it in government, but the political–ideological differences between them prevented them from forming an (anti-independence) coalition, even though numerically this would have been possible with the three parties commanding a total of 78 (out of 129) seats in the Scottish parliament. However, indirectly, and because of the balance of power in the parliament, the SNP needs to seek support from the other parties for its legislative programme which guarantees the major parties a certain degree of at least indirect influence on government policy.

In Gagauzia and Crimea, the situation is slightly different. In Crimea, coalition governments including ethnic Russians and ethnic Ukrainians have been the norm rather than the exception in regional politics, even though this has meant that the Crimean Tatar population (12.1 per cent of the Crimean population) has been excluded from executive power. Voluntary power-sharing coalitions, in this case at least, thus can have a potentially negative impact on inter-ethnic relations inasmuch as they can become a mechanism of exclusion rather than inclusion. In Gagauzia,

on the other hand, the chief executive of the autonomous government is directly elected and appoints his or her own cabinet. This kind of 'presidential system' is combined with a single-member plurality election system that has so far always resulted in a regional assembly that has been relatively representative of Gagauzia's ethnic make-up and has, qua committee scrutiny, checked the powers of the regional governor.[60]

All other heterogeneous self-governing entities have guaranteed power-sharing mechanisms in place:

- Guaranteed representation in the regional executive: Brussels Capital Region, Federation of Bosnia and Herzegovina, Brčko, Kurdistan Region,[61] South Tyrol, Bougainville,[62] South Sudan,[63] Northern Ireland;
- Parliamentary decision-making procedures (qualified or concurrent majority voting): Brussels Capital Region, Federation of Bosnia and Herzegovina, Brčko, Northern Ireland.

3.2.3 Forms of central power sharing

In cases of highly significant territories, power-sharing institutions exist at the level of the central government, except in the case of Crimea. Moreover, there are provisions for power sharing at the centre in four cases of medium significance: Kosovo, Gagauzia, Bougainville, and Mindanao. These arrangements, however, are subject to some important qualifications.

In the case of Kosovo, they extend to the guaranteed representation of representatives of the Serb and other non-Albanians communities in the government

---

[60] After the 2008 local elections, a serious deadlock between communists and non-communists prevented the Assembly from functioning for several months. Following mediation by the EU Special Representative for Moldova, a formal power sharing arrangement, involving the rotation of Assembly Chairperson, his/her Deputies, and Committee Chairs was suggested and initially agreed to be the local parties, but vetoed by the Moldovan president. At an assembly session on 31 July, the local parties nonetheless agreed to a power sharing deal giving the Presidency of the Assembly to a non-communist, and splitting the two deputy positions and eight committee chairs equally between communists and non-communists.

[61] The draft constitution of the Kurdistan Region states in Article 111: 'A fair representation of the Minorities should be represented in the formation of the Kurdistan Region's Council of Ministers.' Document in author's possession.

[62] The regional constitution of Bougainville determines mandatory inclusion of representatives of Bougainville's three regions into the regional government.

[63] Local power sharing here extends to a 60:40 quota representation at the level of South Sudan and all its ten constituent states for representatives of the Sudanese People's Liberation Army/Movement (SPLA/M) and the government in Khartoum.

and to concurrent voting procedures on issues of vital interest in parliament. However, while the majority of Serbs lives in the districts of the Mitrovica region, there are other pockets of Serb settlement in central and southern Kosovo, and thus a guarantee of Serb representation and co-decision making does not equate to these guarantees applying to Serb representatives from Mitrovica.

In the cases of Gagauzia and Mindanao, representation of the self-governing entities in the central government is achieved qua cooptation. Central-level power sharing, therefore, is somewhat limited in that it only extends to the mandatory inclusion of members of the regional government into the national government. While regional representatives, thus, can participate in the national executive process, they do not have veto powers nor are there qualified or concurrent majority voting procedures in place that would increase the influence of regional representatives at the centre. Hence, the main benefit of these arrangements needs to be seen in both the symbolic recognition of the region (qua inclusion of its representatives into the national government) and in the establishment of formal channels of communication between regional and central executives (that is, the institutionalization of a policy coordination mechanism).

In the case of Bougainville, local influence on central decisions is generally sought to be achieved through the establishment of consultation mechanisms aimed at establishing consensus between the central government and the government of Bougainville, and by reference to judicial arbitration where such consensus cannot be achieved. Moreover, any changes to the agreed and constitutionally entrenched structure of the institutions created by the 2001 Bougainville peace agreement require the consent of two–thirds of the representatives of Bougainville's parliament and the Bougainville government has to be represented at its request in any international negotiations potentially affecting the constitutional status and powers of Bougainville as per the 2001 peace agreement.

The situation in another case of medium significance is also of interest in this respect. In South Tyrol, no central-level power-sharing arrangements exist, but the settlement for South Tyrol creates technically a nested consociation with guaranteed

power sharing at the level of the province (South Tyrol) and the region (Trentino–Südtirol), which is the next higher level of authority, and where South Tyrol is clearly of high, rather than medium significance.[64]

In broader terms, this means that in both low significance cases, no central-level power sharing exists as predicted. For a total of nine cases where the self-governing territory is of high significance, in eight central-level power-sharing structures exist, and the same is true for four out of seven medium-significance cases. Thus, central-level power sharing institutions exist in nine out of 13 country cases discussed here (with the qualifications elaborated above) where the self-governing entity is at least of medium significance relative to the rest of the state:

- Guaranteed representation in the central executive: Belgium, Bosnia and Herzegovina, Indonesia, Iraq, Kosovo, Macedonia, Moldova, Papua New Guinea, Sudan;
- Parliamentary decision-making procedures (qualified or concurrent majority voting): Belgium, Bosnia and Herzegovina, Iraq, Kosovo, Macedonia, Papua New Guinea.

4.   Conclusion: The Utility of Territorial Self-governance as an Approach to the Management of Self-determination Conflicts

In the preceding sections, I have sought to make an analytical and empirical case for the use of TSG arrangements in conflicts in which locally concentrated identity groups make claims for self-determination. A credible claim to the utility of this approach, however, cannot only rest on theoretical assumptions, however reasonable, and the fact that they can be shown empirically to be adopted as a result of negotiations between the conflict parties. What is additionally important is to demonstrate that they offer sustainable institutional settlements. This is all the more important as the failure, in particular of ethnic federations and autonomies, is one of the most frequently voiced objections to the use of TSG arrangements for accommodating self-determination claims. Moreover, recent research by Chapman and Roeder (2007) indicates that, from the perspective of long-term stable

---

[64] For a detailed discussion of South Tyrol, see Woelk et al. (2008) and Wolff (2004a, b, 2008).

democratic outcomes, partitions are preferable to any other territorial settlement; while Brancati (2009) found that 'political decentralization' (meaning, in fact, federation) has short-term positive effects; its long-term consequences, however, are more often than not negative for preserving peace and existing international boundaries. Importantly, Brancati draws on her analysis of federal failures to offer recommendations on how to design political decentralization in ways that minimize its inherent risks and arrives at similar conclusions as offered above, namely that TSG arrangements need to be complemented with other mechanisms to ensure that they provide institutions that help deal with remaining disputes by peaceful, political means.[65]

There is no denying the fact that territorial approaches to conflict management in divided societies have a track record that is far from spotless. In several cases, TSG arrangements have failed to prevent the break-up of multi-national states, in others they have been unable to preserve or sustain peace between the conflict parties, and critics of territorial approaches have documented these cases well empirically and analytically (for example, Nordlinger, 1972; Roeder, 1991, 2007; Suberu, 1993; Treisman, 1997, 2007; Bunce, 1999; Hale, 2000, 2004; Snyder, 2000; Cornell, 2002; Bunce and Watts, 2005). Many of these critiques are focused on federal arrangements alone and on the post-communist/post-Soviet region.[66] In contrast, the broader approach to understanding the utility of TSG as a conflict management mechanism in divided societies advocated here emphasizes three aspects that are often neglected in critiques. First, territorial options for conflict management extend beyond federal and federacy (autonomy) arrangements. Devolution and decentralized local government offer viable alternatives that can satisfy self-determination demands without endangering the continued territorial integrity of an existing state. Second, TSG arrangements are adopted not only as negotiated settlements after civil wars fought over minority self-determination demands but also in the course of non-violent self-determination disputes. Hence, many arguments

---

[65] Brancati is less enthusiastic about the parallel use of consociational techniques, noting that 'consociationalism[...]is not necessarily conducive to peace' and that 'certain elements of consociationalism, including minority veto powers, are counterproductive to decentralisation' (Brancati 2009: 228).
[66] Roeder (2007) is an important exception here in its more comprehensive global analysis.

against the viability of TSG arrangements include a selection bias.[67] Third, no claim is made that TSG arrangements are a panacea in themselves, but rather that, when combined with other conflict management mechanisms in a more comprehensive institutional package, they can make an important contribution to maintaining peace and keeping international borders intact.

This cannot only be demonstrated analytically but there is also empirical evidence in support of such an assumption. Of the 13 country cases documented in Table 3, six have proven relatively stable for over ten years: Belgium (the three regions), Bosnia and Herzegovina (the two entities and the District of Brčko), Ukraine (Crimea), Moldova (Gagauzia), UK (Scotland and Northern Ireland), and Italy (South Tyrol). The settlements in Indonesia (Aceh), Papua New Guinea (Bougainville), Iraq (Kurdistan Region), and Macedonia (western districts) have held for more than five years. There is, of course, a major question mark regarding the constitutional future of Iraq, but the track record to date suggests that even there difficult compromises can be achieved (see O'Leary 2009). Kosovo is too recent and yet too contested a settlement, to pronounce its TSG arrangements a success. In fact, that Serbs from the Mitrovica region continue to boycott Kosovo institutions would suggest that the solution currently envisaged may not be sufficient. Sudan (South Sudan) has faced serious implementation problems with the Comprehensive Peace Agreement, and one of its central provisions, the option for southern secession, may yet end the existence of Sudan in its current international borders. The settlement for Mindanao has only achieved partial success in bringing peace to a troubled region of the Philippines. While the track record of TSG arrangements in resolving conflicts in divided societies may thus be sketchy, it is far less disheartening than some of its critics suggest.

---

[67] Lake and Rothchild (2005, 110–1) skeptically argue that '[t]erritorial decentralization is likely to prove a stable and effective long-term solution only under an extraordinary conjunction of conditions … [which] are unlikely to be present at the end of contemporary civil wars.' However, the more recent study by Hartzell and Hoddie (2007) suggests that even after civil wars TSG arrangements have a significant positive impact by lowering the risk of a return to war.

5.   Bibliography

Benedikter, T. (2007) *The World's Working Regional Autonomies*, London: Anthem Press.

Bermeo, N. (2002) The Import of Institutions, *Journal of Democracy*, 13(2): 96–110.

Brancati, D. (2009) *Peace by Design: Managing Intrastate Conflict through Decentralization,* Oxford: Oxford University Press.

Bugajski, J., Hitchner, R. B., and Williams, P. R. (2003) *Achieving a Final Status Settlement for Kosovo*. Washington, D.C.: Center for Strategic and International Studies. Online. Available WWW http://www.publicinternationallaw.org/programs/balkans/kosovo/Koso voReport.pdf (accessed 28 April 2010).

Bunce, V. (1999) *Subversive Institutions: The Design and the Destruction of Socialism and the State*, Cambridge: Cambridge University Press.

Bunce, V. and Watts, S. (2005) Managing Diversity and Sustaining Democracy: Ethnofederal versus Unitary States in the Postcommunist World, in P. G. Roeder and D. Rothchild (eds) *Sustainable Peace: Power and Democracy after Civil Wars*, Ithaka, NY: Cornell University Press, 133–58.

Chapman, T. and Roeder, P.G. (2007) Partition as a Solution to Wars of Nationalism: The Importance of Institutions, *American Political Science Review*, 101(4): 677–91.

Coakley, J. (2003) *The Territorial Management of Ethnic Conflict*, London: Routledge.

Coakley, J. (ed.) (2003) *The Territorial Management of Ethnic Conflict*. London: Frank Cass. Second edition.

Cohen, F.S. (1997) Proportional versus Majoritarian Ethnic Conflict Management in Democracies, *Comparative Political Studies*, 30(5): 607–30.

Cornell, S.E. (2002) Autonomy as a Source of Conflict: Caucasian Conflicts in Theoretical Perspective, World Politics, 54(2): 245–76.

Csergo, Z. and Wolff, S. (2009) Regions of Nationalism in Europe, APSA 2009 Toronto Meeting Paper. Online. Available SSRN: <http://ssrn.com/abstract=1449082> (accessed 10 February 2010).

Daftary, F. (2000) *Insular Autonomy: A Framework for Conflict Settlement. A Comparative Study of Corsica and the Åland Islands*. Flensburg: European Centre for Minority Issues.

Dinstein, Y. (ed.) (1981) *Models of Autonomy*. New Brunswick, NJ: Transaction Books.

Elazar, D. (n.d.) Introduction, to *Federal Systems of the World: A Handbook of Federal, Confederal and Autonomy Arrangements.* Online. Available WWW http://www.jcpa.org/dje/books/fedsysworld-intro.htm (accessed 15 October 2003).

Elazar, D. (1987) *Exploring Federalism*. Tuscaloosa, AL: University of Alabama Press.

Elazar, D.J. (1991) *Federal Systems of the World: A Handbook of Federal, Confederal and Autonomy Arrangements*, London: Cartermill International.

Fearon, J.D. and Laitin, D.D. (1999) Weak States, Rough Terrain, and Large-Scale Ethnic Violence since 1945, Paper presented at the 1999 Annual Meetings of the American Political Science Association, Atlanta, GA, September 1999. Online. Available WWW: http://www.stanford.edu/~jfearon/papers/insurg1.pdf (accessed 10 February 2010).

Ghai, Y. (2000) *Autonomy and Ethnicity: Negotiating Competing Claims in Multiethnic States*. Cambridge: Cambridge University Press.

Ghai, Y. (2003) Territorial Options, in Darby, J. and McGinty, R. eds., *Contemporary Peacemaking: Conflict, Violence, and Peace Processes*. Basingstoke: Palgrave, 184–93.

Gurr, T.R. (1993) *Minorities at Risk: A Global View of Ethnopolitical Conflicts*. Washington, D.C.: United States Institute of Peace Press.

Hale, H.E. (2000) The Parade of Sovereignties: Testing Theories of Secession in the Soviet Setting, *British Journal of Political Science*, 30: 31–56.

Hale, H.E. (2004) Divided We Stand: Institutional Sources of Ethnofederal State Survival and Collapse, *World Politics*, 56: 165–93.

Hannum, H. (1996) *Sovereignty and Self-determination: The Accommodation of Conflicting Rights*. Philadelphia, PA: University of Pennsylvania Press. Second edition.

Hannum, H. and Lillich, R. (1980) 'The Concept of Autonomy in International Law', *The American Journal of International Law*, 74(4): 858–89.

Harff, B. and Gurr, T.R. (2004) *Ethnic Conflict in World Politics*. Boulder, CO: Westview Press.

Hartzell, C. and Hoddie, M. (2007) *Crafting Peace: Power-sharing Institutions and the Negotiated Settlement of Civil Wars*, University Park, PA: Pennsylvania State University Press.

Hartzell, C. and Hoddie, M. (2003) Institutionalizing Peace: Power Sharing and Post-Civil War Conflict Management, *American Journal of Political Science*, 47(2): 318–32.

Hechter, M. (2000) *Containing Nationalism*, Oxford: Oxford University Press.

Heintze, H.-J. (1997) Wege zur Verwirklichung des Selbstbestimmungsrechts der Völker innerhalb bestehender Staaten, in H.-J. Heintze (ed.) *Selbstbestimmungsrecht der Völker – Herausforderung der Staatenwelt*, Bonn: Dietz, 16–59.

Heintze, H.-J. (1998) On the Legal Understanding of Autonomy, in M. Suksi (ed.) *Autonomy: Applications and Implications*, The Hague: Kluwer Law International, 7–32.

Henrard, K. (2000) *Devising an Adequate System of Minority Protection: Individual Human Rights, Minority Rights, and the Right to Self-determination*. The Hague, Boston, London: Martinus Nijhoff.

Heymann, K. (2003) Earned Sovereignty for Kashmir: The Legal Methodology to Avoiding a Nuclear Holocaust, *American University International Law Review* 19(1): 153–200.

Hooper, J. and Williams, P. R. (2003) Earned Sovereignty: The Political Dimension *Denver Journal of International Law & Policy* 31(3): 355–72.

Horowitz, D.L. (1985) *Ethnic Groups in Conflict*. Berkeley: University of California Press.

Horowitz, D.L. (1991) *A Democratic South Africa? Constitutional Engineering in a Divided Society.* Berkeley: University of California Press.

Horowitz, D.L. (1993) Democracy in Divided Societies. *Journal of Democracy* 4(4): 18–38.

Horowitz, D.L. (2007) The Many Uses of Federalism. *Drake Law Review* 55(4): 953–66.

Horowitz, D.L. (2008) Conciliatory Institutions and Constitutional Processes in Post-conflict States. *William and Mary Law Review*, 49: 1213–48.

Jenne, E., Saideman, S.M., and Lowe, W. (2007) Separatism as a Bargaining Posture: The Role of Leverage in Minority Radicalization, *Journal of Peace Research*, 44(5)5, 539–58.

Kettley, C., Sullivan, J., and Fyfe, J. (2001) Self-determination Disputes and Complex Power Sharing Arrangements: A Background Paper for Debate. Cambridge: Centre of International Studies. Online. Available WWW http://www.intstudies.cam.ac.uk/ centre/cps/download/back ground1.pdf (accessed 4 March 2009).

Kirschner, N.P. (2007) Making Bread from Broken Eggs: A Basic Recipe for Conflict Resolution Using Earned Sovereignty, *Whittier Law Review* 28(4): 1131–66.

Lake, D.A. and Rothchild, D. (2005) Territorial Decentralization and Civil War Settlements, in P. G. Roeder and D. Rothchild (eds) *Sustainable Peace: Power and Democracy after Civil Wars*, Ithaka, NY: Cornell University Press, 109–32.

Lapidoth, R. (1997) *Autonomy: Flexible Solutions to Ethnic Conflicts*. Washington, D.C.: United States Institute of Peace Press.

Lijphart, A. (1979) Consociation and Federation: Conceptual and Empirical Links, *Canadian Journal of Political Science*, 12(3): 499–515.

McGarry, J. (2007) Asymmetry in Federations, Federacies and Unitary States, *Ethnopolitics* 6(1): 105–16.

McGarry, J. and O'Leary, B. (1993) Introduction. The Macro-Political Regulation of Ethnic Conflict, in J. McGarry and B. O'Leary (eds) *The Politics of Ethnic Conflict Regulation*, London: Routledge, 1–40.

McGarry, J. and O'Leary, B. (forthcoming) Territorial Approaches to Ethnic Conflict Settlement, in K. Cordell and S. Wolff (eds) *The Routledge Handbook of Ethnic Conflict*, London: Routledge.

McGarry, J., O'Leary, B. and Simeon, R. (2008) Integration or Accommodation? The Enduring Debate in Conflict Regulation, in S. Choudhry (ed.) *Constitutional Design for Divided Societies: Integration or Accommodation?* Oxford: Oxford University Press, 41–88.

Nordlinger, E. (1972) *Conflict Regulation in Divided Societies*, Harvard: Centre for International Affairs.

Nordquist, K.-Å. (1998) Autonomy as a Conflict-solving Mechanism: An Overview, in M. Suksi (ed.) *Autonomy: Applications and Implications*, The Hague: Kluwer Law International, 59–77.

O'Leary, B. (2005a) Debating Consociational Politics: Normative and Explanatory Arguments, in S. Noel (ed.) *From Powersharing to Democracy*, Montreal and Kingston: McGill/Queen's University Press, 3–43.

O'Leary, B. (2005b) Powersharing, Pluralist Federation, and Federacy, in B. O'Leary, J. McGarry and K. Salih (eds) *The Future of Kurdistan in Iraq*, Philadelphia: University of Pennsylvania Press, 47–91.

O'Leary, B. (2009) *How to Get out of Iraq with Integrity*. Philadelphia, PA: University of Pennsylvania Press.

Palley, C. (1991) Introduction, in Minority Rights Group (ed.) *Minorities and Autonomy in Western Europe*, London: Minority Rights Group International, 5–9.

Potier, T. (2001) *Conflict in Nagorno–Karabakh, Abkhazia and South Ossetia. A Legal Appraisal*, The Hague: Kluwer International Law.

Quinn, D. (2008) Self-determination Movements and Their Outcomes, in J.J. Hewitt, J. Wilkenfeld, and T.R. Gurr (eds) *Peace and Conflict 2008*, Boulder, CO: Paradigm Publishers, 33–8.

Roeder, P.G. (1991) Soviet Federalism and Ethnic Mobilization, *World Politics*, 43(2): 196–232.

Roeder, P.G. (2007) *Where Nation-States Come From: Institutional Change in the Age of Nationalism*. Princeton: Princeton University Press.

Rothchild, D. and Hartzell, C. (2000) Security in Deeply Divided Societies: The Role of Territrial Autonomy, in W. Safran and R. Máiz (eds) *Identity and Territorial Autonomy in Plural Societies*. London: Frank Cass, 254–71.

Saideman, S.M. and Ayres, R. W. (2000) Determining the Causes of Irredentism: Logit Analyses of Minorities at Risk Data from the 1980s and 1990s, *Journal of Politics*, 62(4): 1126–44.

Saideman, S.M., Lanoue, D.J., Campenni, M., and Stanton, S. (2002) Democratization, Political Institutions, and Ethnic Conflict: A Pooled Time-Series Analysis, 1985–1998, *Comparative Political Studies*, 35(1): 103–29.

Scharf, M.P. (2003) Earned Sovereignty: The Juridical Underpinnings, *Denver Journal of International Law & Policy* 31(3): 373–85.

Schneckener, U. (2002) 'Making Power Sharing Work: Lessons from Successes and Failures in Ethnic Conflict Regulation', *Journal of Peace Research*, 39(2): 203–28.

Smith, D.J. and Cordell, K. (2007) 'Introduction: The Theory and Practice of Cultural Autonomy in Central and Eastern Europe', *Ethnopolitics*, 6(3): 337–43.

Snyder, J.L. (2000) *From Voting to Violence: Democratization and Nationalist Conflict*, New York: Norton.

Suberu, T.R. (1993) 'The Travails of Federalism in Nigeria', Journal of Democracy, 4(4): 39–53.

Toft, M. (2003) *The Geography of Ethnic Violence: Identity, Interests and the Indivisibility of Territory*. Princeton: Princeton University Press.

Toft, M. and Saideman, S.M. (2010) Self-determination Movements and Their Outcomes, in J.J. Hewitt, J. Wilkenfeld, and T.R. Gurr (eds) *Peace and Conflict 2008*, Boulder, CO: Paradigm Publishers, 39–50.

Treisman, D.S. (1997) Russia's 'Ethnic Revival': The Separatist Activism of regional Leaders in a Postcommunist Order, *World Politics*, 49(2): 212–49.

Treisman, D.S. (2007) *The Architecture of Government: Rethinking Political Decentralization*. Cambridge: Cambridge University Press.

Wallensteen, P. (2007) *Understanding Conflict Resolution*. Los Angeles, CA: Sage.

Walter, B.F. (2003) 'Explaining the Intractability of Territorial Conflict', *International Studies Review*, 5(4): 137–53.

Wehengama, G. (2000) *Minority Claims: From Autonomy to Secession*, Aldershot: Ashgate.

Weidmann, N.B., Rød, J.K., and Cederman, L.-E. (forthcoming) Representing Ethnic Groups in Space: A New Dataset, *Journal of Peace Research*.

Weller, M. (2005a) Enforced Autonomy and Self-governance: The post-Yugoslav Experience. In M. Weller and S. Wolff (eds) *Autonomy, Self-governance and Conflict Resolution: Innovative Approaches to Institutional Design in Divided Societies*. London: Routledge, 49–74.

Weller, M. (2005b) Self-governance in Interim Settlements: The Case of Sudan. In M. Weller and S. Wolff (eds) *Autonomy, Self-governance and Conflict Resolution: Innovative Approaches to Institutional Design in Divided Societies*. London: Routledge, 158–79.

Weller, M. (2008) Settling Self-determination Conflicts: an Introduction, in Weller, M., and Metzger, B. (eds) *Settling Self-determination Disputes: Complex Power Sharing in Theory and Practice*. Leiden: Martinus Nijhoff, xii–xvii.

Weller, M., and Wolff, S. (2005) Recent Trends in Autonomy and State Construction. In M. Weller and S. Wolff (eds) *Autonomy, Self-governance and Conflict Resolution: Innovative Approaches to Institutional Design in Divided Societies*. London: Routledge, 262–70.

Weller, M., and Wolff, S. eds. (2005) *Autonomy, Self-governance and Conflict Resolution: Innovative Approaches to Institutional Design in Divided Societies*. London: Routledge.

Williams, P.R. (2003) Earned Sovereignty: The Road to Resolving the Conflict Over Kosovo's Final Status, *Denver Journal of International Law & Policy* 31(3): 387–425.

Williams, P.R. and Heymann, K. (2004) Earned Sovereignty: An Emerging Conflict Resolution Approach, *ILSA Journal of International and Comparative Law* 10(2): 437–45.

Williams, P.R. and Pecci, F.J. (2004) Earned Sovereignty: Bridging the Gap between Sovereignty and Self-determination, *Stanford Journal of International Law* 40(2): 347–86.

Williams, P.R., Hooper, J. Scharf, M.P. (2003) Resolving Sovereignty Based Conflicts: The Emerging Approach of Earned Sovereignty, *Denver Journal of International Law & Policy* 31(3): 349–53.

Woelk, J., Palermo, F., and Marko, J. (eds) (2008) *Tolerance through Law: Self-governance and Group Rights in South Tyrol*. Leiden and Boston: Martinus Nijhoff.

Wolff, S. (2003) The Limits of Non-military International Intervention: A Case Study of the Kosovo Conflict, in F. Bieber and Z. Daskalovski (eds) *Understanding the War in Kosovo*, London: Frank Cass, 79–100.

Wolff, S. (2004a) Settling an Ethnic Conflict through Power Sharing: the Case of South Tyrol, in Schneckener, U. and Wolff, S. eds. *Managing and Settling Ethnic Conflicts: Perspectives on Successes and Failures in Europe, Africa, and Asia*. London: Hurst, 57–76.

Wolff, S. (2004b) The Institutional Structure of Regional Consociations in Brussels, Northern Ireland, and South Tyrol, *Nationalism and Ethnic Politics* 10(3), 387–414.

Wolff, S. (2008) Complex Power Sharing as Conflict Resolution: South Tyrol in Comparative Perspective, in *Tolerance through Law: Self-governance and Group Rights in South Tyrol*, ed. by J. Woelk, F. Palermo, and J. Marko. Leiden and Boston: Martinus Nijhoff, 329–70.

Wolff, S. (2009a) Complex Power-sharing and the Centrality of Territorial Self-governance in Contemporary Conflict Settlements, *Ethnopolitics* 8(1), 27–45.

Wolff, S. (2009b) Peace by design? Towards 'Complex Power Sharing', in R. Taylor (ed.) *Consociational Theory: McGarry and O'Leary and the Northern Ireland Conflict*. London: Routledge, 110–21.

Wolff, S. (2010a) Classical Cases of Asymmetrical Territorial Autonomy, in M. Weller (ed.) *Asymmetrical State Design as a Tool of Ethnopolitical Conflict Settlement*, Philadelphia: University of Pennsylvania Press, 17–47.

Wolff, S. (2010b) The Relationships between States and Non-state Peoples: A Comparative View of the Kurds in Iraq, in R. Lowe and G. Stansfield (eds) *The Kurdish Policy Imperative*, London: Chatham House.

Wolff, S. and Weller, M. (2005) Self-determination and Autonomy: A Conceptual Introduction. In M. Weller and S. Wolff (eds.) *Autonomy, Self-governance and Conflict Resolution: Innovative Approaches to Institutional Design in Divided Societies*. London: Routledge, 1–25.