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Nation-States, Separatist Movements and Autonomy Arrangements: between war and independence – what options does the nation-state have?

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VICE CHIEF OF THE DEFENCE FORCE
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Abstract

The paper addresses the complex and usually volatile issue of separatist movements in nation-states, examining the options other than war or independence. It explores the origin and function of the nation-state as it operates in the current international system. It then discusses the range of generic threats typically faced by modern-day nation-states, and specifically those posed by self-determination movements.

The paper outlines the different forms of autonomous arrangements in use around the world, before concluding that such arrangements are a viable and attractive option when nation-states are faced with a national minority seeking independence. In particular, it contends that the granting of a degree of autonomy in the form of power-sharing arrangements potentially balances the competing need of states to preserve their territorial integrity and sovereignty while allowing minority movements to protect their identity and interests.

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> I hope that we do not see the creation of any more nation-states.
>
> British Foreign Secretary Douglas Hurd, 1993[1]

Introduction

Many commentators and state leaders have made comparisons between 1914 and 2014 in relation to the potential for inter-state conflict in East Asia and Eastern Europe.[2] Conflict between powerful nation-states would have catastrophic consequences for the international system and the global economy. The rise of China and India, as well as Russia's re-assertion of its power in Eastern Europe, casts some uncertainty on international stability.[3] Another concern is the threat of independence or self-determination movements on both the viability of states and stability in the international system.

Self-determination disputes are typically among the most difficult, violent and widespread forms of conflict that nations and the global community face.[4] Self-determination has led to conflicts in places as diverse as Sri Lanka, Kashmir, Africa, the Middle East, the Caucasus and Southeast Asia. Although these conflicts have displaced many people, destroyed national economies and cost millions of lives,[5] not all self-determination movements are violent. Such movements in the UK (in relation to Scotland), Belgium (Flanders) and the Netherlands (Frisia), among others, are peaceful and all indications are that they will continue to be.[6] However, that is not to say these movements could not cause instability in the international system by creating barely viable nation-states.

This paper will explore the origin and function of the nation-state as it operates in the current international system. Generic threats to the nation-state and specifically those posed by self-determination movements will be discussed. The paper will then outline the different forms of autonomous arrangements in use around the world, before concluding that such arrangements can be a viable and attractive option when nation-states are faced with a national minority seeking independence. Importantly, they may offer a solution that meets the needs of both the central state and the autonomous region.

The formation and rise of the nation-state

The current international system is based almost exclusively on the nation-state, which has its foundation in the Treaty of Westphalia of 1648. This treaty, and the associated Treaty of Osnabruck, established the legal basis of modern statehood and consequently the rules of the modern international system.[7] They were signed at a large-scale diplomatic conference that ended the so-called 'Thirty Years' War' in the Holy Roman Empire and the 'Eighty Years' War' between Spain and the Netherlands, and gave primacy to the principle of sovereignty.[8]

This principle has three components; firstly, that sovereigns and monarchs are not subject to any higher political authority (in effect, that every king or queen is independent and equal to every other); secondly, that outsiders have no right to intervene in a sovereign jurisdiction on religious grounds; and thirdly, that states are the primary actors in the international system and it is on their consent that international order depends.[9]

There were two other key outcomes of Westphalia with lasting relevance to the role and function of the state. These concepts were 'territoriality' and 'autonomy'. The principle of territoriality entails that human kind is organised principally into exclusive territorial communities with fixed borders. Autonomy dictates that countries operate as autonomous spheres of political, social and economic activity within these borders, which separate the domestic arena from the world outside. Collectively, the principles of sovereignty, territoriality and autonomy have formed the

basis of the international community's political, economic and legal systems for the past 300 years.[10]

The term nation-state requires definition before its role and function can be discussed. 'Nation' is a sociological term that refers to a group of people who have a sense of connection with each other.[11] This connection can be on the basis of language, ethnicity, culture or geographic proximity.[12] 'State' is a political term that includes four elements; people, territory, government and sovereignty. In essence, the term 'nation' symbolises the social unity of a people, while the term 'state' politicises that union.

These terms are often confused. Politicians and others will often refer to a nation when they should more correctly refer to a state or a country.[13] The nation-state can therefore be considered as a political community in which the state claims legitimacy on the grounds that it represents the nation. A nation-state exists when all the members of a single nation are organised in a single state, without any other national communities or minorities being present. Although the term 'nation-state' is widely used, technically no such entities exist.[14]

While the state has become the principal form of political organisation of modern people, it has not always been so. Humans have identified with other political organisations in history, including tribes, city-states, empires and feudal baronies. While the nation-state is currently the dominant form of political organisation, it may not always be so.[15]

The role of the nation-state is to provide political or public goods and services to people living within its borders. State viability is judged by how well these goods and services are provided to its citizenry. Security is the most important of these goods and services and is defined in the broadest sense of the term. Others that the citizenry of a state have come to expect are the provision of, or at least access to, freedom to participate in the political process, medical care, education, infrastructure, a viable financial system and the opportunity for economic advancement.[16] In essence, states should provide security as well as political, social and economic well-being to its citizens.

Globalisation and threats to the nation-state

The nation-state, as the dominant social-political organisation, has always had to deal with threats to its existence but, unlike previous periods in history, the threats now come from a number of sources.[17] Globalisation, in particular, has challenged nation-states and the international system in new ways. Technological advances in transport and communication mean that information and goods now travel much quicker and more freely than before, and with less state control.[18] This has contributed to the emergence of a number of powerful non-state actors in the international system.

In some cases, the nation-state has willingly ceded some aspect of its sovereignty to these non-state actors. Examples are the International Monetary Fund and the World Trade Organisation, which both assist with the management of the global economy. In other cases, states have had less choice. For example, some trans-national corporations take advantage of differences in state regulatory arrangements and prices for land, labour and capital to their own benefit—and, in many cases, to the cost of the affected nations.[19] A number of economists also espouse the view that governments are impediments to the free flow of goods, services and people globally, and believe that less regulation will make the global market-place more integrated and efficient.[20]

The nation-state also no longer has a monopoly on war and conflict. Non-state actors such as Al Qaeda have the capability, and intent, to wage violent conflict beyond the borders of any one country.[21] Additionally, a number of people around the world are now identifying with groups and causes across national boundaries in a way that has serious consequences for nation-states. Examples are religious movements, such as the pan-Islamic movement advocating for the formation of an Islamic nation in the Middle East, and environmental groups such as Greenpeace, which are often able to generate significant resources to pursue their aims.[22]

Arguably the greatest threat facing nation-states, and consequently the international system, are hostile minorities that seek state independence.[23] The capacity and capability of states is now much more varied than it once was. In 1914, there were 55 recognised states.[24] In 2011, with the recent addition of South Sudan, there were 193 members of the UN.[25] However, promoting even

the peaceful break-up of states in the name of national identity often destroys viable political and economic units, resulting in an increasing number of states that could be classified as 'fragile' if not 'failing'.[26]

This effect is evident in areas of Australia's neighbourhood, specifically in the Melanesian region of the South Pacific. Writing in *Australia's Arc of Instability: the political and cultural dynamics of regional security*, Dennis Rumley questions whether the political jurisdiction typically resulting from de-colonisation and 'freedom' can remain socially, economically and politically viable, noting that:

> Many countries have small populations, are ethnically diverse, have few resources and rely heavily on a limited number of export commodities … [which] are highly susceptible to fluctuations in world markets. [F]ailed states can fall prey to lawlessness and terrorist activities … [and can] become hostage to a range of illegal and controversial social, economic and environmental practices…. The end result can … be a state which is the antithesis of the one anticipated at decolonization.[27]

Having reigned supreme in the international system since 1648, it can be argued that 'nationalism', the very ideology that created the current international system, could be the seed of its downfall because of the manner in which minority groups seek self-determination and expect a domestic and internationally viable outcome.

Autonomy arrangements: a solution?

One of the practical options for protecting the rights of minorities, and ensuring their territorial areas remain viable entities in the international system, is the concept of autonomy or power-sharing arrangements. While there is no widely-accepted definition of autonomy, it is generally regarded as a means of internal power-sharing aimed at preserving the cultural and ethnic character of a region or people, and providing regional democratic self-government.

It normally consists of an arrangement that permanently transfers some powers, allowing a degree of autonomy, but also leaves some residual powers with the central entity.[28] The concept of political autonomy originated from the recognition, enshrined in the right of self-determination in the UN Charter,[29] that minority ethnic or national groups living in a state are entitled to collective rights to ensure their cultural survival and ethno-linguistic identity.[30]

There are two broad forms of power-sharing between the levels of a state. The first is 'federalism', the second is a set of other political autonomy arrangements. Federalism is a form of government where power is shared in a similar manner, but not necessarily exactly the same, between the constituent elements of the nation. Political autonomy offers a number of types of government arrangements that depends on the demands, needs and interests of the minority group and central authority. The general approach is that through autonomy, a minority community can determine its cultural, social, economic and political progression but is not fully independent from the state in which it resides.

The benefit of this system is that the central state is still responsible for a number of areas that the autonomous community could not provide for itself, such as defence, foreign affairs, monetary policy, constitutional affairs and the law. Finland created the first modern autonomous region in 1921 when it granted special powers to the Aland Islands, which were largely inhabited by people of Swedish origin.[31] By 2009, at least 20 independent democratic states have established more than 60 autonomous regions with special legal status. The following table summarises the types of autonomous arrangements currently in existence.

Table 1 – Types and examples of power-sharing arrangements[32]

Autonomous arrangement	Description	Examples
Associated state	A federal (treaty) relationship wherein the smaller polity is linked to a larger state. It has substantial authority over its own affairs but very little influence on those of the larger state. Usually either party may dissolve the relationship at any time.	Cook Islands, San Marino, Micronesia, Holy See
Condominium	A polity is jointly ruled by two authorities in a way that permits substantial self-rule.	Andorra
Confederation	A loose but institutionalised cooperation of two or more independent states without federal constraints.	Commonwealth of Independent States, the European Union
Reservation	A form of self-governance of a smaller people on a given territory, with separate 'citizenship' as legal members of the titular ethnic group of the reservation, but almost no participation in general affairs of the state.	Navajo, Sioux, Hopi (US), Yanamami (Brazil)
Federation	Two or more constituent entities enter into a constitutional framework with common institutions. Each member state retains delegated powers but the central government retains powers over the states.	Germany, Switzerland, US, India, Canada
Dependent territory	A political dependency, as defined under Article 73 of the UN Charter, but not considered to be part of the mainland of the governing state.	Gibraltar, Falkland Islands, New Caledonia
Territorial autonomy	Integral parts of a political sovereign state, with legislative and executive powers entrenched by law. Specific solutions exist for one or more units of a state but not for the whole territorial state structure.	Aland Islands, Aceh, Greenland, Muslim Mindanao

The form of the arrangement obviously needs to take account of the context of the situation it seeks to remedy. Importantly, these arrangements must be tailored to meet the exact circumstance and may be amended after initial agreement.[33]

The key advantage of autonomy or power-sharing arrangements is that they have the potential to address two complex and competing needs, sometimes referred to as 'justice' and 'order'. In *Autonomy and Ethnic Conflict in South and South-East Asia*, for example, Ranjat Ganguly notes that:

> [T]he concept of territorial or regional autonomy … has the potential to reconcile the two paradoxical objectives of sovereign states and non-state ethnic nations: to preserve the territorial integrity and sovereignty of states while simultaneously accommodating ethnic minorities' rights to a national homeland, a greater voice and participation in the governance of that homeland and equal opportunity to participate fully in all aspects of life within the state.[34]

Autonomy and power-sharing arrangements arguably offer a solution to this paradox. The number of nations that have entered into these arrangements and their consideration by many others is evidence of their attractiveness.[35] However, autonomy arrangements do have some disadvantages.

Critics often point out that it is sometimes difficult to identify which element of the minority group has the authority, legitimacy and leadership capacity to represent the sometimes disparate elements of the separatist movement.[36] This has been the case in New Caledonia in its movement for independence from France.[37] Another connected disadvantage is that minority rights may still not be met under an autonomy arrangement because of a lack of capacity, which a feature not unusual in many movements seeking autonomy. Lastly, some critics believe that autonomy allows an ethnic minority to build 'governance capacity' and, with more legitimacy, seek external sponsorship for their goal of independence, which potentially may lead to further tension or conflict. The current situation in Sri Lanka is an example of this concern.[38]

Conclusion

This paper has addressed the complex, usually volatile and sometimes violent issue of separatist movements in nation-states. It has explored the origin and function of the nation-state, noting that the modern-day identity of states is undergoing considerable change, and the state now shares (or has to share) with non-state actors many responsibilities that were previously their sole domain.

Some states have struggled to maintain their legitimacy in the face of these external forces.[39] Self-determination movements, involving minority movements pushing for independence, have tipped some states into violence or have resulted in the creation of states that are fragile, failing or failed, consequently posing a threat to others. It is essential for the maintenance of international order that viable states persist as the primary source of political association, with agreed norms and rules, and economic function, at least until another model of political organisation can take its place.[40]

In that regard, the paper has outlined a number of different forms of autonomous arrangements in use around the world, including a brief summary of their advantages and disadvantages. It concludes that the granting of a form of autonomy to address the concerns of a minority group is a viable option for nation-states in certain circumstances and that power-sharing arrangements, in particular, potentially balance the competing need of states to preserve their territorial integrity and sovereignty, while allowing minority movements to protect their culture.

In closing, it is worth recalling that of the many reasons for the outbreak of World War 1, 'nationalism with its unsavoury riders of hatred and contempt for others' was a key issue.[41] The international community must draw on this lesson in the current time of rising great powers and increased demonstrations of nationalism, both from existing states and minority movements, to mitigate the prospect of major armed conflict between states occurring again.

Notes

1 Quoted in response to the rapid creation of a number of states after the collapse of the Soviet Union, in John Baylis and Steve Smith, *The Globalization of World Politics*, Third Edition, Oxford University Press: Oxford, 2006, p. 530.

2 Gideon Rachman, 'The Shadow of 1914 Falls over the Pacific', *Financial Times*, 4 February 2013, and Tony Walker, 'War and Peace', *Australian Financial Review*, 24-27 April 2014.

3 Rowan Callick, 'Asia Insulated from Crimea Effect', *The Australian*, 13 March 2014, p. 24.

4 Stefan Wolff, 'Complex Power Sharing and the Centrality of Territorial Self-Governance in Contemporary Conflict Settlements', *Ethnopolitics*, Vol. 8, No. 1, March 2009, p. 27.

5 Wolff, 'Complex Power Sharing and the Centrality of Territorial Self-Governance in Contemporary Conflict Settlements', p. 27.

[6] 'Breaking Up is Hard to Do: Scottish independence', *The Economist* website, 3 November 2012, available at <http://www.economist.com/node/21565663/print > accessed 27 April 2014.

[7] Baylis and Smith, *The Globalization of World Politics*, p. 29.

[8] Tom Ginsburg, 'Eastphalia as the Perfection of Westphalia', Indiana *Journal of Legal Studies,* Vol. 17, No. 27, 2010, p. 29.

[9] Baylis and Smith, *The Globalization of World Politics*, p. 54.

[10] Baylis and Smith, *The Globalization of World Politics*, p. 30.

[11] Leon P. Baradat, *Political Ideologies: their origins and impact*, 5th Edition, Prentice-Hall International: New Jersey, 1994, p. 41.

[12] Baradat, *Political Ideologies,* p. 42.

[13] Baradat, *Political Ideologies*, p. 42.

[14] Baylis and Smith, The *Globalization of World Politics*, p. 776.

[15] Baradat, *Political Ideologies*, p. 45.

[16] Robert I. Rotberg, *When States Fail: causes and consequences*, Princeton University Press: Princeton, 2004, pp. 2-3.

[17] Marie-Claude Smouts (ed.), *The New International Relations: theory and practice*, Hurst: London, 1998, p. 32.

[18] S.M. Marsh, 'Technological Influences on Globalisation and Fragmentation: the demise of the nation-state?', *Royal United Services Institute Journal*, June 1996, p. 44.

[19] Nils Gilman, 'The Arbitrage of the Nation-State', The Breakthrough website, February 2012, available at <http://thebreakthrough.org/Index.php/journal/debates/against-cosmopolitanism-a-breakthrough-debate/the-arbitrage-of-the-nation-state> accessed 27 April 2014.

[20] Dani Rodrik, 'The Nation-State Reborn', Project Syndicate: the World's Opinion Page, 13 February 2012, available at <http://www.project-syndicate.org/print/the-nation-state-reborn> accessed 27 April 2014.

[21] Tom Allard, 'Jihadist forces extend deadly influence', *The Canberra Times*, 1February 2014, p. 14.

[22] Baradat, *Political Ideologies*, p. 55.

[23] Hedva Ben-Israel, 'The Nation-State: durability through change', *International Journal of Politics, Culture and Society*, Vol. 24, Nos. 1-2, 2011, p. 69.

[24] Rotberg, *When States Fail,* p. 2.

[25] See UN website <http://www.un.org/en/members/growth.shtml> accessed 7 April 2014.

[26] Rotberg, *When States Fail,* pp. 14-20 and Nawaf Obaid, *The Long Hot Arab Summer: viability of the nation-state system in the Arab world*, Harvard Kennedy School, Belfer Center for Science and International Affairs: Cambridge, 2013, p. 1.

[27] Dennis Rumley, 'The Emergence of Australia's Arc of Instability', in Dennis Rumley, Vivian Louis Forbes and Christopher Griffin (eds.), *Australia's Arc of Instability: the political and cultural dynamics of regional security*; Springer: Sydney, 2006, p. 19.

[28] Thomas Benedikter (ed.), Solving Ethnic Conflict through Self-Government: a short guide to autonomy in Europe and South Asia, Eurac Research: Bozen/Bolzano, June 2009, p. 10.

[29] The UN Charter, Article 1(2) states 'to develop friendly relations among nations based on the respect for the principle of equal rights and self-determination of peoples, and to take other appropriate measures to strengthen universal peace.'

[30] Benedikter, *Solving Ethnic Conflict through Self-Government*, p. 6.

[31] Benedikter, *Solving Ethnic Conflict through Self-Government,* p. 8.

[32] Benedikter, *Solving Ethnic Conflict through Self-Government*, p. 10.

[33] Sia Spiliopoulou Akermark and Sarah Stephan, 'Editorial: rethinking territorial arrangements in conflict resolution – introduction to the special issue of the *International Journal on Minority and Group Rights*', *International Journal on Minority and Group Rights*, Issue 20, 2013, p. 1.

[34] Rajat Ganguly (ed.), *Autonomy and Ethnic Conflict in South and South-East Asia*, Routledge: London, 2012, pp. 4-5.

[35] Wolff, 'Complex Power Sharing and the Centrality of Territorial Self-governance in Contemporary Conflict Settlements', p. 27.

[36] Ganguly, *Autonomy and Ethnic Conflict in South and South-East Asia*, pp. 4-5.

[37] Dennis Rumley, 'The French Geopolitical Project in New Caledonia' , in Rumley *et al*, *Australia's Arc of Instability,* pp. 243-4.

[38] P. Sahadevan, 'Ethnic Peacemaking in Sri Lanka', in Ganguly, *Autonomy and Ethnic Conflict in South and South-East Asia*, p. 78.

[39] Baylis and Smith, *The Globalization of World Politics*, p. 740.

[40] Baylis and Smith, *The Globalization of World Politics*, p. 740.

[41] Margaret MacMillan, *The War that Ended Peace*, Profile Books: London, 2013, p. xxi.

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