

THE UNIVERSITY OF HULL

Origins and Opportunities.
Ethno Nations and Conflict Management in Europe:
With Special Reference to the European Union and the Council of Europe

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SECTION ONE:

ETHNIC CONFLICT IN EUROPE

INTRODUCTION

Amongst lay and academics, ethnic conflict and nationalism are the new buzzwords; with good reason. They have a descriptive tenacity and conceptual utility for many situations and will for some time to come. It is acceptable, even chic to infuse politics, practically and conceptually, with the ethnic element. A survey of global events or journal articles demonstrates the pervasiveness and power of identity. It also demonstrates that solutions for identity politics require specificity, not buzzwords, in order to be valuable and practical. Terms such as ethnicity and nationalism are potentially as diverse and slippery as the phenomenon itself, and their use will be examined and justified shortly.

The most revolutionary contemporary global events demonstrate that conflicts based on class or ideology, whether intrastate or interstate, are receding to be replaced by a myriad of conflict types where the single, driving factor can be distilled down to the importance of group identity. A cursory examination of statehood today reveals a stronger place held for ethno-national identity. Examine any region or state, and ethnic or national identity plays an increasingly stronger role. Rival national identities, such as in Northern Ireland, emerging national identities, such as in Spain, re-emerging nationalisms, such as in the Balkans, and reintegration of nations, such as in the united Germany, demonstrate that the popularity of the ideal community is now based, not on class, or ideology, but on the ethnic group. The consequences of such group divisions and the increasing salience of identity may be democratic devolution, as seen in Scotland and Wales, or secession, disintegration and genocide, as seen in the former Yugoslav Republic (FRY). Terrorism is widely practised by nations, as seen in Northern Ireland, Corsica and Euskal Herria (the Basque Country), but also by dominant majorities, as seen in Rwanda and Indonesia. From demands for language rights and recognition, to mandates for emancipation and independence, no society is immune to the attraction and power of ethnic identity. It affects social justice, economic distributions and even territorial integrity. For individuals and groups, identity provides the focus of social and political meaning and often mobilisation.

Contemporary scholars are revisiting nationalism as a contemporary phenomenon. The element of ethnicity is an abiding factor in historical and anthropological studies and

now enjoys a revitalisation in the social and political sciences as well. Ethnic groups who affect territory and settlement through ethnic cleansing, as in Rwanda and the Balkans, are beginning to dominate geographical discussions. Issues of ethnicity and identity are no longer ignored by economics. It is acceptable to investigate resource distribution and acknowledge the role of ethnic division. Cautiously, the pure sciences uncover the importance and meaning of identity. For example, the use of forensic sciences in war crimes investigations and new progress in genetics and medicine, document our biological similarities and differences. It is the pervasiveness, diversity and salience of ethnic identity that draws such a diversity of disciplines together to reveal its nature and its meaning. Indeed identity affects epistemology as well, that is how we proceed to examine group divisions and their outcomes in turn affect how we conceive of them. However, sometimes facts and events reciprocate and influence concepts of science and social science alike. As a phenomenon or a concept, identity is a powerful and magnetic force.

The quest for meaningful identity, though involving many complex factors, hinges, and we shall see why, on a longing and aspiration for recognition and representation. Hence, the type and level of ethnic conflict is partly contingent on the response to the needs and ambitions of ethnic groups, and the institutional perception and reaction to this.

This thesis aims to provide a comparative perspective on conflicts involving sub-state, minority group actors in Europe and the adjustments and innovations of European organisations, the supra-state, (a term discussed in the following paragraphs), to manage strains, tensions and even crises. As established, identity is complex and pervasive, and to harness its dynamism, this project will draw on the contributions of many disciplines and utilise a hybrid of theoretical approaches. Let us consider the following research questions.

Research Questions

1. Exploratory:

- a) Is it possible for the sub-state to bypass the state and achieve its aims via the supra-state, if so- how?
- b) Can the supra-state be an effective conflict management mechanism for identity conflicts?

2. Practical

- a) In what capacities can the supra-state provide an outlet for identity aspirations and manage conflict?
- b) Since non-violent and violent nationalist movements pursue their objectives differently, does the European Union and the Council of Europe affect this, and do these differences in approach affect success within the supra-state?

Necessarily this thesis requires foremost to suspend the dominant precepts of state centrism and to instead focus on the perspective of the sub-state unit as a political entity and object for analysis in its own right and not in its usual hierarchical place, below the state and usually eclipsed in research by the state as a conceptual unit. Similarly, whereas conventional analyses of international organisations rely upon a premise that these organisations are composed of its member state parts and exist only as the sum of its parts, this thesis requires a shift in perspective, one that would consider that international organisations have evolved to take on initiatives and even identities of their own, the supra-state. That, in both practice and theory, the supra-state may well be more than the sum of its parts. It is useful to use the European Union as an example of a supra-state, but other international organisations also have some supra-state characteristics, such as the Council of Europe. In a political hierarchy the supra-state as a concept occupies the political space above states. Empirically, the supra-state is able to take its own action internationally and can direct the actions of states; to some extent the supra-state appropriates their sovereignty. Importantly for the political sub-strata, be this individual citizens or groups, the supra-state can respond to their needs and demands independent of their national state. Chapter Two unravels the concept and characteristics of the supra-state further

If international organisations rely principally upon states for their foundations and membership this by no means excludes the demands and needs of the substrata of society, on whom such organisations also depend for democratic legitimacy.

Recognising that individuals also have group identities, some international organisations include this in their mandates or even in their institutional capacities. Where increasing demands from sub-state units often take the form of ethnic conflict, international organisations are increasingly called upon to manage said conflicts and even prevent them. Security is undoubtedly a collective endeavour and individual states may be inappropriate to manage some ethnic conflicts. Many such conflicts are cross border and

so an individual state response is entirely inadequate. Frequently the state itself may be or may be perceived, as a conflictant itself. The torch passes then to international organisations where conflict is a mutual security concern and where the necessary cooperation to manage conflict exists. However, a forum to discuss mutual concerns and achieve cooperation is not all that an international organisation is capable of. Taking the perspective that these may have a character beyond their member states, supra-state organisations may be a forum for political entities other than just member states, namely ethno-nations. The supra-state can also be a medium of security, legitimacy and justice in its own right with its own voice. In an era where many sub-state entities, particularly ethno-nations are reaching for recognition and representation on the international stage, and where supra-state organisations have degrees of autonomy beyond their member states, can and will the supra-state organisation respond to these pressures? It is necessary then to examine the directives and institutional capacities as well as the political will of the supra-state in managing ethnic conflict. A necessary adjunct to such analyses is the examination of the capacity of the supra-state to foresee the effects of their actions which may be as much inflammatory as they are capable of assuaging ethnic conflicts.

For ethnic groups to maximise their expression, the two most common routes are majoritarian domination of an existing nation-state, or simply the creation of a new, more homogenous nation-state. In fact most research on ethnic conflict focuses either on grass roots, community endeavours, or territorial and legal management strategies within the state, such as positive discrimination, federalism and devolution. But today ethnic conflict operates in a distinctly new era; creative and politically exciting, with opportunities for ethnic groups to achieve recognition in institutions above the level of the nation-state. The focus on the nation-state as the sole and ultimate reference point may be changing towards more effective recognition and representation outside the realms of conventional state centrism, that is, in organisations that influence and govern states and which can accommodate sub-state actors as well. But which of these opportunities in reality are present and achievable for sub-state entities? It is a prerequisite to distinguish these tangible opportunities from those which represent an extension of ethno-nationalist aspirations. Ethno-nationalist movements also differ in their methods; critically some use violence while others work well within the democratic channels. Are these patterns repeated at the level of the supra-state and does the supra-state in some manner positively reinforce this? Examination of ethno-

nationalism in a new milieu, different from a long history of antipathy towards the state, may uncover the preferences and even predispositions of some movements to use violence. In this vein, this research explores the degrees to which the presence of the supra-state itself may even change the conception of ethno-national identity.

If ethnicity and nationalism were to be examined generally, there are an infinite number of illustrative cases with an array of diversities from which to choose. However, both the objectives and the paradigm of this study dictate geographical limitations, narrowing the types of sub-state actors suitable for comparison. In analysing political discourse, it is recognised that a single case study and its particular circumstances are not suitable for replication or generalisation. Against the backdrop of two complementary European organisations, four case studies of sub-state nationalism will be analysed. Chosen as typologies for both contrasting and comparative characteristics, Åland, Euskal Herria (the Basque Country), Fryslân and Northern Ireland national minorities will be analysed as the four case studies. We will become intimately acquainted with each minority in Chapters Six to Nine. Before exploring these interesting case studies, we will first set the context for the research and justify the European focus in Chapter One. Chapters Two, Three and Five review the academic state of play, the factual foundations and the normative argument. The accompanying considerations on method and methodology are found in Chapter Four.

Although each conflict occurs in its own context and we know that generalising about ethnic conflicts is a hazardous endeavour for political scientists, these cases, while exhibiting notable differences such as contrasting levels and types of violence, nevertheless have significant similarities, such as incorporation within the European Union, and its necessary corollary, the Council of Europe. Fundamentally all case studies have the same criteria to be considered as nations, and they exhibit similar geopolitical status and socio-economic factors. Despite these consistencies, they display dramatic differences in their means to find meaningful recognition and representation. It is necessary to describe the differences in the institutionalisation of identity, and to account for this at both the levels of the nation-state and beyond. These case studies will prove useful illustrations of the variety of sub-state actors and nationalist movements and provide tools to explore the complex interplay between the state, sub-state and supra-state.

European regional organizations are increasingly cast in the conflict management role between the state and sub-state. While the military security analyst would have chosen The North Atlantic Treaty Organisation (NATO) and a stringent minority rights advocate would have obviously researched the role of the High Commissioner for National Minorities in the Organisation for Security and Cooperation in Europe, (OSCE), this thesis analyses the European Union (EU) and the Council of Europe. The EU and the Council of Europe are two such regional organisations whose activity in accommodating the demands for recognition and representation has been novel and innovative, both for political practice and study. The conceptual distinction between the Council of Europe and the European Union is important to note; however both represent policy and institutional response above and beyond the state. In this thesis we intend to use the term “supra-state” to describe the EU and in Chapter Two we will discuss why.

Two strands are explored in the European address of its ethnic plurality. The first is the initial building of an umbrella, the formal, organisational recognition of this plurality and the attempts to build legal frameworks that would offer protections, standards and precedents. The magnitude and speed of integration accomplished by the European Union so bedazzles scholars that it is frequently perceived as the exclusive forum of all the continent’s affairs. As a result, the Council of Europe is overlooked as a worthy organisation for researchers, and is perceived as a superfluity, when it is in fact one of the first European organisations to respond to the necessity of including minority actors in the security dialogue of both interstate and intrastate affairs. The Council of Europe provided a forum to include the recognition of ethnic plurality as an important force in European security and, in consequence, created a space for minority peoples to engage in dialogue as well. This was further buttressed by the creation of legal standards and frameworks for inclusion and protection of minority peoples. Furthermore, membership in the EU is predicated upon membership in the Council of Europe and adherence to the European Charter for Human Rights. As such the Council of Europe needs to be reconsidered as an essential organisation in European security and law and especially so in matters pertaining to ethnic minorities. This thesis addresses this very need in Chapter Ten.

The EU does justifiably deserve the amount of scholarly attention it receives and in this thesis the capacity of the EU is examined in Chapter Eleven, illustrating the second strand of how ethnic plurality is addressed in Europe. With a dynamic organisation of

such depth and breadth this thesis will focus on the EU theoretically as a supra-state organisation (a description to be clarified later), and also critically as an institutional framework, which secures political accommodation for sub-state actors. The principal focus will be the practical and functional aspects of the EU in relation to minority issues. In contrast to the Council of Europe, the EU was never conceived as a forum where minority peoples could find such expression, nor was it an organisation that would address the issues of security threats that some sub-state actors pose. It has proved, however in practice to be a flexible, adaptive organisation in recognising the plurality of Europe and in responding to it with creative, practical management techniques. It not only takes account of the social and economic interests of minority peoples, but also attempts to address their political needs.

Accordingly this thesis will; examine the reciprocal influences on security between the sub-state actors and the supra-state; reflect on the ability of the EU and the Council of Europe to respond to the special needs of minority peoples; and analyse the political abilities of these minorities to utilise opportunities at the level of the supra-state. In this respect, the thesis is a continuous post mortem of 'test cases' of conflict management in Europe in relation to similar cases and to the mandates and capacities of the supra-state. It will also simultaneously analyse the inherent potential for a conflict to manage itself under optimum conditions and for supra- state structures to undertake damage control, early warning and early action; in effect a spectrum of hard and soft power interventions. Chapter Thirteen reflects on the impact this has on theory while Chapter Fourteen makes both theoretical and empirical conclusions. In a state centric world, the thesis explores the links between supra-state structures and stateless peoples, examining the supra-state as a potential window of opportunity to manage and even resolve ethno-nationalist conflicts and pressures.

CHAPTER ONE: THE FIRST AND FOREMOST POLITICAL UNIT

Context

Analyses of the global system have concluded that the term 'nation-state' is a misnomer. Connor found that of 132 states, only twelve were essentially homogenous from an ethnic viewpoint (Connor, 1994:29), while Nielsson concluded that the conventional concept of the nation-state befits only one quarter of the world's states. (Nielsson, 1985 cited in Ryan, 1990: xiii) In reality, the global state system is mainly composed of minorities, some being significant political forces. The success of a European regime for their protection and inclusion depends largely on its territorial scope of application. Yet most regional organisations have ambiguous policies for promoting minority rights and navigating identity conflicts. (Alexanderson, 1997: 47) The global state system must cope with the demands of this multinational reality, and certainly the regional system of the European Union (EU) and the Council of Europe are not exempt from this.

Why do many minorities remain under-protected and unrepresented when their existence has been a long-standing geo-political concern? Actual and potential violence stemming from identity movements has become a focal point on the European security agenda, due to the power vacuum which followed the demise of bipolarity. Homer-Dixon defines identity-related conflicts, which includes racial and interethnic conflicts, as one of three sources of conflict causation characteristic of the post Cold War. (Woodhouse, 1992: 6) While sub-state actors may be utilising this window for their objectives, existing European institutions scramble to assess this new milieu. Conventional wisdom, which pointed to the collapse of authoritarian rule as the window for an outbreak of "ancient rivalries", is palpably inadequate. Though more attention is now paid to sub-state conflict- and some movements use the post Cold War arena to express their dissatisfactions- this is not to say that the attenuation of the superpower conflict is wholly responsible for the rise in nationalist movements. Practically speaking, the particular security concerns of Europe's multitudes of different peoples living across many borders were eclipsed in the high stakes game of East West polarity. While these formerly authoritarian regimes did not create ethnic identities and conflicts, they did successfully contain them by repression. After 1989, these ethnies resurfaced and reassessed themselves.

Scholars of international relations were reticent to pay attention to nationalist movements, not because of the unusual conflict between super power ideologies, but because of the sticky ambiguity regarding the concept of the nation-state. In a static bipolar world, international relations theory relied heavily on state centrism. Introducing facts of multi-nationalism and ethno-nationalism would undermine the homogenous, nation-state premise predicated on passive ethnic identities. While they existed as social realities they lacked any political significance. Indeed such primordial sentiments were not to be admitted into the arena of modern political discourse in which rational states were the sole actors.

State centrism was a comfortable paradigm and the effort to uphold it rigidly can be explained as a reaction to the devastating political events that dominated the first half of the twentieth century. Perceptions of ethnic identity were a destructive factor in most aspects of this period's conflicts. Most infamous was Germany, which twice found revanchist and expansionist motivation in visions of its ethnic glory. Similarly, perceptions and conceptions of a superior and unified Nipon (Japan) drove events in the Far East. Lesser-known actors, propelled by nationalist desire during this era, would include Finnish and Irish separatists, Croatian and Spanish fascists, and Serbian nationalists. These conflicts are remembered for their extortionate human and collateral damage, but they cost the political systems dearly as well. Politics as played by nationalists was a game no one could afford to play any more. Perceived as damage control, a spirit of internationalism tried restraining nationalism by strong state building and a monopoly on legitimacy by states; justifying a conceptual and practical refusal to admit sub-states onto the political stage. Those that could acknowledge the ethnic component in political events and political science found themselves in territory that was nearly exclusive to anthropologists, historians and sociologists, but which was of little help in explaining the significant differences in the political movements of sub-state actors, let alone their causes.

Across the globe the sites of ethnic unrest are increasing, some new, some continuations from movements before and after the Second World War (WWII). Yet attributing these conflicts to prolonged or interrupted tribalism still fails to explain why conflicts have broken out in some places, but not others or why some ethnic disputes are more violent than others. Most states are actually ethnically heterogeneous, and most states, particularly European ones, were never given the choice to opt out of the Cold War.

These two contrasting factors show that all states should thus be erupting in post Cold War, ethnic conflicts. Remarkably, a comparison reveals that in multiethnic states, conflict is the exception rather than the rule. (Grussendorf, 1998:134) A single factor explanation cannot account for significant variation in the incidence and intensity of ethnic conflict (Brown, 1993: 6) and hence the need for a reappraisal of the dynamics of ethnic conflict.

In contrast to the Cold War era, contemporary European security dialogue often suffers from cheap labels, where every tension is an ethnic one and thereby intransigent and inevitable. In the democratic Western world an ethnic revival has taken place (Ryan, 1990: x) and ethnic conflict has an undeniable impact on the interstate system in a number of ways. (Ryan, 1990: xvii) However post Cold War security is not ethnic and nationalist conflict, but is rather the successful management of such ongoing unrest in a new milieu. While the dominant tendency of the international relations discipline is narrowly state centric, overlooking important sub-state actors, similarly the field of conflict resolution is tempted to oversimplify with an ethnic label. It is necessary to include the complex interplay of factors. In addition to accepting that ethnic conflict is not inevitable, this means acknowledging that there are more factors at work than just identity.

In Europe, despite the tenacious myths of modern states and particularly of the nation-states, Europe's variety of intense identities or intensity of diverse identities makes it an obvious study. "The blatant 'new threats' to European security come from small scale wars, 'arising mainly from the resurgence of local nationalisms'" (European Security discussion document, 1992, p. 3, quoted in Grussendorf, 1998:35). Europe's plurality, its broad spectrum of identity and means of recognition, makes it immune to a single, systematic explanation. European security has returned to its inherent frictions and European institutions must now evolve to meet peace and stability on new grounds.

In the European security arena, amongst the many institutions building peace and addressing security are the European Union (EU) and the Council of Europe. Both organisations grew from humble beginnings, subject to scepticism, often hostile criticism. They now hold foremost positions in the European security network but with different mechanisms and mandates. States are not the only entities to ponder the advantages of a developing Europe with a common outlook. Sub-state actors may find a

more sympathetic framework in which to realise their objective of shared sovereignty than they do in the traditional state in which they currently find themselves. (Llobera, 1997:43)

It is often revealed that the hardening of cultural boundaries and deepening of segregation are not a cause of inevitable conflict, but were rather testaments to actions taken in the social, political and economic spheres. (Ryan, 1990:15) Europe's history documents that actions taken at levels beyond the state have sometimes ignited and sometimes resolved ethnic conflict. Amongst contemporary European organisations, the EU appears to be the most responsive to the demands of sub-state actors in the international arena. However, the Council of Europe laid the groundwork earlier. The Council of Europe pursued practical commitments to a heterogeneous Europe, where minorities could be recognised and valued. Cultural rights were linked to human and civil rights, creating the framework for a pan European forum. A profoundly democratic interstate and intrastate forum characterised these ideals and showed deep insight into the true, though not yet fully articulated, nature of international politics. The EU built on this with similar charters and important standard bearing for its members in relation to their minorities. The EU mutated its principles to include, for instance, the novel subsidiarity principle. Though built for states, the EU is becoming another European organisation responding to the pervasive tenacity of democratic forces that are deeper than imagined.

A pan European identity, despite debate, is no substitute for earlier affiliations. All peoples of Europe are being drawn to this common European identity, but its meaning will not arrive before their terminal and primordial identities have first been sated. Like all identities, the European one means different things to different people, but for minority peoples it has a particular poignancy. For some, a pan European identity will fit uncomfortably and for others, it will be a garment of liberation and fulfilment. It is difficult to engage in a game of prophecy and predictions, but with careful comparisons we may uncover triggers of dissatisfaction and indicators of direction.

Research

Earlier research, which can be inspected in the Appendix, found over 120 minority peoples in the pre-2004 expansion European Union of fifteen member states. Despite this ethnological richness, finding significantly comparable cases has been challenging. From the list of historical minority peoples, meaning those established and not recently migrated to Europe, Frysâns, Euzkadi (Basques), Irish Catholics and Ålanders are in the ascendant in their political mobilisation and have bases as typologies for comparison. That they have fomented, collectivised, and mobilised their identities into a distinct movement towards their own states and towards a place on the European Union platform, demonstrates their dissatisfaction with their lot as stateless peoples.

Causes of ethnic conflict remain numerous but two key geo-political factors trigger acute insecurity; the partitioned stateless nation and the nation divided from its kin state. As the first typology, Fryslân and the Euskal Herria (the Basque Country) will be examined as a typology of a stateless nation, divided by state borders. The second typology is that of an ethno-nation partitioned from its kin state. Members of nations whose histories have been conflictual and colonising, now daring to co-operate, inhabit the divergent examples of Northern Ireland and Åland. The study will focus on the Swedish inhabitants of Åland and the Irish Catholics of Northern Ireland, as the sub-state minority actors. While the chosen cases share these crucial similarities, the character and outcome of each typified case is clearly divergent. Fryslân and Euskal Herria share a typology but only Euskal Herria is a violent outcome. Similarly, Åland has been resolved peacefully even though its geo-political typology is similar to Northern Ireland, where the conflict is violent.

In the European Union, (pre- 2007, fifteen member states) these case studies also share high security priorities for a number of reasons highlighted in research on the totality of the EU's ethnic groups (Appendix). The Interdisciplinary Research Programme on Causes of Human Rights Violation in the Netherlands (PIOOM) identifies Violent Political Conflicts as those with less than 100 recorded fatalities between mid 1997- mid 1998. Otherwise PIOOM's research paradigm is broad including in this typology post armistice situations, border conflicts, sporadic violent incidences, newly emerging conflicts and violence surrounding political upheaval. Gurr's seminal empirical study on Minorities at Risk utilises a combination of scales and measures of differentiation to indicate cases where the differential treatment and persistent political mobilisation

rendered such groups at a serious disadvantage. Where both their physical and cultural existence was threatened such groups are categorised as a Minority at Risk (MR). Human Rights Watch consistently reviews state practices towards minorities and whilst including failures to protect basic international and European human rights standards and freedoms also monitors the domestic development of human rights, responses, restrictions and protections and promotions. Those failures may include religious, cultural and linguistic freedoms, violence and threats to safety, violations of civic rights such as pertaining to arrest, detention and mistreatment and political exclusion and discrimination which relate to ethnic minorities and are noted by HRW for Human Rights. Frysâns, Euzkadi, and Irish Catholics/Protestants share borders as do over twenty-eight other minority peoples; Irish Catholics and Euzkadi are two of the fifteen minorities in the EU classed as Minorities at Risk. Irish Catholics and Euzkadi of Spain are two of the three Violent Political Conflicts in the EU defined by PIOOM (Interdisciplinary Research Programme on Causes of Human Rights Violations), during 1997-1998, where recorded deaths are less than one hundred per year. Irish Catholics are one of five EU minorities subjected to human rights infractions, as defined by Human Rights Watch. Euzkadi, Frysâns and Irish Catholics can be regarded as distinctly ethno-nationalist identities, with the Euzkadi and Irish Catholics featuring separatism as part of this. There are over twenty-five distinctly ethno-nationalist identities in the EU. Though not featured as a minority at risk, nor part of a human rights infraction, the East Frysâns have been partially denied their distinctiveness by the state, in this case Germany. Treaties have resolved only twelve minorities' status by legal protection and Åland is one of these. Of the fifty-seven autonomous regions/ devolved polities, Åland, Euzkadi of Spain (but not of France) and Irish Catholics and Protestants of Northern Ireland are three. East Frysâns (Sater Frysâns) and Irish Catholics are two of twenty-three cases who have failed to have their critical predicaments resolved.

Geo- Politics

The case studies were chosen primarily because of their matching ethno-national criteria and crucially contrasting geo-political foundations. The following tables provide a quick reference and are not able to reflect the depth and diversity of the case studies that this research prioritised. Chapters Six, Seven, Eight and Nine examine more completely the geo-political and ethnic identity situation and its state of flux. In isolating and clarifying the elements to be compared the tables are useful.

National Peoples or **National Minorities** do have a state of their own; however they are not occupants of the territory of their kin state. They have found themselves separated from their own nation state and this is usually an unsatisfactory situation. Political settlements, colonialism, partition and expansion all create territorially concentrated minorities with cultural, national and linguistic distinctiveness. The degree of liberty, security and accommodation by their host state contributes to their well-being but frequently the situation is one of mutual distrust of each other's loyalties. National Minorities can be subtly distinguished from the term **Ethnic Minority Peoples** which are ethnic groups with no history or no recent experience of their own statehood or political autonomy. Like National Minorities they have usually resided in a nation state that is ethnically different, but they have no kin state on which to rely or look back to, hence irredentism cannot be a feature of their political expression. Ethnic Minority peoples are often numerically lesser as well, but the term is intended to reflect the distinctions that are due to ethnic factors, such as language, and culture and disadvantages which may be manifested in economic and social spheres as well as cultural and political realms.

Minorities may exhibit these features simultaneously with other important factors. Groups may simultaneously be a **Double Minority**, being one of the two contending ethnic identities occupying the same polity. This is the case of Irish Catholics in Northern Ireland who contend with Protestants in the territory but are also the **Reciprocal Minority** of Protestants in Eire. These tables deliberately focus as much as possible on the case study group removed from these more complicating relationships, in part to provide an in situ snapshot but also in order to isolate and re examine them as minorities *vis a vis* the supra state.

In geo-political terms it may seem an anathema to categorise a minority as being **homogenous**, but we use this to distinguish the rare situation of a territorially compact and static minority. Most minorities are to some extent territorially dispersed and co-occupy their historic territory with one or more differentiated groups, and hence the features of their territorial polity can only adequately be expressed as **Multi- ethnic** or **Plural**. Also included in the tables are the geo-political origins and features of the case studies. The term **Multi- border** refers to a communal group which may not occupy the same territory, being separated by international borders or occupying dispersed pockets

in various states or even migratory peoples, and is clarified when teamed with distinguishing terms such as **Partition** or **Kin state**. Some scholars may use the term Multi-state nation, but because of the contention of when is an ethnic group a nation and when is a state recognised, it is preferred in this research not to enter the terminological minefield that term creates. Partition reflects the particular political circumstances where borders are drawn or redrawn or territory occupied to suit political strategy rather than demographics, or justice, resulting in groups being physically and arguably spiritually separated from their own members creating minorities out of people who had not been so before. Partition, such as in the case of Fryslân, Åland and the Euzkadi does not necessarily create a new state. Instead, as in the case of Northern Irish Catholics and Ålanders, a kin state is thus formed where an ethnic group had previously been a homogenous territorial intact political entity and a portion of its members are now separated by an international border. This can be distinguished from **Diaspora**, which is a term used to categorise the immigration of members of an ethnic group, either voluntarily or coercively, simultaneously diluting the community but also possibly adding a source of support and an international dimension to their status and character.

Discussing identity composition can be fraught with not only the subtleties of terminology but crucially the subtle and not so subtle schisms within a community. A thorough examination of any ethnic group will often reveal its own lack of homogeneity on some level, be it a dialect, a clan, political ideology or a religious sect. Hence Table 1 is only useful to clarifying the obvious and immediate features of identity. Not only is identity subject to flux and will posit itself in relations to external features, but each group contains a microcosm of diversity to some extent. Table 2 uses the term **Ethnicity**, where pioneer scholars may have used **Race**, and Chapter Two provides a more thorough explanation to justify the use of this term. Where some scholars may have classed **Language** as a de facto characteristic of Ethnicity, in Table 2, Language is classed as separate from Ethnicity, because of the separate emphasis and status the ethno-national movements have placed on the issue of language.

The term **Numerical Minority** is used to distinguish that some minority peoples are lesser in demographic quantity only. Effects of this on their social, political, economic status are dependent on the politico-legal paradigms which distribute votes, right and resources, as well as the social -cultural values. In some cases a minority may be on par with the rest of the population, but in others may occupy an elite and disproportionate

position of power. The second factor to bear in mind is the subjective element of a numerical minority, whose lesser numbers may contribute to perceptions of being under attack, outnumbered, under threat, fears of dilution or even extinction.

Language as a feature of ethnic identity is however deceptive and it is important to point out that in three of our case studies each language contends not only with a dominant language but also other minority languages and its own dialects. So Irish is subdivided into many dialects and regional variations, and in Northern Ireland contends with Ulster Scots as well. In West Fryslân, speakers of the Stellingwerfs dialects vigorously resist being Frysified, and North Frysâns use eight dialects as well as coexisting with the Danish minority in Germany. Euskera has a documented eight dialects all threatened by the firm advocacy of Euskera batua (unified Basque). Euskera speakers contend with Occitan and Catalan speakers as well as the dominance of Castilian and French.

Table 1 Geo-Political Characteristics

Case	Communal Polity	Territorial Polity	Geo-political Origins	Geo-Political features
Åland	<i>national/numeric minority</i>	<i>homogenous</i>	<i>territorially intact/ partition</i>	<i>kin state</i>
Fryslân	<i>ethnic/ numeric minority</i>	<i>multiethnic</i>	<i>multi-border</i>	<i>no kin state, diaspora</i>
Irish Catholics (N.I.)*	<i>national/numeric minority</i>	<i>multiethnic</i>	<i>partition</i>	<i>kin state, diaspora</i>
Euzkadi	<i>ethnic/ numeric minority</i>	<i>multiethnic</i>	<i>multi-border</i>	<i>no kin state, diaspora</i>

*Northern Ireland

As can be seen in Table 1, all of the cases are Numerical Minorities in relation to the state, although as the most politically independent of our cases, Ålanders are virtually the sole inhabitants of Åland, and as such they are in the majority in their own geo-political territory. As a National Minority, the tables show the similarity that Åland shares with Irish Catholics in Northern Ireland; Åland's kin state is Sweden and Eire is

the kin state for Irish Catholics in Northern Ireland. Frysâns and Euzkadi are labelled as Ethnic Minorities because they have no kin state. Table 1 demonstrates Åland as a control group because, as its own virtually independent entity with domicile restrictions, it is, in its own territory, ethnically homogenous, whereas the three other groups share their territory with other ethnic or national minorities. Åland again shares a feature with Irish Catholics, as their circumstances are the result of partition with colonial origins. Eire as a kin state and Finland as host are relatively young states. In contrast, the table highlights the shared circumstances of Frysâns and Euzkadi; both are Multi-border minorities residing in old and established states. Crucially, both Frysâns and Euzkadi occupy both sides of an international border, residing in two neighbouring states, in which the Netherlands and France feature as centralised states whilst Germany and Spain are significantly decentralised states. Furthermore, Frysâns and Euzkadi reside in three separate sub-state administrative units. Frysâns live in the province of Fryslân, as well as the Land Schleswig Holstein and Land Niedersachsen. Euzkadi live in the Basque Autonomous Community, the Autonomous Community of Navarre and the French regions now undergoing transformation. The status of the Frysâns and Euzkadi is therefore unequal and fluctuating, although the Province of West Fryslân and the Basque Autonomous Community do form a core ethnic territory. Although Ålanders do immigrate, there is no actual diaspora, whereas Irish Catholics, Frysâns, and Euzkadi have immigrated, forming substantial communities abroad, affecting the indigenous cultural and political movement.

Identity

As discussed in the Introduction, identity can take many forms. Scholarly discussion is focused on the identity composition and whether those attributes are valid criteria for a nation. Within ethno-nationalist movements are the vigorously contested conceptions of what and who constitutes the nation. The chapters on the case studies devote attention to these conflicts within ethno-nationalist movements, while Table 2 below presents succinct and idealised types and attributes of their identity composition for comparison. Table 2 complements the spatial structure and ethnic attributes illustrated in Table 1 by typifying the economic and social structure in which the minority groups exist and which is also crucial to understanding their identity and their ethno-nationalism.

Two terms dominate the economic facets of geo-politics, core and periphery. Briefly, as the world economy expanded existing societies were peripheralised in the sense that their economies were reorganised to serve wider needs within this expansion, either through direct or indirect political control. The concept of **periphery**, as used in Table 2 implies an unequal, unfavourable relationship, where the core exploits and the periphery is exploited. These terms should be understood as processes and not nouns, the space and the people are neither peripheral nor core, but core or peripheral processes dominate the structures.

In contrast to this classification, ethno-class terminology as used in Table 2 does relate directly to the people affected. Traditionally the model would be divided into bourgeoisie and proletariat, the owners of the production and the producers, but all societies in their totality contain a complex range of classes, and furthermore the direct relationship of class conflict to ethnic conflict remains murky. Instead, to focus on the minority itself Table 2 broadly classifies the cases as a **dominant** or **underclass**, in regards to the economic relations with the other contending ethnic groups. Also taken into account is the social status of minorities, are they included and taken as equals in social spheres, such as housing, jobs, sports and marriage or are they socially peripheral, self contained, parochial or marginalized. To complement this classification of social status Table 2 also includes the role of religion to identity and well-being of minorities.

Table 2 shows that three of the case studies, Ålanders, Irish Catholics and Frysâns have retained an essentialist character to their identity. Åland is at the furthest end of the spectrum because identity is legally enshrined by the *jus sanguinis* requirement for Ålandic citizenship. Some elements of the Irish Catholic identity blended an essentialist conception of Irish-ness with more constructionist elements, like language and the social solidarity of the Irish working classes. Likewise Table 2 demonstrates that Frysân identity also demonstrates some constructionist leanings or civic notions of Frysân-ness, such as learning the language. The Euzkadi ethno-nationalist movement demonstrates the most definitive and publicised leaps from a racialised definition of Euzkadi to one based on a civic and socialist conception. However, in the cases of the Euzkadi, the Frysân and Ålanders recent research in haematology and genetics may yet bear out grains of truth to support what was previously a mythological basis for blood and soil nationalism.

Table 2 Identity Composition

Case	Ethnicity	Language	Identity	Economy/ religion
Åland	<i>Swedish</i>	<i>Swedish</i>	<i>essentialist</i>	<i>dominant ethno class, peripheral</i>
Fryslân	<i>Frysân</i>	<i>Frysân</i>	<i>essentialist/ constructionist</i>	<i>minority, peripheral, marginalized, underclass Catholic(East Frysâns),</i>
Irish Catholics (N.I.)*	<i>Irish</i>	<i>Irish</i>	<i>essentialist</i>	<i>Catholic, underclass, peripheral, marginalized</i>
Euzkadi	<i>Euzkadi</i>	<i>Euskera</i>	<i>constructionist/ civil</i>	<i>Catholic, dominant class, peripheral, marginalized (Ipparalde)</i>

*Northern Ireland

Both Irish and Euskera have suffered from repressive language policies, though for Euzkadi this is more recent, and East and North Frysâns experienced brief periods of repression and lack of recognition. Centralising tendencies and indifference towards their language affects three of the case studies as demonstrated in Table 2. Thus, Frysâns, Euzkadi and Irish Catholics have experienced democratic oppression and varying degrees of repression towards their language and culture.

Table 2 highlights again Åland as a unique control as there are no apparent ethnic schisms within its own community. All Ålanders are ethnically Swedish, and Swedish is the only official language. Åland appears a sub group of the Swedish speaking Finns, but their territorial isolation from the rest of the Swedish Finns, their unique status, their early revanchism attempts and lack of solidarity with the mainland Swedish Finns discounts this.

Under the heading Economy/ Religion in Table 2 all of the case studies feature as an economic periphery, with Åland and Northern Ireland, and some Frysân areas being vulnerable, island peripheral zones. Again Åland stands out as it has traditionally dominated the economic processes, turning their peripherality to an advantage, and having secured economic dominance, *vis a vis* Finland and protectionism. In striking difference to Åland, Table 2 illustrates that Northern Ireland has instead suffered economic decline, and is dependent on subsidies, with the Irish Catholic minority systematically occupying the underclass in every respect. Table 2 makes note that the East Frysâns (Sater Frysâns) can also be called an underclass, socially and economically pushed to the fringe. The Euzkadi case forms something of a paradox, Euskal Herria (Basque Country) occupies a continental location of intense economic strategic importance; however both Hegoalde (Southern Basque Country) and Ipparalde (Northern Basque Country) are peripheral to the core centres of Spain and France. Yet the Basque Autonomous Community, as Spain's technological and banking centre, is in itself a core zone in an area of extreme peripherality. The Southern Euzkadi thus becomes a dominant class in contrast to the French Euzkadi, which French economic processes largely ignore and bypass.

In summary Åland is an ethnically, religiously and linguistically homogeneous population, of ethnic and linguistic Swedes occupying a territorially compact unit. Irish Catholics in Northern Ireland are a numerical minority with language, religion and class being important identity markers. Their marginalized socio-economic status provides a catalytic facet of distinctive identity. Likewise, all Frysâns are a numerical and ethnic minority, but the role of language in ethnic identity is stronger. Sater Frysâns being predominantly Catholic have religion as an additional source of identity. Euzkadi in France are an ethno-linguistic minority, as they are in Spain. Within the Basque Autonomous Community the position of the Basques is improving, nearing one of an

ethno-linguistic majority, however in Navarre they remain as a minority, ethnically and linguistically. Similarly, Euzkadi in France are socio- economically marginalized, but in the Basque Autonomous Community, Euzkadi are changing their status of systematic exclusion to one approaching dominance and advantage.

Northern Ireland and Åland have both suffered economic stagnation and alienation and are inhabited by groups who, because of partition from their kin state, have become ethno-linguistic minorities. To date neither case can be returned to the control of either kin state. Because of the unique geo-political status both cases have begun to emerge with a unique, extra layer of identity. For both, the management of conflict has been to pursue separate autonomy through constitutional processes and administrative adjustments. The fundamental difference is Åland has not been plagued by any form of sectarian violence, but still holds no illusions that constitutional arrangements solve its unique ethnic status: Åland, Sweden and Finland are continuously examining and re-examining their special arrangement. Similarly, the hope for Northern Ireland is that constitutional progress may end militarization and sectarian violence, but the status of this shared territory will be under constant renegotiation.

This thesis will provide detailed insights into these often neglected and misunderstood identity conflicts and offer fresh perspectives on the sub-state and in particular their relationship with the supra-state. For instance, although there is a wealth of literature on the Euzkadi identity, there is a dearth of that on Fryslân, and yet the Frysân identity movement is on the increase. The conflict in Euskal Herria is studied actively by anthropologists, sociologists, biologists and political scientists but with limited practical impact on resolution. The Euzkadi conflict is then at risk of being both Balkanised, romanticised and scientifically racialised; sentiments which are both strategically unhelpful and academically irresponsible. The conflict in Northern Ireland continues to attract fresh interest and input, whilst simultaneously being relegated to the category of an old, even monotonous story of tribal violence. Literature on Northern Ireland monopolises many of the sub and associated fields of political science, but usually in respect of its status within the United Kingdom. Practical attempts to place the conflict within a European context, no matter how subtle, have met with resistance. In contrast, Åland has been summarily dismissed as a subject unworthy of attention in the context of conflict management via constitutional means.

Chapter Four discusses the research methods and provides further justification for the choice of case studies. Though every case has its own uniqueness, when compared they become indicative of the needs and demands of all Europe's 'little peoples'. Although the Council of Europe and the EU were not intended to increase ethnic minority autonomy and expression, these organisations are key to understanding the movement of sub-states in the post Cold War era. A comparative focus upon these two European organisations, one supranational and one intergovernmental, facilitates understanding and accurate conflict resolution mechanisms for these typologies, while forming detailed foundations for addressing sub-state national conflicts in Europe. In the process, this had a decided impact on our political concepts, broadening and deepening our understanding of some and illuminating the essence of others.

Justification for European focus

Bipolarity and state centrism obstructed meaningful attention to ethnic conflict but in Europe a certain bias against the domestic and a preference for the exotic was also evident. European conflicts lack ethnographic dazzle, yet the long recorded and well-documented histories of Europe's peoples have much to contribute to understanding and managing ethnic conflicts. Analysing European ethnic conflicts can be both a reflexive exercise and a staple to understanding human identity conflicts. These conflicts may lack the lure of the unexplored and exotic, but Europe continues to have its share of violent ethnic conflicts. Though conflict is not necessarily physically or militarily violent, it does not mean that violence is not present. (Here the reader is referred to the work of Johan Galtung). More importantly, the lack of violence can never presuppose peaceful and consensual ethnic politics. Mindful of this, there are important lessons to be learned from both violent and non-violent ethnic conflicts and Europe is a valid location for such lessons. Having located our cases studies in an empirical review of Europe's ethnic groups, this study underlines its ethnic plurality.

Supposedly the EU will eventually integrate all member states coalescing in both identity and function towards an ever-closer union. Indeed the primary debates were about loss of state sovereignty to the EU. Increasingly a number of scholars are noting that in practice, the EU is indirectly responsible for state integrity being dismembered by demands from sub-state actors for autonomy and a defence of rights. State sovereignty is being eroded by transnational, global activities, such as the Internet, and is arguably attenuated by activities of the supranational from above, but also from below

by sub-state actors utilising it for their own demands. An ever-closer Europe has led to a change in the atmosphere of identity politics. In the United Kingdom, Scottish and Welsh nations have become notable political forces. In France, the Bretons and the Corsicans continue to rebel against central authority. The Catalans, Galicians and the Euzkadi of Spain demand even wider autonomy, irredentist unification and even independence. Besides the Sardinian question, Italy's Northern League blurs the distinctions between ethnic and regional identity, whilst making a concrete statement about the increasing power of identity politics. From the macro platform, the EU has made innovations to deal with these trends including the Committee of the Regions and certain mandates of the Economic and Social Committee. Meanwhile the Council of Europe increases its scope for minority protections and representation.

We now turn to the important tasks of distinguishing key terms and concepts and laying the groundwork for their use in this research.

CHAPTER TWO: THE NATURE OF ETHNO-NATIONAL POLITICS

Ethno-politics: Terminological Chaos and Games of Semantics

In political science, there are perhaps no other concepts and terms so confusing and elusive than those relating to identity, ethnicity and nation. The failure to successfully navigate the labyrinth of terminology and meaning is partly why it is difficult to explain why the ethno-national conflicts endure, and why in conflictual situations, management strategies remain at the infant stage. Connor (1994) uncovered no less than seventeen critical misunderstandings and errors in scholarship that help explain the wide discrepancy between understanding the theory and reality of ethno-politics. Because this thesis is about sub-state nationalism as a phenomenon rather than its epistemological implications, we will not reiterate Connor's findings. However, it will be helpful to lay some initial foundations that harmonise understanding and use of common ethno-political terminology.

State systems may reflect ethno-political realities by construction of compositions, such as the **dominant majority**, where elites are superior, for instance Anglophones in Canada. Alternatively the elites may be a **dominating minority**, such as Sunni Muslims in Saddam Hussein's Iraq. In this case, the minority was numerically lesser but held greater power. Minorities can also have a greater population but hold less power, such as 'non-whites' in apartheid South Africa. These terms help focus the determinant factors for minorities away from just numbers and onto the substantive power relations and political constructions. In some situations one group may be equal with other identities in a centripetal arrangement of balanced **relations between nation builders and several groups**. The former Soviet Union was *idealised* as a commonwealth of non-Russian ethnic communities like the Altai and Moldavians, former nations, like Poland and the Ukraine and ethnic Russians. Other systems display a **division of power** where each ethnic group dominates a sector of the state, for instance in the Former Yugoslav Republic, Serbians dominated the police and military. The Chinese in Malaysia typify a **politically repressed but economically strong minority**. A case like Belgium, however, demonstrates that the polity may develop into a **division of power and territory between two functionally separate groups**, in essence bicomunalism, (not withstanding Belgium's German community). Lastly, systems may develop the structures to provide for a **plurality of groups in balance**, though this may take many

forms, including affirmative action, federalism, minority rights, and devolution. (Nelhans, 1997:19) This may also apply to supra-state systems and is particularly apt for the EU as a multi-national and multi-ethnic polity, whose member groups exist in balance and equality, though it is not a state. A balanced plurality does not assume a functioning democracy, nor presuppose the absence of ethnic conflict. For identities and state structures, this formula in itself cannot ensure peace and stability, though in the case of the EU it may be the opportunity to mediate identity conflicts.

A number of geo-political factors create conditions of identity anxiety and ultimately system instability. These can be categorised as **multi-national states**, which are ethnically heterogeneous. Though states like Belgium and Canada are multi-national in composition, they are not unstable in the critical sense. This is not to discount the impact of constitutional crises on the political and social stability of multi-national states. In a situation of pre existing instability, ethnic conflict can threaten to dismantle the state, and easily spill over state borders. The Indian subcontinent, particularly Kashmir, is an example of a multi-national state extending into a regional conflict. Ethnic conflict in a multi-national state can create a crisis in the system, as was demonstrated by the fragmentation of the former Yugoslavia. So too can sub-state nationalism. The parallel to the multi-national state is the problem of a **multi-state nation**, where the ethnic group is spread over more than one state. Artificial divisions often give rise to irredentism as well as separatist activities. The unification of Germany can be seen as a peaceful solution to the multi-state nation, but frequently it is accompanied by violence, as seen in the Euskal Herria, Kashmir and Kurdistan.

The existence of terrorism cannot be overlooked, though it is more a symptom of conflict than a cause. Purported representatives of ethnic groups who see themselves leading the struggle for national self-determination, in such organisations like the Irish Republican Army (IRA) or the Euzkadi terrorist group ETA (Euskarana ta Azkatasuna/ Basque Homeland and Freedom), may use violence to express their dissatisfaction but also as a form of warfare against the state, designed to intimidate and create fear. Nationalist movements are not the only actors to fight small-scale dirty wars and wars by proxy. Many governments are involved in state sponsored terrorism, like the Taliban itself in Afghanistan or through agents of the state or an allied state, like the United States' CIA (Central Intelligence Agency). This is frequently the case when a nation-state has kin inhabiting another state as a result of partition. A good example of this is

Eire and Northern Ireland. State sponsored terrorism can also be cloaked as counter terrorism, justified in the interests of national defence, most commonly known to have occurred in Central America by the CIA, but also in Europe by Spain's GAL (Grupos Antiterroristas de Liberacion). More recently, the plethora of definitions of terrorism has been used by some governments to label undesirable ethno-national movements as such, delegitimizing and excluding them from any normalised political process.

Similarly, repressive governments may practice terrorism against their minorities.

Oppression of ethnic minorities using methods such as **expulsion** or **genocide** is a form of terrorism pursued by governments. Recent cases include campaigns against Bosnian Muslims and Rwandan Tutsis. Cultural genocide has been practiced in Franco's Spain against the Euzkadi, and more recently against Croats remaining in Serbia and Montenegro. Abuse of minority peoples is not always as overt and official as during the Fascist eras in Germany, Spain and Italy, the apartheid era in South Africa or in conditions of war. **Democratic Oppression**, a term coined by Walker (1988), demonstrates a condition where minorities who value democracy are trapped by the social contract. Their needs may not be considered and they have no individual political expression, yet with a moral code akin to the state that outwardly does not oppress them, their options are limited. They have little conceptual framework to understand and express their vague dissatisfaction when all other aspects of their lives are free. That some minorities have the same rights and benefits, such as freedom of speech and elections, and the same education and social welfare, does not guarantee peaceful and fulfilling coexistence. Particularly in western democracies, the type of social care and education may be inappropriate and damaging, having been prescribed by the majority usually for the majority. Minorities lack identification with the state, which affects their participation in state and society, observed acutely by the status of aboriginal peoples across the globe. The minority is left out of the full benefits by underdevelopment, lack of investment in their region, and frequently they occupy the economic periphery. It is an uncritical and partly unconscious way in which they perceive themselves and the political order and so accept the status quo.

Violence, too, comes in forms beyond the overt and physical. Galtung makes initial analytical distinctions, which are useful. These are Direct or Personal Violence and Indirect or Structural Violence. In general, Galtung defines violence as anything which impedes person growth, and both indirect and direct violence can affect both the self

and the body, the difference being the actor, where direct violence is based on the use of resource power and is actor oriented. (Galtung, 1981:67-68) Indirect, structural violence occurs without the specific actor and is violence built into the system and structure; it persists even when the actors have been changed. (Galtung, 1981: 68) For this thesis, these expanded and refined concepts of violence are to be kept in mind. An analysis will show that membership in the EU does not presuppose the absence of situations that can be viewed as detonators and characteristics of violent sub-state conflict. Having carefully worked around important descriptive terms, let us now turn to the most contentious terminological problem.

Ethnicity

Whenever issues of ethnicity are discussed a labyrinthine world is entered, entangled on the characteristics of an ethnic group. What is the basis of ethnicity and of the nation? Ethnic conflict requires for its understanding a deeper awareness of the role of identity. The relationship between individuals and society is complex and symbiotic. Individuals tend to organise themselves according to commonalities, and so perpetuate and intensify these collective bonds. These bonds vary in type and intensity, though those who possess them, regardless of form, passionately and intrinsically value them. This remains an important fact to recall when examining the diverse peoples of the EU. Identity is sometimes a useful, though exceptionally broad term when discussing the political phenomenon of self-consciousness. The term **identity** helps bind together various blurred characteristics such as ethnicity, language, or nationalism. Identity as a concept helps scholars to avoid becoming entangled in games of semantics and discussions of legitimacy. For instance, when is an ethnic group a nation and what are the differences between a linguistic minority and a group that speaks a *mere* dialect? From psychology we borrow the simplistic definition of identity as the consciousness of self, usually reinforced positively or negatively by the connection to the collectivity. Identity is the distinguishing, unique character of self, his/her role and capabilities. (Feldman, 1993:454) To keep their work tidy, political analysts can then interchange the basis of identity i.e., language, territory, experience, with characteristics such as the dominant minority or the transnational. However, identity as a concept is also contested including its basis; is it in memory, in society, or is it mutable? Is it a process of becoming or a search for meaning? The questions of self penetrate to the heart of psychology (Lancaster, 1991:75) with reverberation in every aspect of our lives. Politics is no exception to the impact of identity and though the quest of psychology to uncover

the many aspects of self and the process of self cannot be entertained here, a basic reference to identity is necessary when analysing communal dynamics.

Human beings tend to organise their political life according to collective boundaries into units we know as tribes, ethnies, nations and sometimes states, based around a sense of common identity whether real or perceived, singular or multi-faceted. Ethnic characteristics, like language or dress help to form communities and typify the world. (Varyrynen, 1998:59) To some extent there will be an ideology in ethnically based associations, asserting the moral, cultural and political primacy of this real or constructed ethnic group. The ideology can be simultaneously a sentiment, a principle, a movement and lastly a theory of their legitimisation. (Trifunovska, 1994:79) This discussion will highlight that that despite these variables and their mutability, most group identities are not open to outside influences and serious threats to the cultural values of a group, such as assimilation or dispersion, will usually be resisted. Groups may modify and adapt their values, but tend to be resistant to 'full frontal assaults on their core values.' (Ryan, 1990: iv) Ethnicity, as a function of communality, means ethnic groups are likely to resist threats to their identity as the foundation of their community, as well. (Varyrynen, 1998:59) Assaults on self-expression and communal survival bonds broadly characterise causes of ethnic conflicts.

Identity is complex, as there may not always be unanimous agreement on the constitution of the group. In 1991 Bosnian Muslims envisioned themselves as equal Yugoslav citizens, but the Croatian General Tudjman had long argued that they were essentially Croatian. (Spencer and Wollman, 2002:140) Within a group itself the basis of belonging maybe contested. Early Euzkadi nationalists were divided on who was Euzkadi; those who were born of Euzkadi parents with Euzkadi names, those who spoke Euskera or those who sold their labour in the Basque Country. Furthermore individuals will have more than one identity group and there are critical moments when a narrow and specific definition will be demanded. This is called **terminal loyalty**, and evidence shows that the primary or terminal loyalty of many is not to their state, but to their ethnic group. (Ryan, 1990: xxii-xxiii) Such expression may result in a reflexive defence from the state, as characterised in the previous section. Processes that trigger terminal loyalty are to be considered when examining Europe's peoples and the state structures under which they live.

Scholarly work divides its definitions of ethnicity into **primordial**, inherent attributes, or **instrumentalist**, emphasising the subjective and malleable nature of ethnicity. Amongst the characteristics of an ethnies according to Smith, are common name, descent, shared history and culture, territory and solidarity. Rothschild however stresses kinship, religion, language, a customary mode of livelihood and regionalism as significant ethnic identifiers. In examining the phenomenon of ethnic nationalism Greenfield includes race, historical traditions, language, territory and statehood. Allardt's criterion for membership in an ethnic group is broader requiring common origins, culture identification and organisation. (Nelhans, 1997:23) (Smith, 1986:21) Often these factors, their presence, intensity or salience legitimate the existence of a group. This thesis utilises all these characteristics as grounds for identity consciousness and uses these factors instead to help determine the salience and intensity of any ethnic conflict, as well as its core issues. All these are useful in describing the phenomenon, but this is different from the task of uncovering what is the basis, meaning and distinction of nation, which is our primary focus.

Nation comes from the Latin verb *nasci*, to be born and the Latin noun, *nationaem*, connoting breed or race. (Connor, 1994:94) Yet its essence remains intangible, a definition elusive, and the bonds humans are collectively born of remain shadowy. A nation is essentially a psychological phenomenon- not physical consanguinity, although this may be a characteristic that reinforces distinctiveness. A subconscious belief in the group's separate origin and evolution is an important ingredient of national psychology- identification not just with the people of that place and today, but with those people and their activities throughout time.

It is a mistake to employ biological science to demonstrate that rationally a group's origins may stem from the offspring of several peoples who moved through the region and that the group may be factually related to peoples much farther away than their closest neighbour. It is fundamentally important, holds Connor, that the group defines its collectivity in their conviction of a perceived and intuitively known, though subjective, sense of consanguinity, of extended kinship, held together by common lineage. This will be maintained regardless of objective demonstrations from observers, historians, anthropologists and geneticists that demonstrate origins that are more variegated. It is the belief in a common descent and a common future based on this extended family that is important.

Similarly, the origins of the word **ethnic** depend on the prefix *ethno*, from the Greek word for nation, (Connor, 1994:100) which traditionally means an ancestrally related unit. Ethnic group and nation then share this vague and metaphysical characteristic, though an ethnic group may not be a nation. How is it different then from a nation? The terms are very closely linked but the deciding factor rests upon self-consciousness and the notion of the Other. As Weber states, the sentiment of ethnic solidarity does not, by itself, make a nation (Weber, 1968 as quoted in Connor, 1978 in Hutchinson and Smith ed., 1994: 37); they may be pre national peoples or potential nations. A sense of collectivity represents a step in the process of nation formation. (Connor, 1994, 102-103) There may be solidarity based on common blood ties - which is not the same as identity. Peoples know what they are not, i.e. their neighbours, but they remain defined in relation to the Other. Until an ethnic group is aware of their uniqueness, it is an ethnic group and not a nation - **the nation must be self-defined.** (Connor, 1994, 103) When peoples who collectivise on shared kinship, then express a positive and self conscious or self actualising attitude about their common identity, they move from being an ethnic group to a being a nation. Prior to this, they remain in a form of solipsism, as peoples who presume to have a common ancestor, and who are unconscious of belonging to an ethnic group distinct in itself and in relation to their neighbour's common ancestrally related unit.

Far away from the primordialists are the social constructionist scholars who examine ethnic and national identity as an instrument of socialisation. In this paradigm, ethnic or national identity is created, not naturally given. Underpinning this essence of the nation is the fact that identities can mutate and may not be universally true at all times for all peoples. (Malik, 1996: 7) This empirical phenomenon creates hostility to the essentialist schools of thought and deconstructs ethnic identity into many forms except of course something with an inherited or natural essence.

It is dangerous to fall into a trap of linear logic when dissecting the essence of the ethnic group or nation. The boundaries are never clear. Some peoples, at some points in time, can be categorised between an ethnic group and a nation, not in the sense of incomplete development but rather in the sense that because identities are so fluid and inexact, it is difficult to pinpoint whether the cases bind themselves primarily by blood, soil, shared experience, or, most elusive of all, collective self consciousness. Many peoples exist for

whom their meaningful identity is attached to their clan or tribe. Their sense of national identity will foment in the future when some (unknown) critical mass of their collective consciousness is reached. Connor refers to these peoples as prenatal or potential nations. (Connor, 1994:79) Whether or not they become nations or other political units, is not as relevant as the transformative character and power of identity. With Europe composed of fragmented and fragmenting nations and potential nations and nationalisms, there is no absolute and conclusive political formula in which all tensions can be settled. The diversity of peoples and their collective attachments directs us to examine both theoretical and functional shifts in conflict management away from fixed posits to a more flexible paradigm. It also directs us far away from perceiving the nation by its characteristics, and forcing our gaze deep into the essence of collective identity.

This thesis takes the essence of the nation, its basis, to be a group affinity or expression of a belief in this affinity. It is a common metaphysical/ psychological bond or the belief in them, rather than belief in extended kin and familial bloodlines. In this sense the thesis' crucial theoretical concept is quite obviously informed by two competing perspectives, and somehow occupies a middle, neutral ground; having not yet left the primordialist school, it has not yet enrolled with the social constructionists. The intuition of a common blood lineage holds true for some nations but not for others; it can certainly be utilised for national mobilisation in many nations. This belief in common physical ancestors is not the central binding essence for some nations. This attraction to those who are naturally/ biologically family -even in some belief of a greater family- may hold true for the Euzkadi and for the Irish Catholics. However, it is suspected that Åland and Fryslân would not be willing to indulge this as a basis for their commonalities and collectivities.

It would be difficult, even precarious, to put this on an identity continuum or theoretical map. On the one hand, consanguinity is equated with pre-modern identities; on the other hand, those who have shadows of self-awareness may appear to be adolescent or even illegitimate. This ultimately obscures the direction and salience of movement. It is important to get this correct because how a nation's characteristics are ascertained, its primary bonds and political evolution, affects the *practical* evaluation and management of the conflict. It has *practical* implications regarding the legitimacy and authenticity of the minority, its rights and entitlements. Lastly, given the proven catastrophic effects of ill -defined and misunderstood identity concepts, there is a scholarly responsibility to

lay the groundwork of our investigations with exactitude, transparency, respect, and foresight.

To some extent this thesis leans on self-definition, whether there is a factual or imagined ancestral community, or a community focused on its present and presence without widely held beliefs of extended kin and family. It must be acknowledged that some nations have accepted themselves as a modern tribe, others not or not yet. Yet those that base themselves regardless on conscious belief in consanguinity may shed this or reinforce it. The crux is that some nations have navels, that is they were created, born and some do not- for all we know they were there all the time. (Gellner, 1999: 32) Indeed the bases of nations have as much variance as the diversity of them; Smith calls it a plethora of navels. (Gellner, 1999: 33) It is something modern literature finds difficult to put on the table as it defies the absolutes of political science. But that is the nature of studying ethnic and national phenomena- they are both practically and theoretically defiant.

This thesis will not rely on the primordialist school though it will call upon it. Neither will it dismiss the essentialist in favour of the constructionists, because of the categorical disagreement that these communities are created. This does not make them any less real, even so. This thesis is researching sub-state nations, those who are without a state of their own, but have a clear conscious community attachment and priority identity attachment to this. These groups vest their terminal loyalty in their nation and prefer all forms of power to be negotiated via this.

To review; four matters are crucial to bear in mind. Identity itself is fluid and overlapping, resistant to a single definition. Identity is also a process, both vertical and horizontal, moving through stages, but also across. Identity terms are often interchanged and are used imprecisely, contributing to confusion and this is a barrier to understanding. Lastly, terms are confused with real social attributes of a group or symptoms of identity- for instance language, or religion. Although scholars like Smith, Greenfield and Allardt and Rothchild have grasped the importance of identifying certain characteristics of ethnic and national identification, it is another exercise to place a group of people firmly in the bounds of these criteria. It must be remembered that identity is both a fluid and elastic concept, changing significance with time and place. Furthermore, identity does not exist in a vacuum, but is stratified and occupies time and

space with other formative and competing forces. Identities are multi-layered, multi-faceted forms, existing together sometimes compatibly, sometimes conflictually

Instruments, Mechanisms and Triggers

Empirical political science, as noted earlier informs firstly that it is a mistake to equate nation with state, or even loyalty to the state, whether terminologically or functionally so. Not all nations are states; not all states are nations. The **state** has many faces but is principally the co-ordinator of such spheres as economics and defence. It gives materialisation to how power and resources are negotiated and distributed. The state may wear a cloak of common kin or ancestral identity in order to facilitate its tasks, but it is not believed as such in situations calling for terminal loyalty. The state is primarily a functional political organ, sometimes with ethnic accoutrements such as culture or language. The state is a legal and political concept, which Smith says can be defined as autonomous, public institutions of coercion and extraction and are within a recognised territory. (Smith, 1999: 38) The ethnic nation is a collectivity founded first on the belief in communal attachment. A state is not a simple community; while a nation can be deprived of territoriality and still retains its communal identity because its core is metaphysical. Furthermore, there exists the ambiguity of the state as the abstract, theoretical concept intertwined with state, meaning the actual regime and its apparatus in the non-absolutist *realpolitik*. In this analysis, because of the case studies, state will obviously refer to the political unit to which the nation does not necessarily have substantial attachments. It will be specified when referring to the state as a concept or when discussing the incumbent regime.

This frequently uncomfortable fit, temporally and spatially, between states and nations is a key ingredient in ethnic conflict. This term, **conflict**, despite being a young academic field, carries baggage of such proportions that it often obscures analyses and understanding, particularly where there is an ethnic component. Immediate reflections conjure destructive aspects of conflict. This is not always so: conflict can be an agent of positive transformation, or a defence of foundations and core, primordial values. Neither is conflict an open and overt phenomenon, such as physical warfare; it does occur critically in structures of dialogue and participation, where its destructive elements may be controlled. In examining identity conflicts, the propensity to point to a disjuncture between states and their minorities only shows the objective component of conflict. All conflict has objective and subjective components, such as values, or perceptions. Both

aspects must be addressed in the resolution process. Objective and subjective elements are described in **human needs theories** of conflict. The centripetal force of conflict is a universal drive to satisfy the basic needs of security, identity and recognition. Needs are not the same as interests, which are primarily material goods and can be traded, bargained and negotiated. Needs are non-material and cannot be traded or satisfied by power bargaining. Crucially, however, needs are not necessarily in short supply like physical resources may be. (Burton, 1990; 242, Fischer, 1990: ii) Identity conflicts originate when communal groups are denied distinctive identity and/or their collective development needs. This thesis will necessarily include subjective and objective, material and non-material aspects of ethno-national conflict in order to facilitate understanding and management.

One set of practical political principles designed to manage an assortment of conflicting needs and interests is **federalism and federation**. Federalism is normally observed as an intrastate process, including a multiplicity of human beliefs and practices, within and beyond traditional state boundaries. The federalist idea can combine goals that are contrasting, but not necessarily in conflict, by tempering a strong executive authority with parliamentary accountability that encapsulates and distils common political will through forms of decentralisation and deconcentration. (Burgess, 1986: 4) Federalism is not a structure but rather a political process and strategy of political unification that can accommodate diversity. This analysis will examine the possibilities and limitations of federalism in managing ethno-national conflicts at the intrastate level, that is, through the host states Spain and Germany, but also at the supra-state level, the EU, via both its policy making processes and its theoretical underpinnings.

Supra-state is a recent and clumsy term more commonly referred to as a supranational organisation. This thesis uses instead the term supra-state because of the distinction between nation and state and the awareness that very few of the EU member states are really nation-states. An international organisation may have among its objectives co-operation and harmonisation but the distinguishing characteristics of a supra-state are that its members are individual countries and some aspect of the organisation's authority surpasses, at least in theory, the sovereignty of its individual constituent members. This thesis describes the EU as a supra-state because it is the most developed of such organisations and assumes detailed responsibilities directing economic, social and political policies based on legal precepts- functions that are comprehensively state-like,

but guide and contain the sovereignty of its member states. Its driving ambition is beyond co-operation and harmonisation and towards integration. In contrast, the Council of Europe, though it too guides and contains behaviour of some member states, remains an inter- governmental organisation. The sovereignty of its members has never been pooled nor subordinated to this organisation, but the legal precedence of the European Charter for Human Rights does give the Council of Europe a supra-state quality, applicable to this thesis.

Key features of **federation** are direct and close channels for common political needs and goals through the process of decentralisation and deconcentration. This is usually observed as a function at the intrastate level through institutions such as provincial parliaments or regional councils. In the EU, however, it is a defining, though not original principle, as well. Burgess (2000) calls this 'neo-confederal', not wholly a federation and not like the confederations of history. In the EU, this deconcentration is known as **subsidiarity**, the principle which defines the appropriate division of responsibilities between levels of government. (De Witt, 1993:166) Derived originally from Catholic social teaching, subsidiarity is the principle by which matters ought to be handled by the smallest or lowest competent authority. The central or highest tier of government should only assume those responsibilities which exceed the capacity of the smaller, local institutions. The moral authority of the subsidiarity principle is based upon the dignity of the individual, for which autonomy is necessary. Subsidiarity holds that smaller communities and institutions are the most appropriate and effective organisations to empower the individual. Both in form and function the EU is mindful of this guiding principle. Alongside its primary economic agenda, the Maastricht Treaty (1993) made a general reference to subsidiarity, by limiting the EU to those activities where efficiency requires supranational organisation. In theory, subsidiarity dilutes the scope of EU activities, ensuring decisions are made as close as possible to the citizen and so sets in motion mechanisms for maximum regional and local participation in Union policies. This principle has provided new space for discussions about loyalty and sovereignty that has a significant impact on nationalist conflicts. Groups that experience a sense of cultural self-determination via mechanisms like cultural protection, or by political dominance, may cope with cultural heterogeneity and develop tolerance. (Zeterholm, 1994: 68) Consequently this thesis will examine the role subsidiarity has in transforming identity conflict, at state or sub national levels, away from a zero sum game. EU federalism with its subsidiarity principle and its

characteristics of a supra-state organisation offers a much better chance of achieving the majority of objectives of ethno-nations, and maintaining an ethnic plurality in Europe that is not an acute security factor.

This thesis focuses on the political-legal frameworks of the EU and the Council of Europe but it does not omit the economic basis of the EU and the effect this has on sub-state entities. Among the more popular explanations devolving from human needs theory, coinciding with development theory, are those found in exploring **centre-periphery relations**. This is sometimes known also as core-periphery, heartland/hinterland dynamics, Christaller's rings, and eco-nationalism. When applied to ethnic conflicts, centre periphery theories observe that ethno-nationalism foments under conditions of relative deprivation, which is perceived by groups to favour the dominant society, leaving them as peripheral peoples only marginally influencing and benefiting from society's principle currents. (Connor, 1994: 168) A region experiencing protracted ethnic conflict will also often suffer from economic underdevelopment, as either a cause or an effect, (Ryan, 1990: 67) frequently noted in the case of Northern Ireland. This may be due to alleged neglect or misunderstanding on the part of the state's central planning policies, but it simultaneously creates migratory impetus where their talent leaves for opportunities elsewhere; a complication of democratic oppression. Neglect or poor planning creates the exacerbated by-product of conflict where existing capital tends to leave and the axiom that unstable areas do not attract new investment applies. Economic inequality may be a root of some ethnic conflict, but as a by-product of conflict, economic underdevelopment does invariably deepen antagonisms. In some ways the case studies exhibit typical symptoms of being on the periphery, economically and politically. Perversely, the assumption that modernisation and economic growth encourage integration and a weakening of parochial loyalties has been falsified. Catalonia and the Basque Autonomous Community are the most developed and economically strong parts of Spain, for instance. A recent conference undertaken by the European Institute for Minority Issues discussed how two insular, periphery regions, Corsica and the Åland Islands, facing similar economic and social challenges could have such divergent approaches and results. (Loughlin and Daftary, ECMI Monograph Report #5, 1999) Orridge states that nationalisms are not distinguishable from their surroundings by differences in development, as this plays an important role in the genesis of many forms of nationalism. (Orridge, 1981) The maxims of centre-periphery relations appear to have as many true as untrue cases.

By referring back to human needs theories of conflict and examine them in reference to uneven development, some insight is gained into coinciding factors in ethnic conflict. Needs can be material, intrinsic or self-satisfying, they can be devalued and externally dependent. The rational and objective factors of both conflict and needs are not always distinguishable from the emotive and subjective factors- and neither is necessarily more salient than the other in any given situation. In practice, objectives of conflict management marginalise economic aspects as either complications or root causes. Identity and security needs are perceived as mutable, whereas geographical and economic facts are not so negotiable. The EU, however, as an economically driven supra-state, prioritises economic development and economic justice, creating circumstances to alleviate these aspects of identity conflict. The principle of redistribution is directly and practically acted upon through Structural Funds, underscoring the importance placed on social cohesion and the role of economic development in the management of ethnic conflict.

Peripherality and economic marginalisation alone do not necessarily lead to conflict. One catalyst of sub-state nationalism can be found in the **principle of self-determination**. This doctrine is held as a natural right of nations closely linked to discourses of political legitimacy and democracy. Enshrined in Article One of the International Covenant on Civil and Political Rights (United Nations, 1966), it is disputed if the principle was ever intended for national minorities or was limited in its prescriptions to situations of dissolution of colonial entities. Human rights law provides for the right of peoples to internal self-determination, that is, to have the final say in the government of their country. The concept of self-determination has proved more powerful than was foreseen, as evidenced in the sharp rise in numbers of states. The rhetoric of the doctrine endures in part because its foundations are the historical, eternal basis of nations (Calhoun, 1997:121). As a legal precept and as a rallying cry, self-determination, whatever the disputes over its application, has ignited nationalist movements and been the final legitimator of nationalism. The first indication of this inalienable right to self-determination was evident in the first Polish partition (1775), and then the American (1776) and French revolutions (1789). The application then spread slowly throughout Europe in circumstances such as the gradual dissolution of the Hapsburg Empire, but picked up impetus with the post World War One settlements. United States President Woodrow Wilson clearly identified, in his Fourteen Points

(1918) the dissatisfaction of national minorities as one of the key causes of conflict and assigned legitimacy and a moral imperative to the right of national self-determination. This provided a standard for the work of the ill-fated League of Nations in the interwar period. The legal enshrinement of the principle coincided notably with the period of mass colonial independence movements in Africa and Asia, particularly during the 1950's and 1960's. The ancillary doctrine of political self-expression is a necessary expression of cultural consciousness and together with the principle of self-determination challenges the legitimacy and territorial integrity of the multi-nation-state. It is here that the principle returns to Europe, the target site of growing demands that self-determination be carried that next step to its 'natural' conclusion. Ironically, many of the states who invoked, defended and helped enshrine the doctrine into international law are now no longer defenders of self-determination but must now instead defend their multi-nationalism. (Connor, 1994: 5) Partly this is due to the legitimate concern that self-determination carried to its 'natural' conclusion, may have no limits and only result in the 'Balkanisation' of us all. There is, however, a logical relationship between the self-determination of nations and the democratic concept that popular opinion should determine political allegiance, (Connor, 1994: 23) and, when married to the subsidiarity principle of the EU, state sovereignty and territorial integrity begin to blur, if not disintegrate. Understanding the foundations of self-determination as both a political-legal concept and a moral imperative, which shall be discussed in Chapter Five, is crucial to understanding the nature of rising sub-state nationalism and the impetus for political adjustments to accommodate these movements.

CHAPTER THREE: THE CONFLICT MAP OF EUROPE

Minorities, Security, and Conflict

This short chapter focuses on the territorial and political issues of minorities. It is a realist-inspired look at the complexities and subtleties involved in the relations between minorities, their security concerns and the notion of conflict. In contrast, Chapter Five, The Moral Imperative outlines the philosophical and ethical considerations. This chapter concludes with a snapshot overview of the minority situation in Europe.

Situations of primary identity and terminal loyalty affect states, the interstate system and supra-state polities. Much of Europe's contemporary tensions involve distinguishing minorities from the state. Although terms such as, historical minorities and indigenous minorities, as well as new minorities, are used routinely, as concepts they are as artificially constructed as the geo-political realities that produced the situation of contending identities. Pointed out by Lord Acton, as early as the 1860's, and echoed by van den Berghe in 1979, the danger of realism, with its state centric doctrines, is the reliance on a neat division of peoples and governments along territorial lines. It is a near impossible situation to manage because of the dominance of one body claiming all community rights at the expense of the minority, but also for the de facto existence of human beings as nomadic and having migratory tendencies. (Ryan, 1990:30) These factors explain the perceived threat that minorities may be to the state. Permeable borders and migratory habits further complicate contenting ethnic groups. Sovereignty and territorial integrity are, after all, defining state features.

In terms of security, states are better off without minorities. A divided state will always be weaker than a united rival. Minorities become a source of anxiety, due mainly to the uncertainty surrounding their loyalties and trust. Situations that detonate insecurity (as previously listed) include ethnic groups separated by borders, such as the Euzkadi, which is the usual cause of irredentism. Moreover, such a construction opens up the possibility of minorities linking themselves with the outside threat via their co-nationals (Ryan, 1990: xvi) as seen in Northern Ireland. Despite principles of non-intervention, states are unlikely to be indifferent to the fate of their ethnic minority kin in another state, (Connor, 1980:172 as quoted in Ryan 1990: 29) which in some respects holds true for Irish Catholics. A sense of what Said has termed, 'national incompleteness' (Ryan,

1990:29) may drive some states not only to flout non intervention customs but also to violate territorial integrity and even attempt to reclaim borders to redeem their absolute nation-statehood. It is a question which has only recently has been put to the population of Finland in respects of its pre-WWII borders. Consequently this would be a continual source of anxiety, requiring the constant vigil of the states hosting the minority kin. Multi-national states not only have the legitimacy of their popular sovereignty under scrutiny, but their internal divisions are also a tempting opportunity for the intervention of outside powers, that may have hidden agendas. For instance, among the publicised justifications for intervening in Iraq was the attempted genocide of the Marsh Arabs and the marginalisation and discrimination of the Shia's by Saddam Hussein. In this event intervention is likely to escalate conflict rather than resolve it. (Ryan, 1990: 36-37) A national conflict can quickly become regional, even systemic, and outside powers may find themselves dragged into a conflict that cannot be contained by state boundaries. The break-up of the former Yugoslavia is also a good example of the failure of containment, which directly affected states on its borders and beyond. The multitude of scenarios created can ultimately escalate conflict, increase intransigence and direct attention away from core issues. (Ryan, 1990: 38)

Terrorism presents another source of insecurity to states with minorities. In addition to sovereignty and territorial integrity, states claim a monopoly on the use of force. Challenging both the state and the international order, terrorism denies this monopoly. It is often a tool used by people professing to represent repressed ethnic groups. Terrorism itself can trigger the intervention of outside states in addition to disrupting order and everyday conduct. More often terrorism triggers some form of counter intervention, which undermines any remnants of reciprocal relations between states and sub-state actors that may still exist when a conflict reaches this stage. Terrorism in Europe is rife, and that which is nationalist in its nature can be divided into two types. The first type is Europe as a base for exiled groups from abroad, such as Moluccans in the Netherlands, and the second is home-grown, that is, frustrated freedom fighters, or wars of self-determination fought by historical minorities such as the Euzkadi group, ETA. The nature of terrorism and counter terrorism is transborder; the conflict has permeated territorial integrity concurrently with the monopolisation of force.

Prior to the counter mobilisation efforts in situations of terrorism, the state has a myriad of options to re-establish its security when faced with minorities. These are largely

dependant on the regime and its inter state relations, the standards of legitimacy and accountability it sets for itself and those that are expected of it in international relations. These standards of conduct constitute the foundation upon which the member states of the EU and the Council of Europe have been firmly established and are the primary sources of their management and resolution capacities towards minority conflicts.

Despite such standards of legitimacy some reflexive means of re-establishing security are tantamount to destructive patterns of behaviour towards minorities. A threat to the legitimacy of the state can result in the denial of the very existence of that minority (Ryan, 1990: 29), such as the East Frysâns. A state may try forced expulsion, such as was seen in Bosnia, or forced assimilations, for which France with regard to both its new and historical minorities has received both admiration and criticism. Oppression of the minorities, itself a form of counter terrorism, may also be pursued, such as forbidding the use of a language. In Francoist Spain, for instance, the use of Euskera (the Basque language) was completely banned. Subtler means of oppression through linguistic imperialism were accomplished in Wales in 1847 following a parliamentary report which forced schoolchildren in Wales to speak only English. (Elmes, 2005: 80) Although the degree of self-delusion required in denying the existence of an ethnic minority is great, it may be justified by the perceived threat to the legitimacy of the state that a minority poses. Ironically denial effectively confirms the illegitimacy of the state. Denial takes many forms, for instance the existence of a minority may be completely denied or a state may simply deny that there is a minority problem and assert that tensions are due to outside forces. (Ryan, 1990: 29) Denial may edge towards a policy of forced assimilation in that the distinctiveness of a minority group may be refuted. Forced assimilation becomes evident when the means to express distinctiveness and autonomy are forbidden and are replaced by the dominant values of the incumbent regime, as experienced by many of Spain's peoples during the authoritarian era. Cultural genocide, linguistic imperialism, ethnocide or cultural colonialism are concretely evident in activities like the banning of languages or religions and are often targeted through the educational system and the media. (Ryan, 1990: 6-7) It is a perceived preference of majoritarian policies to homogenise the state and both France and Sweden are closely associated with this. Again, the absence of physical oppression is no guarantee of satisfactory sub-state-state relations. Minorities may still be trapped in a moral and political ghetto as victims of democratic oppression, claims Walker (1988). Because they are minorities, their needs will not be reflected, and yet because they too

value democracy and its benefits, these minorities are tied unsatisfactorily to the social contract. Denial, cultural assimilation, and democratic oppression need to be interrogated and explored in understanding minority conflicts within the EU.

Physical oppression of minorities in the EU would be wholly unacceptable; oppression manifests itself in a number of subtler forms. Minorities may be targeted by police for perceived offences, such as when Travellers in the UK were tear gassed for allegedly trespassing. State policies may also provoke a violent reaction from minority communities such as riots or militancy, and this may then legitimate counter terrorism used by governments against their ethnic victims. Such actions have been criticised in Northern Ireland's conflict, the Euzkadi struggle, and the apartheid era of South Africa. Ethnic conflict may even claim its victims by death squads. Oppression of ethnic minorities, particularly asylum seekers, can be seen in the state detention centres of even wealthy, democratic states. In the Northern Ireland conflict the use of internment during the 1970's exemplifies this practice. The denial of the existence of a minority and subsequent oppression can include the deprivation of the basic requirements of life. In the Spanish enclaves of Ceuta/ Melilla, Moroccans endure terrible conditions in refugee camps, and those who are apprehended instead by Moroccan police have been left in the desert without food and water. Oppression may also manifest itself in discrimination in employment, housing, access to education and electoral disenfranchisement. (Ryan, 1990: xvii, xix) These latter issues of social exclusion pertain to the status of both indigenous and new minorities in the EU, and are mandates of its Economic and Social Committee.

Forced expulsions are the last policy that may be used towards minorities and these are usually found in our descriptions of past archaic, authoritarian states in Europe. However, exclusion policies remain in use against both historical and new minorities alike with equal effectiveness. Historical ethnic minorities may be subject to internal transfers by varying degrees of coercion, the end result reducing group cohesiveness and isolating groups from their homeland associations. The new term for expulsions is called 'unmixing', itself a process of conflict. It is most widely seen in imperial nationalities, who have settled or been implanted more or less permanently, such as in the former Soviet Union. They are interspersed with the indigenous populations, and unmixing them, due to resurgent nationalism, is a painful process, often exploding into physical violence. (Zollberg, 1997: 32) Imperial minorities are forced in some manner to

return to a homeland where neither they, nor their forbears, have lived in an attempt to create a relatively homogenous separate state. Unmixing is a process of expulsion where the civilian population of the wrong nationality are terrorised into flight or systematically driven out. (Zollberg, 1997:44) In the European Union, 'unmixing' has affected minorities and minority policies most centrally in the case of ethnic Germans born on formerly Soviet soil who, sometimes voluntarily and sometimes under compulsion, leave to settle in a reunified Germany.

Alternatively, expulsions may be completely internal. Newly arrived minorities may be settled in isolated areas, and separated from their kin, limiting their access to communal culture. Groups may be physically segregated from the territory of the dominant group usually in areas where they can either be economically exploited or marginalised. These policies may involve being relocated to housing where they will be ill received due to economic strains or cultural intolerance. (Ryan, 1990: 9-10) Forced expulsions are particularly felt by new minorities who may become victims of the controversial policy of deportation, repatriation or *refoulement à la Schengen*. In the EU this is a legal means of expelling unwanted minorities. Europe still suffers the occasional visit from its fascist and Nazi past history. Extreme right parties in Western democratic Europe are growing in membership and have made some modest electoral gains. They advocate anti-immigration policies and repatriation amongst the new ethnic community. Such activity is not always directed at newcomers; nomadic and transborder peoples such as Travellers and Roma are also affected, as well as historical minorities.

From the perspective of the minority, we return to the broad causes of ethnic conflict, which are assaults on self-expression and communal survival bonds. Even in cases where there may be no overt threat, communal identities much prefer self-determination. This does not mean that strife is inevitable between groups living in a common social and political system. The first instance where self-determination becomes a communal goal is when there is a threat against the realisation of identity-creating values. The level of strife is dependent on how intrusive the political system is and how politically armed the group is. Sometimes the political system may not be intrusive, either because it is dominated by the ethnic group, and so their identity is safeguarded, or it may not be public policy or constitutionally viable for the state to permeate a group's culture. (Zetterholm, 1994:65-66) As in international relations, security amongst sub-state actors is not entirely based on objective fact, but rather

actions are determined principally on perceptions of threat. If state policy is perceived as threatening, a social group may transform itself into a political group through a movement, including lobbies, a political party or armed activity. (Zetterholm, 1994:67) This becomes then the catalyst for state actions, such as counter mobilisation, and the escalation of identity conflict. As previously noted, this is not a predetermined process; groups that experience a sense of cultural self-control, via mechanisms like cultural autonomy or political dominance, may cope with cultural heterogeneity and develop tolerance. (Zetterholm, 1994: 68) Mechanisms that treat the perception of threat, and can accommodate identity-based self-determination, can help manage conflict. This thesis will examine the EU as a supra-state, and the critical supra-state characteristics of the Council of Europe that can not only protect key aspects of ethnic identity, but also foster it and provide for its political expression, thus preventing and managing conflict.

Ethnic identity is and perhaps always was the foremost political question. (Wilpert, 1989:8) Identities are fluid and states and societies cannot afford rigidity. The cases of contending minorities reveal a lack of adaptability and adherence to an artificial status quo. The global system cannot afford to ignore the issues of minorities. Indeed the assertive force with which minorities in the EU demand attention is palpably evident in this thesis. Zollberg (1997) states that there is hope for continuing improvement in the understanding and management of identity conflicts. Since WWII, cultural understandings on matters like 'race' and 'difference' are changing. This can be seen, for example, in the delegitimization of Anti-Semitism and other forms of racism, and a reduction in these instances at the level of public opinion. (Zollberg, 1997:45-46) More significantly, identity conflicts in all their forms are increasingly mediated via dialogue mechanisms, some of which are formalised arrangements, where cultural differences can be accepted and explored without violence. Importantly some minorities are collectivising and becoming self-determining and self-responsible in a manner that is mutually beneficial to state and sub-state. Throughout Europe, many ethnic minorities who once faced discrimination and marginalisation now find their culture and language reinvigorated, even emulated, becoming both a source of esteem and an economic and political resource, as well. The new-found confidence of some minorities has led to progress in human rights and community relations, economic growth, and improvements in environmental and social practices. The analysis includes the positive role that institutions like the EU and the Council of Europe can play in responding to even to the most serious identity conflicts in their region.

Ethnic Conflict in Europe

Research on minorities in the pre- 2004 expansion EU with just fifteen members, already signalled red flags for identity conflict. In Europe and elsewhere, borders do not reflect ethnic demographic reality. Europe contains no truly homogenous nation-state and no EU member state is a solid collective identity with intact territoriality. Two exceptions are Luxembourg, which is void of historical minorities, although it is subject to some linguistic distinctions, and Malta which is also ethnically homogenous. This puts the EU far above the global average, meaning that with the recent expansion in membership, multi-ethnicity, multi-nationalism and multi-culturalism are a glaring EU reality.

The demographics of these minorities undo the myth of nation-statehood and impermeable borders. This thesis will examine the common framework of the supra-states and international organisations in which stateless nations can express their distinctiveness politically and be protected. Of minority peoples in the pre-2007 EU, twenty-two had kin communities residing in states external to the EU (Appendix). With enlargement, effective accommodation of these peoples will require a new interchange with the former Soviet realm, the Islamic world and the rising Pan African consciousness. These would include for instance, Pomaks, Vlachs, Karelians, some Roma and the people of Ceuta/ Melilla and Gibraltar. Despite the many creative and successful solutions developing in the EU to manage identity conflict, there are a number of demanding situations in the extra-EU context. This underscores that the EU is not isolated and self contained in the world of states. Most international organisations begin with, or evolve to, standards of rights, conduct and behaviour to be extended to the populations they represent. In the EU, where membership depends upon adherence to certain social, economic and humanitarian commitments, some of Europe's peoples are still isolated from this greater social security safety net. The Minorities at Risk Project assesses ethno-political conflicts using scales and data on size, proportion, type, and dispersion. Within the EU, twenty peoples are classed as Minorities at Risk, by the exacting standards of that project where a group collectively suffers systematic discriminatory treatment vis-a-vis other groups in a society and said group is the basis for political mobilization and collective action in defense or promotion of its self-defined interests. A Minority at Risk as classed by the Minorities at Risk Project will have high levels of group concentration and organisation, experience of repression,

ongoing, active and violent opposition, major unresolved problems, under-representation or deliberate exclusion in politics, security forces and the economy. It is also likely that a Minority at Risk will suffer violence or the threat of violence from contending communities. Similarly, the non-governmental organisation, Human Rights Watch publishes an annual report of its investigations, recently finding within the EU, ten minority groups which have not had their basic human rights upheld due to their ethnic identity. The Interdisciplinary Research Programme on Causes of Human Rights Violations (PIOOM) in the Netherlands, another non-governmental research organisation, maps and classifies conflicts. In its 1998 map, Europe is host to several 'Violent Political Conflicts', defined as armed conflict causing less than one hundred deaths per year. The EU contains three such definite Violent Political Conflicts where the combatants are minority peoples, and their rights and status are central to the conflict.

The situation of many European peoples is not acceptable in the minority rights and larger human rights context. Twelve minorities in the pre-2007 EU experience critical and escalating tensions not noted by either Human Rights Watch or the Minorities at Risk project (Appendix); with EU expansion this situation is expected to increase. For some, such as the Tartars of Sweden, the crisis is of an economic nature. Others are becoming increasingly assertive about their political and cultural demands in a system unwilling or incapable of accommodating them. For sixteen of the EU minorities, more fundamental identity problems are at stake; these groups receive no recognition, and their identity has been fully or partly denied (Appendix). This does not include minorities caught up in a process of centralisation and assimilation. Their existence has states and institutions trapped in dual policies of how to engage with peoples who do not officially exist. Central to this analysis is the problem of EU minorities seeking statehood; and if not statehood, then an increase in autonomy, or complete separation from the state. Not including the former Yugoslavia and the Soviet Union, there are more than ten self-determination movements of historical minorities in Europe. (Trifunovska, 1994: 82) The EU hosts forty documented, individual separatist organisations. When composed of just fifteen member states, the EU already contained fifty-seven identities that were either autonomous regions or devolved polities. Twenty-five of these minorities qualify as an ethno-nationalist movement and nine of these demonstrate some degree of separatist/ autonomous demands (Appendix). For some, their autonomy is merely official and not fully implemented, while others have had their

official autonomy infringed upon and diminished. There is no single formula available to the EU and the Council of Europe to recognise minorities about to obtain national autonomy. A number of creative initiatives besides autonomy are found by states to provide a mutually satisfying environment. For example, treaties and legal protection have resolved at least twelve cases and social, economic and cultural protection meet some minority needs. There remain twenty-five minorities whose situation is unresolved (Appendix). In a post- expansion EU identity conflict can only become more critical, and research into the management of such tensions more relevant and necessary. Europe, via supra-state institutions, presents itself in a single political context, but to maintain peaceful heterogeneity and inclusion it will require “provision for minority rights” within its strong central government, as well as common ideological bonds, traditions of tolerance and respect for individual rights. (Hassner, 1993:127) Indeed identity conflicts in Europe may well be immune to resolution within a single political system. Will common markets and social policies be enough to satisfy the needs of the EU communities? Will the EU or the Council of Europe be effective organisations by which to pursue identity and determination needs, or will they only further exacerbate exclusion sentiments? In addition to improving the well-being of these minorities, the challenge for the supra-state is to find a formula to accommodate minorities in their relations with the state and beyond.

It is now time to address the question of research design. In a thesis like this many methodological, conceptual and epistemological pitfalls and dangers must be confronted. These must be clearly recognised before engaging in the empirical questions that lead to comparative conflict analysis

CHAPTER FOUR:

PRELIMINARY RESEARCH CONSIDERATIONS

This thesis aims to provide a comparative perspective on conflicts involving sub-state, minority group actors in Europe and the adjustments and innovations of European organisations to manage crises and tensions. In particular, it examines ethno-nationalists and their aspirations to achieve recognition and representation at the supra-state level. In order to pursue this comparative exploration the thesis must first provide a focus upon some of the important preliminary research questions.

Research Design

Chapter One discussed ethnic conflict in Europe and introduced the case studies as examples of types and patterns of ethnic minority relations in Europe. Such research, as detailed in the Appendix, is a valuable regional overview, but to make a contribution to the management of ethnic conflict, the research has to be carried forward to its next logical step, that of in depth, highly detailed case study research. After examining the conflict map of Europe, the four case studies of ethnic nations were identified to more fully reveal relations between sub-state actors, states and supra-states. Obviously such a map provides a wealth of cases to choose from but the deciding factors were stateless nations with a visible presence of ethno-nationalism. Then, in order to examine how such groups organise and interact with the supra-state the research paradigm needed contrast; two cases that were peaceful and two that were violent. Rather fortunately for this research, the two most violent conflicts in Europe also fit the next two required typologies. Geo-political features of ethnic minorities which present the most acute security factors are where a stateless nation is bifurcated by state borders and where an ethnic group is severed from its kin state. The usefulness of this research, and its moral imperative demanded that Europe's most violent conflicts be examined. It was then a matter to find the contrasting, typologies whose ethno-nationalism has been, if not peaceful, then managed. From their geo-political features, representing both peaceful and violent trajectories, two cases have been chosen which feature a divided minority without a kin state and two that featured a partitioned minority with a kin state. These cases are Åland, Euskal Herria (Basque Country), Fryslân and Irish Catholics in Northern Ireland.

The subsequent task was to ensure there were necessary similarities amongst the case studies themselves, besides occupying European territory. Euskal Herria and Fryslân are two conflicts which share such critical features as language issues, ancient historical territorial occupation, economic alienation, population domiciled across multiple state boundaries, degrees of federal unity with host state (neither conquest nor colony), institutional domination by central state, (low level of minority representation), suppression of nationalism by state education, and finally, a politically diverse nationalist movement.

Åland and Northern Ireland are both regions which suffer economic peripheralism and are inhabited by groups who, because of partition from their kin state, have become ethno-linguistic minorities. To date neither case can be returned to the control of either kin state. Because of their geo-political status both cases have begun to emerge with a unique, extra layer of identity. For both, the management of conflict has been to pursue separate autonomy through constitutional processes and administrative adjustments. Both these case studies also share important attributes such as language and cultural issues and diverse and dynamic politics.

To situate the cases firmly in a European context, the response and interplay with two of the most important regional organisations is then compared and contrasted. From the many European security organisations the European Union (EU) and the Council of Europe were chosen. The EU and the Council of Europe address complementary features of European integration; the EU, as a supra-state characterised by political and economic integrations and the Council of Europe, intergovernmentalist and characterised by political cooperation yet with some critical supra-state features. Both have a unique and complementary legal personality and activity. The EU has a body of community law and the Court of Justice; the Council of Europe has the European Court of Human Rights, and its principal legal document is the European Convention on Human Rights. All member states of the EU must also be fully ratified signatories to the European Convention on Human Rights.

From the standpoint of the four case studies this thesis will examine and compare their political and social organisation, their constitutional and cultural protections and the impact this has on their ethno-nationalist movements. Also compared are levels and types of violence and conflict, and their stages of resolution. The case studies include

research designed to acquaint the reader with cultural, socio-economic and historical characteristics, while focusing on the development and loss of their political sovereignty and autonomy. Included are the ethnic dimensions of the conflict, ethno-nationalist movements and the challenges facing these minorities. The case studies have been compared in order to isolate clusters and trajectories regarding identity pursuit; organisational capacity, mandates, size, activities, accountability/ source of support, violence, indicators of conflict direction/level and resolution. Tables with bullet points are provided for quick reference. Sources of information include historical analyses, cultural anthropological works, census data, and statistical information from the EU; as well as reports from organisations like Minority Rights Group, Human Rights Watch, Amnesty International and research undertaken by indigenous peace and conflict research organisations. These conflicts are fairly open and accessible to the researcher. Tensions are readily observed, and there is a low level of covert activities at present that would otherwise be an obstacle to research.

The research on the supra-state was conducted by combing through documents and archive materials from the EU and the Council of Europe, using the search terms of: conflict, minority, region, subsidiarity and the case studies (Åland, Basque/ Euzkadi, Fryslân, Northern Ireland). Detailed analysis has been compiled of EU primary documents, conference and seminar content and achievement, (as per conflict) as these indicate conflict management priorities and attitudes towards the place of minorities in the EU. These documents also reveal potential for ethnic conflict resolution, both generally and with specific reference to the case studies. The research required an updated and refined account of the conflicts and the mechanisms and intentions for management and prevention specifically addressed by the EU and the Council of Europe. An examination of the founding treaties, is followed by an analyses of the ways in which their institutions and agencies acted in regards to minorities issues in general, and then specifically to the case studies. Lastly the work of the European Court of Justice and the European Court of Human Rights in dealing with minorities in general and then specifically with case studies is compared and contrasted.

Methodology and Epistemology

This thesis relies heavily on the Comparative Method. It also relies on secondary data and primarily qualitative sources; however, there is some quantitative data from

secondary sources such as the Minority at Risk project, which utilises Guttman scores, and statistics from census and EU data. Both qualitative and quantitative data are used to gain clarity of actors, mechanisms, aims and motivations and, secondly, to provide a depth of context in which these operate. With regard to the research from the courts, this thesis has collated a large body of empirical research from cases related to identity issues. Much of the primary data comes from resolutions and recommendations of the EU and the Council of Europe, and as such, it is usually highly normative and qualitative in nature. Whilst not having the clarity of statistics, it is the most appropriate in discerning relationships in this research between the supra-state and the sub-state.

The conceptual frameworks utilised in this research interweave but can be broadly distinguished as those aspects of classical political science which include work on ethno-nationalism, international relations, and international law; although these have a particularly European focus and political organisation. The second overlapping conceptual framework is from conflict resolution and peace studies and includes conflict analyses and discourse on violence.

Ethical Considerations

Ethical questions have to be answered by the researcher according to one's own values, but also to the prevailing standards of the profession and arguably, especially in this research, to the objective basic standards that have evolved in the universal rights of existence for human beings.

There are social risks in engaging in ethnic research because of fear in society. Some approaches further processes of differentiation, either positively or negatively. Others, by obscuring analytical questions, reinforce racial and cultural hierarchies. Theories on ethnicity often use varying definitions on the concept, and analyses must be made with care to prevent against using panic language and creating anxiety in the population about their status and relations with others. (Morris, 1997: 255) At the same time, the researcher must be aware of attempts to downgrade the significance of ethnicity. In regards particularly to the court cases is the responsibility to report the conclusions accurately so as not to provide either false hopes or false impressions of persecution.

The reader will note that the care taken to preserve the self-identity of the cases by favouring each group's own terminology and not that which is conventionally used and may have been imposed upon them. As much as possible, the thesis refers to Euzkadi not Basque, Eire not Ireland, Fryslân not Friesland. Even so, when researching ethnicity and identity, the researcher must bear in mind the particular challenges of researching in this field; namely that people have many layers of identity that will vary in saliency and intensity under different circumstances and times.

Considerable detail is devoted to organising terms and concepts, defining their application in this thesis and their applicability and potential for alteration. This is a particular concern in dealing with multiple languages and their translations. This research encounters three languages and nine dialects in Fryske, whilst the study of Euzkadi will involve three languages and an uncounted number of dialects and sub dialects. Language is a key concern of the ethno-nationalist agenda, so concepts must convey openness and respect for this whilst being accurate and efficient.

Researcher Location and Bias

Every postgraduate researcher initially enters their research with aspirations to be the epitome of the dispassionate, objective researcher. However, it is so easy to sympathise with the 'underdog', and, if conducting field research, to be drawn into the warmth of community and lose one's identity as researcher. In seeking to comprehend, the researcher must also remain impartial; to understand is not to agree to take sides. Throughout the research a critical awareness of personal sentiments, experiences and perspectives is maintained.

Researchers comes to the subject with their own particular experiences, biases, and preferences. This researcher's location should include the important facts of Fryslân nationality and thereby experience to some extent of the de-esteem and marginalisation typical of many minority ethnic communities. Obviously, feelings of attachment and cherishment to the Fryslân language and culture help intrinsically to understand why these may have such acute salience for other minority peoples and why this ethnic identity has a normative dimension. Simultaneously, such solidarity affects objectivity and impartiality. The researcher declares a vested interest then not only in the well-being of the Fryslân nation, to which their own well-being is attached, but also

in the unique minority rights required for the well being of minority communities in general. It is a uniquely beneficial position in this research because, due to ethnicity, the researcher is a distinctive Self, but can also relate to being the Other.

This research carries a strong moral tone of equality and justice, only partly evidenced in the examination of European law. As a magistrate in the British legal system, the researcher sees how the European Convention on Human Rights affects the work of the local court and the magistrates, so my research and this aspect of my identity have a practical, symbiotic relationship. Being a magistrate has also affected how the research was undertaken and interpreted. Magistrates come to the bench with their own perceptions, and are informed by their personal experiences, but they are trained to be consciously aware of this and to recognise their own subjectivity as unsuitable to the judicial process. In turn, this is helpful in ensuring the fairness, objectivity and validity of the research, and in reflecting upon the research process.

CHAPTER FIVE: **THE MORAL IMPERATIVE**

Liberalism, Self-Determination and Identity

Behind the political programmes of ethno-nations and the supra-state is a set of values which holds that the existence and representation of diverse peoples is good. Why is it morally important that we include in political processes ethnic groups of all kinds from linguistic communities to stateless nations to nomadic peoples? The explanation lies within the values inherent in liberal democratic theory. Central to liberal democratic theory are the values of equality, freedom and tolerance, but also scientific rationality. The European enlightenment expounded the idea that political life ought to be based on principles of rational ordering as opposed to the ‘uncritical acceptance of existing arrangements and institutions.’ (Roberts, 1999: 78) This begs the question, then, what is the natural and logical political entity on which to base the organisation of the polity?

Traditionally, liberalists reduced this natural and logical body politic to the individual; democracy as the preserve of the individual. In prioritising the individual this reduction of liberalism is blind to the empirical reality that individuals also function collectively. The individual is also socially embedded. Democracy only has substance when generated in the context of communal obligations and is the ‘moral entitlement arising from the interest that individuals have in living in a self determining community.’ (Jones, 1999: 100) Critics of liberalism hold that liberal classicism must include collective units, because people function both as individuals and as groups. Therefore effective and ethical democracy is substantiated in communalism.

The logic of liberalism informed by scientific rationality transferred support for rule by divine right to rule by natural right. Thus the natural embodiment of the community gradually evolved into the nation. By its very name, it is tied to the natural world and is the embodiment of man’s natural society, a collectivity of individuals with a like identity and like goals. The enlightenment replaced God with nature and science, and kings with nations thereby replacing divine rights with natural, rational ones.

Political communities interpreted in such national terms give democracy its moral legitimation and efficacy. In a reciprocal relationship national communities, whilst inherently endowed with these natural rights (not unlike the abstract individual rights of liberal classicists), have their political rights advanced by the liberal principles of democracy. The natural rights of the nation are extended in the principle of national self-determination whereby a body of people forming a national community claims to control their own affairs through institutions of self-government. This principle speaks of groups determining the character of their social and economic environment, the course of their development, their future and collective fortunes by their own actions. (Margalit and Raz, 1995: 80) National self-determination, in short is democratic government by members of one's nation for the self-interest of the nation. The nation is man's (sic) natural form of society and, as democracy is only meaningful in the community, national communities have a right, bolstered by such logic to determine their own political destiny.

The principle of national self-determination does not however explain why identity is relevant and important. Widdicombe describes identity as a resource used to negotiate everyday interactions (Widdicombe, 1998); a form of power in power relationships. Burton (1990) included in Human Needs Theory, identity and recognition, as well as valued relationships, distributive justice, autonomy, dignity, belonging, society, and personal development. Identity is a human need found extensively in the individual's relationship to society and links the individual to the larger social group; a relationship experienced at the deepest of emotional levels. Mutual vulnerability and the need for physical security may initially bind a group, but the belonging to the group then fulfils the even stronger need for psychological security. Identity, Erikson (1965) argued, is a source of feelings of uniqueness, continuity and worth, and it is a moral axiom that individuals should feel worthy, secure and at ease. It is within community that personhood exists and from whence individuals derive their identity, worth and values. (Buttle, 2000:121) locates the important sense of self intertwined at a primitive level in the identity of the group. The communally embedded self binds individual self-respect to the esteem of the group. Membership in a group also provides people with choices that are meaningful and adds additional meaning to individual's actions, whilst the ability to make meaningful choices supports self-identity. (Tamir, 1995) Membership in a group is both an anchor for self-identification and the 'safety of effortless secure

belonging'. (Margalit and Raz, 1995: 86) Shared values and shared identity supply the individual with his/her place, his/her ability to make choices and the meaning of these choices. The logic is that the well-being of the group is a pre-condition for individual psychological and physical well-being.

Social identity depends on shared values but this relationship is not sufficient for human psycho-social needs. Also necessary is shared identity, which then compels individuals to decide who they identify with. Shared identity is derived from shared conceptions of history and ancestry, but also language and sometimes religion, reinforced by shared practices, traditions, and culture. The community provides kinship, often in an extended form or vision of family. Family provides the psychological need for identity by membership of a unique genealogy. It also offers emotional security through unconditional love, and moral certainty, provided by parental authority. (Brown, 1998:7) The model of family also offers physical security, food, shelter, and safety from harm. Whether mythically based or not, the kinship community also offers identity, psychological and physical security, meaning, and moral authority. This need is so axiomatic few scholars pay it much attention. This need is also overlooked because it hinges on the subjective. (Anderson, 1991 in Finlayson, 1998:147) It is in the ties of blood or belief in blood ties, such as the kinship community, the tribe, the ethnic group or the nation, where membership is solely a matter of belonging and not achievement. Belonging that involves recognition by others is a non-voluntary criterion, so as a primary foci of identification, this belonging is more secure; one is less liable to feel threatened when belonging is not dependent on accomplishment (Margalit and Raz: 1995: 85). The human need for belonging, when satisfied in a kin community, fulfils a powerful need for unconditional belonging; membership is inherent and so is eternal. In its idealised form, a nation offers refuge from capricious and arbitrary acceptance.

The nation, as an extended kinship community, fulfils physical and psychological needs along with spiritual needs, such as aspiration and inspiration. A community based on kinship also offers the novel promise of a social justice community and political programme: the nation. The launch of a political and social justice community allows the individual to participate not only in his past and present, but also in a grand, collective future. The nation uniquely allows the individual to connect with an

expansive version of their self, through the shared memory and traditions of his ancestors, the collective experiences and values of his kin and through the transmission of common identity, values and traditions to his future descendants. The nation resonates with psychological needs for identification, to have kinship not only with neighbours but also with ancestors. Through the nation, past, present and future form a seamless web of being. This eternal dimension satisfies a deep longing to identify and connect with the transcendent, as well as providing an expanded sense of obligation and meaning, turning the mundane into something grandly spiritual and eternal. Nations also address the metaphysical questions of human existence enabling individuals to feel connected beyond physical and temporal limitations.

The nation may offer an attractive alternative in the face of modernity, often characterised by alienation, repression and disenchantment. Where close communities have been dislocated individuals will seek imagined alternatives of societies based on solidarity and collective identity. The nation, with its common history, answers this search and need for rootedness in the dilemmas of modern society with its diffusion of multiple boundaries and insecurities. This does not make the nation incompatible with modernity, and this thesis reveals ethnic nations to frequently be the trailblazers and proponents of political and social progress. However, in an impersonal and dislocated modern world, the ethnic nation does appeal to needs for an authentic and transcendent experience.

Returning to liberalism, the nation finds itself not only as the locus of the natural rationality argument, but also as an ethical one. Liberalism by its very name advocates freedom, but people are only properly free when they have a range of options to choose. Only when one has a set of beliefs and values to compare, modify and choose is there freedom of choice. In this communal ideal, the culture which helps people to shape and direct their lives for self-understanding also ingrains in them habits of reflection, self-examination, and the questioning of social norms and traditions. (Patten, 1999:120) The nation as the natural collectivity of shared identity and values is then both the progenitor and guardian of freedom. National cultures are vitally important to individual liberty and autonomy because they provide the crucial context, the references and the values for the needs and right for liberty and autonomy.

Nevertheless it is important to understand that the nation, however inspiring and appealing, is not invulnerable. The well-being of the group requires being able to express their group membership in public political activities. If the nation is to guard the freedom that fosters the well-being of the community and its members, then the nation must also engage and hold power and have a political scope. Nations do not exist only in imagination and for the purposes of metaphysical longings; they exist and act in practices, and in the intimate relationship between representation and action. (Hopkins and Reicher, 1996: 71) Hence self-government of some sort is required to empower the group to engage their political self; ethnic identity is and perhaps always was the foremost political question. (Wilpert, 1989:8) National communities develop a public and activist dimension so that people can acquire a sense of belonging and esteem, as well as influence. A social group without the ability to implement meaningful choices and express values is as useless and detrimental to the individual as a social group void of meaningful choices and values altogether.

People's well-being is promoted by autonomy, in fact, to recall Burton, autonomy is a basic human need. The Kantian and enlightenment foundations argue that morality requires free will; to be truly and fully human is to determine ones own goals and future for oneself. Similarly Catholic social theory, espoused the principle of subsidiarity to enable human dignity by preserving their maximum autonomy. Nations are also so endowed with wills and rights. They are self-conscious and aware of their potential; to pursue their self-realisation requires the moral imperative of liberty and national self-determination

Adding to this moral imperative was the well thought out rationales born out of the experience of the liberal period. Support for national self-determination held that members of the same nationality should be united under the same government, namely their own, but this required two powerful axioms: that free government is only possible under the conditions of cultural unity; and that free individuals would choose freely to live with their own kind in political sovereignty of a national or ethnic community. (Walzer, 1995:140) This rested on the liberal tenets that people have a right to self-determination and equality and that discrimination against any human being is wrong. The doctrine of popular freedom and sovereignty also entailed fraternity- a united

people. The state must correspond to the democracy in some authentic, relevant way. It returns very neatly then that the nation, as the most natural political unit, has this necessary fraternity and cultural unity. Hence the nation becomes endowed with the moral and logical right to self-determination, as in any other political association, peoples would be likely in some way to be unequal and discriminated against.

There were other bolstering rationales that expanded support for national self-determination. An independent state is likely to provide the best means for a nation to fulfil its claims of national self-determination, to decide for itself its course and potential because a self-governing ethnic nation is able to translate its particular ideals and values into practice in a way that no outside authority could. This rests on the fact that nations are also communities of obligations and work better as political units based on duties, than on enforcement. National self-determination facilitates collective autonomy and democracy because people want to shape their world in partnership with those people they identify with. Self-determining nations can be more stable and peaceful socio-political entities, providing a more nurturing environment for well-being than for instance a nation without full sovereignty such as an oppressed or colonised nation.

Democratic principles reflect the reality that citizens are first more interested and knowledgeable about issues directly related to their political community, region or locality. Societies shaped by communal spirit and culture for the good of that specific community also require the specific self-conscious knowledge of the society, which in turn requires political organisation. These principles of subsidiarity and of public goods operate most effectively in the nation.

The common culture and values found in a nation facilitates the best achievement of social justice, where that nation is empowered to pursue this. A more just and fair distribution of resources is more likely in practice in the context of a national community than by appealing to an abstract commitment to the welfare of mankind. (Miller, 1995 in Buttle, 2000: 115) Nations, Miller states, (1995) are ethical communities where the ties and special obligations justify sacrifices for kin. National self-determination allows social justice to become an operative ideal.

A strong public culture is more likely to be protected and sustained in a nation with a state of its own. Identity, so vital for human well-being, is best expressed and protected by the public; it is unlikely that outsiders will value a nation's identity and culture, and in a contentious political arena a nation's culture is unlikely to be protected. This again reflects a distinction in nation types, and a preference for the culture of the ethnic nation. The culture of the modern, industrial nation state perceived as homogenous, artificial and imposed, is no contender for the naturalness of the ethnic nation and its own inherent, self-generating richness and diversity. The public culture of a nation necessarily includes a strong political dimension. A self-determining nation is both an expression and facilitator of democracy; it can provide the public and individual moral goods of freedom and self-actualisation. The unique character and bonds of the nation protect and promote social justice and cultural identity, essential to maintain the symbiotic well-being of individual and society.

Forming the nation into a political principle, both morally and rationally defensible, was despite its attractiveness not universally supported and applied. In the rise and fall of empires and the defence of revolutions, self-determination and independence for ethnic nations was in gradations subverted or ignored altogether. Overtaken by historical processes of nation building and state building, the ethnic nation became politically invisible. In the reality of power politics, the ethnic nation is not the primary political unit. The variety of peoples and ethnic nations lost out as victims of the processes of state building and national integration. Consequently, contemporary modern politics has become the audience of the unfulfilled aspirations of minority ethnic groups, the criticisms of majoritarianism and the defence of minority rights. While classical liberalism confers equality on all, in the empirical reality it does not confer equality on all equally; such as in the form of rights and opportunities. This inequality provides further support for the nationalist argument, which in the contemporary arena now distinguishes the ethnic nation- genuine, natural and authentic- from the superficial nation state, frequently the product of enforced assimilation and mythological nation building. Inequality and degrees of oppression add urgency to the demand for independence, self-determination, minority rights and protections. For minority nations, the dominant brand of classical liberalism has not emancipated them to their natural state of realising their potential.

This chapter confirms the underlying moral imperative that serves as the basis of the emergent theoretical literature of contemporary liberal nationalism. Subsequent chapters will build upon this literature and explore its empirical implications in a series of comparative explorations that include the European Union and the Council of Europe as well as the case studies, Åland, Euskal Herria, Fryslân and Northern Ireland. Having examined the moral imperative as well as the rationale helps us to abandon narrow regionalist approaches and perceive ethnic and national problems in a universal and comparative perspective. It sheds some general light on conflicts and offers some understanding and moral justification for group rights and national self-determination in the broadest sense. However in order for these solutions to be viably implemented they must be tested and tailored carefully against the unique character and circumstances of individual ethno-nationalist conflicts.

SECTION TWO

CASE STUDIES IN ETHNO-NATIONALISM

CHAPTER SIX:

ÅLAND

Origins

A long history of human settlement on Åland is evident from mounds and graves of people from the Comb Ceramic culture, dating approximately 4200BC. A steady period of colonisation of Åland began in 1500BC leaving evidence of early shipbuilding. The population increased rapidly between 500- 800AD as the ancestors of present day Swedish speaking Finns crossed the Baltic Sea and settled in the archipelagos along Finland's south west coast, including Åland. (Mead, 1998:30)

Strategic and Political Foundations

The gateway to the Gulf of Bothnia and a major island in the Baltic Sea, the geographical position of Åland is of great strategic importance. As such, Åland has often been treated distinctively, and it is from this perspective that its strategic and political foundations are examined.

Åland has been at the epicentre of conflict since the early Middle Ages, when Birgen Jarl of Sweden crusading to Finland, subjugated Åland to the Swedish crown. In its early years of Swedish rule, Åland was already relatively independent: for instance, in the fifteenth century Åland was classed as a special administration region with Kastholm as its centre. For centuries Sweden was the major political power in the Baltic region, and Finland itself formed a group of provinces under the Swedish crown. However, Swedish hegemony in the region waned and in 1808, Åland and Finland were ceded to Russia. Not until the Peace of Paris in 1856 following the Crimean War would Åland be less vulnerable. The Peace of Paris required Russia to secure the demilitarisation of Åland. The agreement not to fortify Åland placed it as a barrier between Russia and the north of Europe. Freedom of trade was also introduced and seafaring was extensively developed, thus adding to Åland's strategic attraction.

Under the Russian Emperor Alexander I, Finland became a Grand Duchy of the Russian Empire and Åland formed part of this administrative unit. Initially this did not result in an increase in Finnish autonomy, merely incorporation into the Russian Empire with the Emperor as the Grand Duke. Autonomy for Finland increased under Alexander II, to the

point where Finland resembled a state within a state. The Finnish Diet was reconvened after a fifty year break, and Finland had its own Senate, officials, legislation, army, currency, postage stamps and even an official border. Importantly, not only for Finnish nationalism but also for relations with Finland's Swedish speakers, Finnish became an official language on par with Swedish. However, this remarkable autonomy was relatively short-lived and by the very end of the 19th century tensions and competition amongst the great European powers resulted in a backlash from the St. Petersburg central administration. Thus began the Russification of Finland, the erosion of their autonomy, and importantly for Åland, a large power vacuum in the Baltic region.

Efforts to reform and regain Finland's independence, in the early part of the 20th century did result in important but short-lived changes in its political structures, such as a unicameral parliament and universal suffrage. As Russia disintegrated, Finland was afforded a historic opportunity for full independence, which it declared in 1917. The young state however immediately faced its own internal crises as well as covetous attentions from its neighbours. Controversial and emotive, it is disputed even today what the ensuing conflict should be called, but the complicated conflict can be distilled into four main trajectories. First, following sharp disagreements and polarisation over the governance of an independent Finland, Finnish society broke down into sectarian violence. Sectarian groups amassed their own arms and formed their own security and military groups; the forces of the social democrats became the Red Guards and the White Guards comprised the forces of the conservative Senate. The second trajectory was Russia's last tenuous hold on Finland. The socialists' plans to increase the scope of the Finnish parliament and reduce Russian influence had the support of Bolsheviks. However, contributing to Finland's psychological split, the Russian Provisional Government opposed such measures and with the support of the Finnish conservatives, sent in troops. As the war progressed, a reinstated Bolshevik government in Russia attempted to maintain its influence in Finland through the Red Guards and other limited forms of military and political support. Russia retreated and in the aftermath, came the third trajectory: a brief period of German hegemony as the successful conservative Senate (who had received military assistance from Germany) invited a German prince to become a Finnish king and rule Finland as a monarchy, though dependent on the German Empire.

The fourth trajectory involves the status of Åland. As part of its military assistance to Finland, on March 5, 1918 a German Naval squadron landed on Åland. Åland was then occupied by a military expedition from Sweden, who had come to Åland's aid as part of an effort to protect, not only Swedish military interests in the Gulf, but also to protect the Swedish speaking population. While Finland struggled for independence, Åland was engaged in its own independence struggle to re-join Sweden. The basis of this struggle was the linguistic, cultural and historical attachments Åland had to Sweden. Accepting its defeat in World War One, Germany withdrew from Finland and consequently Åland. The embryonic Finnish nation then occupied Åland, fortifying the island against the USSR. The dispute over Åland was referred to the League of Nations in 1921, resulting in Finland retaining Åland with significant autonomous rights for Åland. Though not a permanent settlement, it is the basis of Åland's unique status today.

To cast some light on the rationale behind Finland's security concerns, it is necessary to understand that in the years prior to Finnish independence, relations between the Swedish minority and the increasingly assertive Finns were strained. Much of the Swedish minority on the mainland occupied elite positions in government and bureaucracy. Already in the nineteenth century, Finnish nationalists sought to conquer the dominant position of the Swedes, which fuelled counter nationalism in the Swedish population. (Arter, 1999: 26) Previously, Swedish Finns did not base their identity on language, but under pressure of 'fennocisation', (Arter 1999: 64) they formed the Swedish Peoples Party in 1906. In the early years of Finnish independence, this party and the Swedish population were suspected of favouring self-governing regions and having separatist tendencies. (Arter 1999: 64) Åland, with its Swedish population, was a source of insecurity to Finland, both strategically and in terms of class and identity.

The 1921 convention was signed by ten states: Germany, Denmark, Estonia, Finland, France, Great Britain, Italy, Latvia, Poland and Sweden. Åland's unique demilitarised and neutral status ended in 1938 with plans from Sweden and Finland to fortify it. Moscow rectified its absence from Åland's security with the 1940 Moscow Treaty on Åland, a bilateral agreement which allows Russia to establish a consulate on Åland to monitor Finland's observance of treaty obligations.

Minority Identity

Ålanders are 95 per cent Swedish in ethnicity and the Act of Autonomy most notably guarantees to Ålanders the right to domicile on the land and exemption from military service. Just six per cent of Finland's Swedish speakers occupy Åland, however their language is far closer to Uppländska Swedish found on the eastern coast of Sweden than to the adjacent dialects of Finland Swedish. In contrast to the mainland Swedes, Ålanders retained their complete 'Swedishness' in compensation for giving up their claims to Swedish reunification or complete independence. The Autonomy Act of 1993 maintains Swedish as the medium of education by public funds. English is also compulsory but notably Finnish is not. However, a citizen of Finland does have the right to use Finnish before a court and with other State officials in Åland, though letters and documents between Åland officials and State officials are in Swedish, and on request, are accompanied by a Finnish translation.

Regional citizenship in Åland is extended to children born on Åland to Ålandic parents or to immigrants who are Finnish residents of Åland for five years and have satisfactory knowledge of Swedish. Regional citizenship can be lost if one resides outside of Åland longer than five years. Regional citizenship in Åland carries the rights to vote, to stand in elections to the Lagting, to own and hold real estate, to carry on business, and, echoing Åland's neutrality, to be exempt from military service. The land ownership provision has been important in relieving the pressure from Swedish and Finnish holiday homeowners.

The better socio-economic position of the Swedish minority, (in Åland and the mainland) is to be considered in minority relations. Though compared to Finns, the social and physical health of Ålanders may be marginally better, Åland has suffered a brain drain. During the 1950's and 1960's a large number of Ålanders immigrated to Sweden. Much of Åland's talented, educated and financed human resources leave for Sweden. This is concerning as Ålanders do not achieve the same education as Finns on average. Only 49 per cent of inhabitants have achieved a post comprehensive school qualification. Though there is no university on Åland, Mariehamn does have a folk academy and a summer university dedicated to Swedish language learning and culture. Åland's major economic and administration centre and sole town is Mariehamn, founded in 1861 and home to nearly half the population, most of whom are employed in tourism, shipping and seafaring. There is also an Åland Islands Peace Institute involved

in projects exploring the accommodation of political demands of linguistic and cultural minorities in the context of economic peripherality, and wider European integration.

Cultural life is fostered mainly by various societies, authorities and municipalities, and includes instrumental music, arts, theatre, writing, and an artist's colony. The strong maritime history is preserved in the Åland Museum, which also covers Åland's prehistoric history. In 1991, Åland hosted the Fourth Annual Island Games with participants from over sixteen island territories in six core sports. Åland's official cultural policy includes in its goals, securing genuine Åland culture and strengthening Ålandic identity. Åland received its flag in 1954, postage stamps in 1984 and its own postal system in 1993. Ålandic radio and television was finally formed in 1996.

According to European Union (EU) data, Åland is a NUTS 1 region*, and one of Finland's major regions with the highest population density in Finland. At just .5 per cent of Finland's total territory, it is the smallest of regions and with just 20 000 inhabitants, it makes up .4 per cent of the total population, although there has been a slight population rise. Åland is the main island and includes some 500 smaller islands, of which sixty- two are inhabited, as well as numerous skerries and reefs.

Environmental challenges are namely due to fish farming as well as sea and ferry traffic, but Åland also suffers deforestation. Possessing unique environmental and ecological features, the archipelago attracts increasing interest from the scientific community.

Åland has a history of self-generated wealth, beginning in the 1920s when cheap sea vessels were acquired. Before World War Two, Åland's fleet was the largest in the world, and so played a disproportionately large role in seafaring, fishing and shipping. Even today, one quarter of Finland's ships are registered there. Åland's large companies are nearly always owned by indigenous Ålanders and this lack of foreign investment (due to right of domicile, regional citizenship and land ownership restrictions) combined with the benefits of tax free ferry traffic further stabilises its economic structure.

*NUTS, Nomenclature of Territorial Units for Statistics, used by the EU to create a single, coherent structure of territorial distribution, since 1988.

Åland has always had a better record of employment than Finland; the unemployment rate is just two per cent. Self-employment continues to rise and is the highest in Finland. Today only one tenth of the population earns their living from traditional occupations and one tenth is employed in manufacturing, compared with 26 per cent in Finland.

Åland's economic prosperity stands in stark contrast to many peripheral regions and minorities, especially islands. The disadvantage of peripherality and a small internal market has been turned into an advantage, and this gives Ålanders self-confidence in their society and may explain their attachment to their autonomy. It is an excellent example of a prosperous and peaceful insular region.

Ålanders have some advantages compared to Finns, which include the relatively young independent history of Finnish people and the continued dominance of its Swedish minority in its current socio-political efforts, particularly noticeable in Åland's extensive autonomy arrangements. Furthermore, the Finnish minority in Sweden has no reciprocal minority rights. There are therefore some indications of a minority with disproportionate dominance, and concern over Åland's residence and language restrictions, as well as economic protections, has caught the attention of both the EU and the Council of Europe. Yet despite this, the Swedish minority is ever contracting, and Åland faces environmental concerns, a brain drain, and the added EU issue, which has led to a muted Åland with increasing political factionalisation. This should leave no doubt that these peoples and their small independent polity have some serious vulnerabilities.

Identity and Conflict

Ålanders, largely dominated by great and fading empires, oscillate between their connection to Sweden and their own distinctiveness. Ålanders, fearing for their language and culture, held secret meetings in August 1917 to aim for Swedish reunification and not full sovereignty. (Arter, 1999: 40) Ålanders signed a mass petition communicating their wishes to the King and Government of Sweden who in turn supported Åland's demands for a plebiscite. Finland, which had invoked the right of self-determination in December 1917 and declared itself a republic, hastily planned an Autonomy Act of Åland. Ålanders responded by also invoking the principle of self-determination creating their parliament in 1918 and so rejecting the imposed Autonomy Act of Åland. Three Ålanders, Johannes Eriksson, Julius Sundblom, and Johan Jansson travelled to the Paris Peace Conference in 1919 to present the Ålandic demand for a plebiscite. The crises culminated with the imprisonment of the leading Ålandic rebels, Bjorkman and Sundblom, who were prosecuted for high treason and extracted from Åland. The whole matter was referred to a still-functioning League of Nations, avoiding

further armed conflict in the Baltic region. In June 1921, the League decided that the islands did not have the right to self-determination, but must remain under the sovereignty of Finland, though Finland would have restrictions on this sovereignty. It was a compromise between the Ålander's rights and the strategic interests of new and old powers which led to a novel political arrangement. Even today, Ålanders though not outwardly violent, carry on the struggle for identity and self-governance.

In the post Cold War era, international organizations debate demilitarisation and neutralisation. Åland has become more strategically important over the last ten years, but its special position has not prevented conflict in the Baltic Sea region. Modern weapons make it more vulnerable to attack, and Åland is crucial to Finland's defence, foreign trade, and telecommunications. Whosoever controls Åland, in a crisis situation, would be able to isolate the entire Gulf of Bothnia

Finland, eager for more international freedom and manoeuvrability, is gradually relinquishing its neutrality and this is changing the security dynamic. In joining the EU, the principle of military non-alignment, different from neutrality, has been maintained, but Finland has made up for cautiousness by strong and active support for the security dimensions of the EU through the CFSP (Common Foreign and Security Policy), the Military Committee and support for relations with Russia. Despite the transition to collective security, Finland is still not a full member of NATO, though it has observer status in the NACC (North Atlantic Cooperation Council) and the Euro Atlantic Partnership Council. As such, Tiilikainen (2002) assesses Finland's security context as being dynamic but fundamentally unstable. Russia continues to have a destabilising effect on Finnish security because of its negative attitude to NATO, its preference for OSCE (Organisation for Security and Cooperation in Europe) as the primary pan-European security framework, and the occasionally sour relations with the EU. In light of this there is therefore every reason to reflect on the consequences of Finland's changing security for Åland. (Tiilikainen, 2002: 31).

Other contracting parties to the Åland Convention are NATO members, except for Estonia, Latvia, Finland and Sweden. Many of Finland's neighbours are not parties to the Åland Convention at all, such as Lithuania, Norway and notably Russia. As such, the Åland question is still a security concern for several Baltic Sea countries. In this

dynamic security environment many in Finland foresee serious problems maintaining Åland's demilitarisation and question its usefulness.

International law provides a strong foundation for Åland's autonomy, demilitarisation and neutrality, and usually this is perceived as an unquestionable empirical fact.

However, even Åland's natural environment is subject to geological changes, notably postglacial uplift around the island, which may have an impact on the boundaries of the demilitarised zone, revealing a more complicated matter. The Åland Convention appears to have some ambiguities and inconsistencies, regarding not only coordinates, but also a disagreement on the technical differences between the autonomy boundary and the demilitarised boundary. (Ekman, 1998:29) Geophysical shifts and geo-political shifts undermine the certainty that international guarantees previously assured Åland, Finland and their neighbours. In an era of heightened minority rights, there are some indications that Åland's disproportionate status is under criticism. Its political influence in Finland, in relation to its size, arguably holds Finland hostage; it is certainly not power-sharing or total democracy. Åland's restrictions on immigration and the appearance of anti-Finnish sentiment, particularly regarding language, have come to the attention of the supra-state. It indicates a lack of parity of esteem and political and civic equality.

Politics and Ethno-nationalism

Åland's Parliament, the Lagting elects its members by proportional ballot every four years. All parties refer to the need for increased decentralisation and an increase in Åland's autonomous position. Common themes are the furtherance of Ålandic identity, culture, language, landscape, community and economy. The Centre Party and the Liberals, each with seven members, emphasised a role for Åland in the international arena. The Liberal Party even proposed a unique position for Åland in the EU. The Liberals, the Centre Party and the Freethinking Conservatives (Frissinnad Samverkan/FS) place emphasis on solidarity with other regions. The FS, with four seats, aims to maximise the use of Åland's Swedish culture and language and has alluded to some form of 'full independence' such as was given the Finnish Regions in 1920. By contrast, the Social Democrats, with six seats, heavily emphasised social welfare, and the environment, whilst spending comparatively little of their ideology on particular Åland issues, other than support for regionalisation and decentralisation. The FS party includes in its allies, the Swedish Folk Party of Finland, the Folk Party of Sweden and the Conservative Folksparty of Denmark giving this relative newcomer a decided right

edge. By contrast the other newcomer, the Obunden Samling (Free Assembly/ OS), calling itself Åland's most interesting party, has arranged to have ring signals on mobile telephones that play the Åland national anthem. Their platform, which gained them three seats in the Lagting, also placed emphasis on Swedish in the islands, and works towards an Ålandic state. One seat out of two hundred in the Finnish Eduskunta/Riksdag (Diet) was won by the Ålandic coalition of the FS and the OS- their movement being For Åland in the Diet (For Åland I Riksdagen), which indicates quite clearly their platform. This is the only sizeable party in Scandinavia with an ethnic basis. (Elder, Thomas, Arter: 1982: 4)

In all this, the most remarkable observation is that for an island of some twenty thousand persons, its politics are vigorous and diverse. Although parties such as the Liberals and the Centre Party pay attention to Åland's position in the EU, the more right parties are less clear about Åland's role in the EU. No party has taken up a position on Åland in other European security organisations, such as WEU (Western European Union), NATO (North Atlantic Treaty Organisation) or even the Council of Europe. While some parties have a vision of an international Ålandic role this is a circumscribed and unsophisticated vision. Although no parties argue for explicit independence, there is an overriding policy objective towards the strengthening of its regional identity. (Arter, 1999:40) Alongside the increase in a 'nationalistic' vision of Åland, through its new parties, is the increasing reference to sub-state solidarity. Pressure mounts from Åland's government and parties for an increased recognition of regions in the EU, but also through the nation-state. This is not solely a political strategy; the Åland Peace Institute shows a long history of conflict resolution research and education with specific focus on minorities, regions, and autonomous entities.

Table 3 Politics in Åland

ÅLAND

- Ethno Linguistic: 95% Swedish, 20000 inhabitants, smallest region in Finland, 2% unemployment
- Act of Autonomy for Åland (1920, 1951, 1993) autonomy/ self government, demilitarisation, neutrality, language and right of domicile
- Åland Parliament/ Lagting representation to Finnish Diet, autonomy in: education, culture, preservation, health, industry, internal communications, municipal administration, police, postal, media
- Åland Protocol, part of Finland's Treaty of Accession to EU (1995), protects free trade, neutrality, representation in Committee of the Regions, NUTS 1 region
- Nordic Council, 1970
- Political Parties: Liberal Party, Social Democrats, Moderate/ Centre Party, Future of Åland Party, Åland Progress Group, Freethinking Conservatives (allied to Swedish Folk Party of Finland, Folk Party of Sweden and Conservative Party of Denmark)

Prospects for Settlement

Under the Act of Autonomy 1920, Ålanders received guarantees for the protection of the Swedish language, culture, local customs and the islands. An international agreement and a treaty guaranteed demilitarisation, while self-government was provided in a bilateral Finnish/Swedish treaty, acceptable to all parties. Though much praised as a success of international mediation, the autonomy and neutrality of Åland is not the famed-for ideal. The Convention which guarantees Åland's neutrality and demilitarisation has a few noteworthy exceptions. The Government of Finland may permit foreign marine vessels to visit and temporarily anchor in Åland, and, if exceptionally necessary, may send armed forces for the maintenance of order, thus allowing passage and anchorages of war ships and use of Ålandic airspace. The Convention does guarantee that Åland is to be left outside the theatre of conflict in the event of a war, except in an armed conflict involving the Baltic Sea, or in the event of an attack against Åland or through Åland. In such cases, Finland reserves the right to lay mines and take any necessary maritime measures. In the Act of Autonomy 1993,

Finland retains the right to acquire land in Åland for regular state administration without cooperation if Åland does not allocate suitable lots.

The 1920 Act from which Åland gained its autonomy was revised in 1951 and again in 1993. The basis of autonomy is ethno-linguistic, but also regional citizenship, known formally as the right of domicile, extended by additional provisions added in 1975. The Acts of Autonomy govern Åland's relations with Finland, give Åland the right to enact laws, and regulate all matters of autonomy. The safeguard for Åland's ethno-linguistic distinctiveness is their ability to prevent the immigration of non-Swedish speakers to the island, in this sense rendering Åland virtually sovereign.

The Acts of Autonomy created a legitimate Åland parliament, the Lagting, with its government, the Landskapsregeringen. The Landskapsregeringen is composed of seven members headed by the Prime Minister. The Lagting exercises its functions in much the same way as an independent and sovereign state with its own administrative and legislative machinery in the spheres of education, culture, industry, internal communications, municipal administration, police and postal services, as well as radio and television. The Parliament also chooses representatives and deputies for the Delegation of Åland to the Nordic Council

Åland's autonomy is strongly entrenched by international law and legislative provisions, which can be altered only by agreement of both the Finnish and Åland Parliaments. When the Lagting has resolved to pass a law for Åland, the resolution is submitted before the president of Finland for verification and the Åland Delegation, (a body of experts) helps decide in cases where the President of Finland feels that the Lagting has exceeded its powers. The Åland Delegation supervises legislation and has duties relating to the financial equalisation between Åland and the Finnish State. Additionally an Autonomy Committee advises the Parliament and the government of Åland on matters pertaining to Åland's autonomy.

Though Finland retains control of foreign affairs, customs and courts of justice, all praise should go to the Finns for their generous assistance in preserving Ålandic identity. The young Finnish state guaranteed in its Language Act, 1922, the parity of Swedish and Finnish throughout Finland. As part of the Swedish empire, Finnish was

only recognised as an official language itself in 1863. The new Finnish Constitution of 1995 reinforces minority rights and provisions for local self-government.

The European Dimension

Present on the Nordic Council since 1970, Åland is part of Finland's permanent representation to the European Union. The Lagting is also endowed with the power to consent or dissent on any international treaties conducted by Finland in those areas which come under the competence of Åland. When Finland acceded to the EU, a special EU law was invoked to facilitate derogation in certain matters such as duty free trade. An autonomous Åland voted separately after Finland's accession to the EU. With legal exemptions to safeguard the islands' autonomy and livelihoods, 74 per cent of Åland, voted in favour of joining the EU.

The Åland Protocol regulates Åland's relations with the European Union. As part of Finland's Treaty of Accession, EU regulations or directives cannot alter the Åland Protocol unless such amendments are approved jointly by all member states. Åland's position in the EU is formal and is quasi-independent of Finland's own position. The protocol begins by referring to Åland's position in international law as an autonomous, demilitarised and neutral territory. Most notably the protocol classifies Åland as a third territory, and is therefore outside the application of the EU's harmonisation directive for indirect taxation, making tax free sales possible between Sweden and Åland, and Finland and Åland. The protocol also protects Åland's unique right to maintain the domicile status required for land purchases and to establish and provide services.

The 1993 Act on Autonomy also covers extensively relations with the European Union, designating one candidate by Åland to represent Finland in the Committee of Regions. In regards to the EU, the Government of Åland formulates the national position of Finland where Åland is concerned. Controversy in such a situation requires the arbitration and resolution duties of the Åland Delegation.

The accession to the EU has also changed the relationship between Finland and Åland. The Autonomy Act provides for the right of access to information from EU institutions, where Åland may have special interest, and the right of the Åland government to participate when such business is being prepared in the Finnish Council of State. The Government of Åland is empowered by the Act to formulate Finland's response to the

application of common EU policy in Åland. The representative for Åland in the Finnish Parliament is always present now in Grand Committee meetings when the Finnish Parliament discusses issues of European integration. The Finnish permanent representation in Brussels has a special advisor for the Government of Åland. Completing the legal framework for Åland's EU position is a special declaration by EU member states respecting franchise and eligibility in local elections in Åland and a unilateral declaration from Finland confirming Åland's status in international law. For a small territory, Åland's accession to the EU attracted great attention, indicating the ongoing sensitivity of its unique status, not just to Åland but for its neighbours as well.

Having received sympathetic attention from the European Union, integration appears to be satisfactory for Åland, but tensions remain. Despite having a seat on the Committee of Regions, the Finnish Parliament did not allocate any of its sixteen seats in the European Parliament to Åland, thereby eliminating any direct democratic input for Åland in the EU process. It is a significant omission for the territory, exacerbated by certain economic adjustments. Classed as a third territory, a tax border is created and results in Åland having the competitive disadvantage. A special law has resolved disadvantages with Finland, but the variance in trade formalities within the rest of the EU damages Åland. The EU perspective that intrastate divisions are solely national concerns is criticised as being inappropriate in view of the lack of legitimacy this creates in regions with legislative power. Åland has recognised its own status in these criticisms and seeks to obtain recognition for all of the EU's legislative regions and for all EU treaties to be amended, to the effect that the EU can recognise regionally based legislative and administrative entities. Åland struggles against the EU status quo to have the role of regional parliaments strengthened and given an opportunity to cooperate with the European Parliament and the national parliaments. The Committee for Autonomy Issues also supports the right of legislative regions to take legal action before the European Court of Justice (ECJ) when cases touch their areas of competence, and that any future development of European structures of defence cooperation must respect Åland's demilitarised and neutralised status.

Despite its potential challenges, Åland's special position receives a high degree of international support, such as in EU negotiations. The confirmation of Åland's demilitarisation neutralisation in the EU is evidence that Åland itself can guard vehemently its unique position. Evidence from its government and political parties

indicates Åland pressing for a strengthening in its autonomy, particularly in international affairs. Although the EU has been receptive to Åland's autonomy and security status, Åland remains opposed to a federal Europe, supporting instead an association of independent states. (Tiilikainen, 2002: 52) In the defence debate Åland has firmly stated that Finland should remain non-aligned, joining neither NATO nor WEU, but continuing to be active in supporting and constructing pan European security structures. To Åland, these points within a dynamic European security architecture warrant reappraisal of its status, and its value for international law and conflict resolution.

From a sub-state perspective, Åland demonstrates the influence on national and international security that an autonomous entity can wield. As a contribution to the study of conflict management, Åland has often been held up as the example where, even with the double coincidence of acute strategic position and ethnic difference, conflict can be settled peacefully arbitrated through diplomatic and international channels. The success of highly detailed political and legislative arrangements can be a source of security for even a small, isolated minority whose peripheral territory has long been coveted. On second look, it also realistically demonstrates that this will actually be a process of conflict reappraisal and re-resolution.

CHAPTER SEVEN:

EUZKADI

Origins

Remains of a late Cro-Magnon man, discovered in the Euskera region, circa 9000 BC, along with Neolithic artwork has helped establish the premise of a continuity of occupation in the Pyrenees region. The Roman empire made contact with the Euzkadi during the Sentarian War (77BC- 74 BC), and found them to be substantially different in material culture and social organisation from the other peoples of northern Spain, (Collins, 1986:1) describing ancient Euzkadi society as matrilineal, their settlements small, with little opulence.

Strategic and Political Foundations

Roman influence in the Iberian peninsula declined further north, and the Euzkadi appeared to the Romans as a loose confederation of tribes who kept their traditional laws and continued to make their own alliances. The beginnings of sufficient unity to commit to a common political project occurred simultaneously with the foundations of Euzkadi autonomy, being a grant of autonomy from Rome to Novempopulany (Pamploma) noted in Verona's list, 297 AD. This common political project matured into the Duchy of Visconia in 660AD consolidated in the midst of Frankish and Gothic conflicts throughout the region. The Duchy evolved into the independent Kingdom of Pamplona, (later the Kingdom of Navarre) 830 AD, with the first Euzkadi king, Eneko de Artze. Ultimately the Kingdom of Navarre would comprise seven provinces; four on what is now the Spanish side of the border and three to the North. However, the remainder of Euzkadi history is characterised by near constant military offensives and dismemberment, punctuated by tenacious attempts by the Euzkadi to hold onto their autonomy, preserve unity and defend their ever-changing borders. The early medieval period was one of unvarying conflict, not only between the Euzkadi themselves but also with the Franco-Carolingian Empire and Muslim Dynasties. The Northern Euzkadi, subjects of the Duchy of Aquitaine, did rebel in 987 AD and created a short-lived, independent country. Four centuries of the Euzkadi dynasty and relative unity ended in the eleventh century as the Kingdom of Navarre was incorporated in Castille, and the Northern provinces were ruled by the French Bourbons. Various monarchs did continue to permit the annual meetings of a Euzkadi council at the Oak Tree of Guernica. Alternately subjects of England, France and Castille, Euzkadi sovereignty and unity

diminished, and the Euskal Herria has been bifurcated between France and Spain since 1659, with the three provinces of Labourd/ Lapurdi, Basse-Navarre/ Nafarroa Beherea, and Soule/ Xuberoa on the northern side of the Pyrenees. In Spain the Basque Country comprises the three provinces of Guipúzcoa/ Gipuzkoa, Alava/ Araba and Vizcaya/ Bizkaia, forming the Basque Autonomous Community (BAC), as well as Navarra.

Perhaps all traces of the Euzkadi nation might have disappeared were it not for the special privileges and degrees of self-government that the Euzkadi extracted from their monarchs and overlords. The *fors*, (also known as *fueros* in Spanish and *foruak* in Euskera) are charters for degrees of regional autonomy. In contrast to the *fors* of other cities and regions, those in Euskal Herria were not concessions made by a regent. Instead, Euzkadi *fors* were made by Euzkadi parliaments, which monarchs pledged in Guernica to protect and respect. In Basse-Navarre, the *fors* pre-dated the very Kingdom of Navarre itself, and involved reciprocal acts of feudal obligation. (Jacob, 1994:10-11) In Navarre, collective nobility meant that every Navaree was a nobleman, whilst Alava, Guipuzcoa and Biscaya obtained very liberal *fors*, making them states associated by personal links to the Castilian crown. Alava and Vizcaya maintained their *fors* on this basis until 1841. (Stephens, 1976:636) These provisions bolstered Euzkadi distinctiveness, democratic ideas, ethno-nationalism and provided the basis of modern autonomy ambitions.

Despite the past success of the *fors*, the French Revolution (1789) ended any relative autonomy in the Northern provinces; with centralisation these were integrated into one department. By the Second Carlist War (1876), misguided alliances resulted in the complete abolishment of the *fors* in the Spanish Euzkadi provinces. Despite bifurcation and erosion of their *fors*, the sense of collective and unified identity remained as evidenced even today in the Euzkadi motto, ‘ $4 + 3 = 1$ ’. Even still, Euzkadi ethno-nationalism divided into two separate courses on either side of the Pyrenees, with sometimes deeply divisive consequences. It is at this point that the separate experience of French and Spanish Euzkadi ethno- nationalism will be discussed.

The Southern Euzkadi

In Spain, the Euzkadi national project began in the late nineteenth and early twentieth century, its programmes romantic, conservative and parochial. This phase of collective

Euzkadi identity initially centred on a combination of race and language, and a reaction to industrialisation. By the 1890's rapid industrialisation had produced waves of Spanish speaking immigrants who were perceived as a threat to society. (Sullivan, 1988:1) Sabino Arana, the father of Euzkadi nationalism, creatively wedded these elements to his own blend of pseudo history, which emphasised Euskera and modernised Euzkadi symbols into a national and politicised consciousness. A less primordial movement, *fueroismo*, was also formed, which combined a political programme of increased autonomy with the Euzkadi cultural renaissance. This embryonic civic nationalism led by the Hispanicised urban bourgeoisie located distinctiveness in the *fors* and sought to regain administrative autonomy.

On the eve of the Spanish Civil War, the Euzkadi had achieved the Guernica Statute of Autonomy (October 1936) and the Euzkadi government was formed by a coalition of parties; although it was only in office from October 1936 to August 1937. As Franco's armies occupied most of Alava and Guipuzcoa, this autonomy would be of little effect. The military victory of the fascists resulted in the destruction of the Euzkadi government and the trauma escalated when surrendered Euzkadi troops and civilians were summarily tried and executed. (Stephens, 1976: 640) Severe repression characterised the military government with thousands of nationalists, priests and leftist supporters killed or imprisoned. (Sullivan, 1988:20)

Franco's victory turned the Euzkadi independence movement far away from dialogue, beginning a cycle of terrorism and counter-terrorism that continued to define successive generations. Some scholars reflect that these collective psychological wounds are so deep that a retrieval of the 1936 autonomy is now inadequate and only full sovereignty and unity with their kin in France can effect long-term reconciliation. (Krejci and Velimsky, 1981:178)

Franco's New Spain, authoritarian and rigidly centralised, abolished all local political arrangements and banned separatist parties. Francoism was synonymous with anti-Basque sentiment, discrimination and persecution. Euskera was publicly forbidden until the 1950's. Books were burned, Euskera names were forcibly Castilianised and inscriptions in Euskera on gravestones were removed. (Watson, 1996: 25) Economic investment in the region was systematically reduced and Castilians were imported for all prominent posts. This accentuated divisions in Euzkadi society, as elites maintained

close links with the central government, while local middle classes were under-represented. This deliberate exclusion from the state alienated local populations.

Since the general strike in Bilbao, (1947) the dictatorship perceived the Euzkadi as a direct threat and demarcated the Basque Country or Euskal Herria from Spain. These measures confirmed to the Euzkadi that they were a repressed minority, and even an occupied nation. Their culture and opposition to fascism silenced, Euzkadi society would erupt into violent nationalism.

In the late 1950's, the Francoist regime made concessions to the Euzkadi, such as folk festivals and the toleration of Euskera in public places. By the 1960's Spain had commenced ambitious economic expansion and the Comunidad Autonoma Vasca or Basque Autonomous Community (BAC) returned to a position of industrial dominance. This process was accompanied by a second influx of Castilian immigrants, which, combined with exclusion from public service, actually heightened fears of repression through dilution. The predominance of Castilians in administration meant that local leaders were shut out from the centre of political power, even obstructed by officials, who may have had no commitment to solving Euzkadi problems, and were sometimes inclined to exploit the region.

The Northern Euzkadi

In contrast, assimilation of Euzkadi in France has been rapid and deep since the 1789 revolution when Soule and Labourd lost their autonomy. Much has been written about violence to the southern Euzkadi in the past century, however, the Northern Euzkadi, far from being benignly ignored by the French State, have also experienced enduring violence. Euzkadi society in the three Northern provinces was largely rural, conservative and devoutly Catholic. In this milieu the clergy were also the ethnic elite, hence Euzkadi nationalism in the north was tightly linked with their religion. When the *ancien regime* was put to rest, (1789) the National Assembly eradicated all feudal and class privileges as well as provincial liberties. This new state was suspicious, radically unitary and deeply anti-clerical. Thought to be colluding with Spain, some 3000 Euzkadi were forcibly removed from their homes and deported throughout France in 1794; over half would die in exile and more would die of starvation on return to their empty homes and fields. The French Revolution was an attack on the Euzkadi people,

their institutions, their values, and their language. Jacob, (1994) notes in particular the destruction of what was once a highly participatory public culture; by 1830 there were fewer Euzkadi eligible to vote in the entire department than had previously been in a single village. (Jacob, 1994:37) By the early 20th century, separation of church and state had a decided discriminatory effect amongst the Euzkadi with the exile of priests, the closure of religious schools, and the eradication of catechism in Euskera. While the Euzkadi were hostile to these measures, the neutering of the church deprived the nation of leadership and its source of political mobilisation.

In this environment, mere personal survival presided, and Northern Euzkadi retreated from ambitions of autonomy. With few political avenues, even today commitment to a common national project has been amorphous. Additionally the Northern Euzkadi had little energy for reunification attempts for two reasons. During the Spanish Civil War, ethno-nationalism amongst the Southern Euzkadi, in addition to being republican, was also largely socialist, and nationalists were perceived to have made intimate connections with the anti-religious communists. This was deeply disconcerting to their Northern kin.

More divisive however was the treatment of Northern Euzkadi by the Southern Euzkadi refugees and the Euzkadi government in exile in Paris. In their struggles, the Southern Euzkadi had the support of the French government and so prudently avoided rallying their Northern kin. Attempting to reassure the French authorities and public opinion, the Euzkadi National Party stated that French Euzkadi did not play an important role in the Basque Autonomous Community. This was a paradox, because while the French were sympathetic to the Euzkadi nationalist cause, the French authorities refrained from including their own Euzkadi minorities in this reference. Even today, French authorities continue to preferentially treat Spanish Euzkadi. For instance, there is no right to use Euskera in France publicly, however, France does recognise Euskera as a official language of Spain and therefore, in a court of law, Spanish Euzkadi may use their own language and have a state-funded translator. The Euzkadi government in exile walked a delicate line in exchange for their sanctuary with the result that they not only kept themselves isolated from Northern Euzkadi but also isolated the Northern Euzkadi from a common Euzkadi cause.

This Euzkadi schism can largely be traced to Sabino Arana, the father of Euzkadi nationalism. His impact was negligible in France and his political writings concentrated

on the situation in the Southern Euzkadi provinces. Furthermore, Arana's views confined the role of the clergy solely to moral order. This was an untenable position for the Northern Euzkadi, considering that the clergy in France was a bedrock for ethno-nationalism. For the few Northern Euzkadi who were familiar with Arana's work, this ethno-nationalism appeared anti-clerical, militant and contrary to their interests.

For the Southern Euzkadi the period of the Spanish Civil War and World War Two (WWII) was a nationalist conflict. However for their Northern kin, the period of German occupation was a conflict again for mere survival. The Northern Euzkadi territories had long been a strategic interest, both for its iron resources and potentially as a buffer state with Spain. Unlike many ethno-nations throughout Europe, the Northern Euzkadi were disinclined to cooperate with the Germans in exchange for a promise of independence. An armed Euzkadi resistance aided their kin in resisting German occupation and as a result more than 12 000 Northern Euzkadi were deported to concentration camps.

Despite large numbers of Southern Euzkadi refugees amongst them and the urgency of war, there was little contact between Southern and Northern Euzkadi, and no political attempts at building a unified nation. Indeed at the close of the WWII, most Southern Euzkadi would return home to carry on their struggles with Franco or immigrate to Euzkadi communities in North and South America. In contrast, nationalism in the Northern provinces continued its focus on language and culture, and its few but notable political forays were exclusively focused on efforts for a Basque Department and Statute of Autonomy in France. The post war years also saw the first generation of a young, secular, educated Northern Euzkadi for whom nationalism meant more than language and culture, and whose politics went far beyond regionalism and relations with unitary France. The true beginnings of ethno-nationalism amongst the Northern Euzkadi meant genuine independence, and self determination, but also an antidote for modern social and political ills. The French state was immediately threatened by this politicisation and activists were arrested and Euzkadi flags were taken down. Few gains have been made on this more politicised path, however in one crucial area there has been progress. Despite their difficulties with their Southern kin during WWII, increased ties between Northern and Southern Euzkadi became a central issue. The Comunidad International Vasca emerged as a cross frontier, regional political framework to debate affairs of common interest on language policy, education and mass media.

Minority Identity

The Basque Country, called Euskal Herria, straddles both Spain and France and is home to approximately three million people, of whom 600 000 speak Euskera. (Grin and Vaillancourt, 1999:55) The Southern Basque Country is called Hegoalde with a population of 2, 623 318 (1991) of whom 25 per cent speak Euskera. (Krejci and Velimsky, 1981:176) (Grin and Vaillancourt, 1999:55) (Mercator 2000) Three provinces in Spain make up the Comunidad Autonoma Vasca or Basque Autonomous Communities. Navarre is the fourth province and has its own distinct status in the Spanish constitutions. On the Northern French side of the frontier are the regions of Roussillon-Languedoc, Midi Pyrénées, and Aquitaine forming the Department of the Pyrénées-Atlantiques. Collectively these are known as Iparralde and have a population of 212 400, of whom 67 000 speak Euskera. It is to be noted here however, that data on Euzkera speakers in France is difficult to be relied upon because the French government refuses to ask questions regarding languages on its census information. Euzkadi in Spain and France are a designated Minority at Risk.

The cornerstone of Euzkadi identity is language; Euskera has no links with any other known languages and was spoken long before the other Indo- European languages. Euskera may be related to ancient Aquitanian, as it was the Ausci tribe of ancient Aquitain who gave the name Euska-ra to the ancient Basques. Other philologists have loosely connected Euskera to the Northern Caucasus. The survival of the language is due largely to its oral traditions (Grin and Vaillancourt, 1999: 55), but a Basque Language Association was formed in 1877. Prior to the Spanish Civil War, Euskera could be described as an archaic language not always capable of expressing the full range of modern urban life, but the rise in technological innovations has also made Euskera an innovative language. (Stephens, 1976:646)

Unique biological characteristics also distinguish the Euzkadi. The premise of a continuity of occupation by the Euzkadi in the Pyrenees, gains its support from several disciplines. Compared to surrounding populations the Euzkadi demonstrate lower genetic dilution as evidenced in their blood groupings. Unique cellular, genetic and chromosomal indicators, and skeletal morphology have also been found amongst the Euzkadi. When combined with findings from philology, archaeology and anthropology.

a high degree of endogamy has been present in the Euzkadi and they have likely occupied the region for several thousand years.

Identity and Conflict

An increasing number of studies on social structure and identification have shown that strong localist feelings are most prevalent in the communities of Navarre, Murcia and Baleares, but people from Catalonia, the Basque Autonomous Community, Asturia, the Canary Islands and Galicia were allied more to their autonomous communities. (Herranz de Rafael, 1998:39) (Eurobarometer, April 2001:11) These results differ little from an earlier survey by Jimenez Blanco, which found that the regional identification in 1977 was strongest in Galicia at 53 per cent, followed by the Canaries at 49 per cent and the BAC at 47 per cent. (Herranz de Rafael, 1998:57) In 1990, 25 per cent of the population in Iparralde identified themselves as Euzkadi, and 55 per cent identified themselves as either French Basques or Basque French (Horowitz, 1990). Singular nationalistic feeling was found in the BAC amongst 20 per cent compared with 14 per cent in Catalonia. Dual identification was found by Fernando to be high in Cantabria at 83 per cent but significantly less in the BAC at 35 per cent and Catalonia, 36 per cent (Herranz de Rafael, 1998:45, 55). In these surveys, the BAC was the only autonomous community where their primary Euzkadi identification means real nationalism- there was an overwhelming preference for radical independence as opposed to alignment with autonomous attitudes or accommodation in a multi-national state. In contrast the ideal of French civic nationalism also coexists with minority ethnic national identity. This illustrates that identity in Euskal Herria is not dependent on language, but is strongly part of a psycho-social sphere as well. This deeply rooted nationalist feeling is also widespread and held commonly. Euzkadi generally do not consider themselves an ethno-linguistic community but rather a nation, so minority provisions are perhaps inappropriate or insufficient. Observers question the viability of a divided nation; whether an autonomous Euzkadi nation will be satisfied inside multi-national Spain or if sovereign union is the only answer.

In Euskal Herria, the general societal trends are an aging population, youth migration and economic underdevelopment, except in the Basque Autonomous Community where conversely, young, urban educated population and economic dynamism abound. Hegoalde's high degree of sub-state terrorism and counter-terrorism coincides with rapid advancement in industrialisation, modernity, education and a young population. In

contrast, Iparralde has slower economic development, a rural and aged population, and does not yield the same type of ethnic assertion. Theories of economic peripheralism then only partly explain ethno-nationalism in the Euskal Herria. Cultural and political movements are on the increase in Iparralde and Hegoalde, so the different economic experiences have not greatly fractured Euzkadi ethnic self-consciousness.

With the waning of the violence in Northern Ireland, Euskal Herria has now progressed into Europe's most violent conflict. Conflict in Euskal Herria between the Spanish government and the militant wings of Euzkadi nationalism is characterised by small but frequent attacks, counter attacks, and a remarkable infrequency of political dialogue. For nearly forty years ETA attacks focused on political targets and members of the security forces, whereas police and state military forces targeted both ETA activists and civilians. In Spain and France there are 505 Euzkadi political prisoners and there are approximately 2000 political refugees. (Moraiz, 1998) In recent years, violence in Euskal Herria has expanded, with less discriminatory ETA attacks; tourists are now legitimate targets as is any opposition- including fellow nationalists. The cycle of violence is largely unpredictable. Aggregate figures for deaths attributed to Euzkadi violence, which would include activists, are estimated to be 1046 people. (Elkarri, 2002)

There is also an exponential increase in *kale borroka* (street violence); targets are often arbitrary and it is presumed to be committed by a militant, nationalist youth wing. *Kale borroka* is a disparate phenomenon, comprising of threats, terrorism, politically motivated destruction and random urban violence. In 1999, there were 388 acts of street violence in Euskal Herria including burning party headquarters, buses and public sites; attacking public buildings; sending letter bombs; and other demonstrations of protest. (Watson, 1996: 26) In 2000, this street violence in the BAC and Navarre had nearly doubled. A survey by the University of the Basque Country found that seven out of ten people there were extremely afraid of getting involved with politics. (Lamb, 13/08/2000 The Telegraph) Police violence against ETA and against demonstrators is well documented, and the frequent states of emergency indicate critical levels of direct violence.

Non-violent political expression in the BAC and Navarre has a long history, which has included a high rate of abstention from elections. Because of the legal requirement to vote, this signifies deliberate repudiation by the politically conscious and self organised

population, whose deep rooted traditions of popular involvement in civic affairs far exceeds the rest of Spain. (Stephens, 1976: 651) Grass roots, non-violent movements have come to be considered as conflict agents, partly because ETA now includes in its targets those opposed to its objectives and methods. Public demonstrators have defied government bans and so have become targets of police and military violence.

Insumision (conscientious objection) is another expression of discontent and there are currently 3500 *insumios* (conscientious objectors) in Euskal Herria, from a total of 5500 in the whole of Spain. In 1993 Navarre had the highest percentage of conscientious objectors, not only in Spain but also in the EU. *Insumision* is a tradition in Navarre and the BAC that goes back to their foral privileges, linking peace activism with political identity. The Basque Parliament is attempting to de-criminalize *insumision*.

While Northern Euzkadi have aided ETA extensively, France is no longer tolerant of militant Euzkadi ethno-nationalism and has in recent years increased its cooperation with Spain in regards to terrorism, resulting in a recent escalation of violence in Ipparalde. Madrid retains its hard line stance against militancy and terrorism. The former Prime Minister Jose Maria Aznar used a 'fight force with force' policy, popular with the electorate. Other aims were to criminalize the nationalist movement through tighter terrorist laws, which would include independence demonstrations. Public demonstrations whether anti-violence, pro-democracy or ethno-nationalist are routinely met by police and security forces. Spain is in the process of having ETA and its political wing, Herri Batasuna, described as terrorist organisations by the EU. The Spanish government has also banned the Herri Batasuna and ousted the moderate Basque Nationalist Party from the Basque Parliament by bolstering the presence of the Party Popular in the BAC. The Basque president, Juna Jose Ibarretxe, is under constant verbal attack from the Spanish government. Madrid's actions demonstrate that autonomy is conditional and that Spain can repress the aspirations of Euskal Herria. Revisiting the populist anti-Basque are neo-Spanish nationalism movements; at least nine far right organisations have in addition to their anti-immigrant activity, called for Basque and Catalan nationalist movements to be outlawed. Forces within the Spanish right wing are strongly committed to a unitary state and have irrational fears towards any centrifugal forces. With the global 'war on terror', Spain has found international support for its hard line stance against Basque nationalism. It remains to be seen if the new and unexpected socialist government will continue this policy.

Both public and political initiatives to create a peaceful society still grow in Euskal Herria. These have included the Peace and Conflict Research Centre in Gernika and citizens' groups, which may be significant players in ending the violence, if not resolving the conflict. Since 1986 these groups have proliferated in number and activity bound by one main idea; that Basque society has some kind of responsibility for the existence and persistence of violence and must become the instrument for resolution. (Funes, 1998: 498) The tacit acceptance of violence is now ending; 76 per cent of people in Euskal Herria in 1991 no longer believed that violence is necessary to come to a political solution and 77 per cent believe that public mobilisation against violence is important- an increase from 49 per cent in 1987. (Funes, 1998: 500) Javier Elzo found, in 1996, that a majority 70 per cent in Euskal Herria felt that political violence was useless and 55 per cent supported a political process, preferring even an imperfect democracy. (Elzo, 1996 in Khatami, 1997: 407-408) Pro-democracy and peace movements are supported by more of the general public, and are an increasingly visible political force in Euskal Herria.

Politics and Ethno-nationalism

Contemporary ethno-nationalism in Euskal Herria is a diverse movement, which has largely rejected race and marginalized the role of religion, becoming a cross class, secular and civic movement. Euzkadi ethno-nationalism has been seen as an anti-Spain phenomenon, but is equally a movement for French political reform and solidarity with other ethno-nations. As detailed in earlier sections, ethno-nationalism amongst the Southern Euzkadi emerged in the late nineteenth century, as part of a 'wave' of burgeoning ethnic assertiveness. By contrast, the Northern Euzkadi developed a politicised ethnic consciousness later, and while much has been written about the dynamic Euzkadi ethno-nationalism in Spain, that of the Northern Euzkadi, as distinctive, is eclipsed. In this section we will redress this and examine firstly Euzkadi ethno-nationalism in France.

Northern Euzkadi Ethno- Nationalism

The first apparent question is why two distinct regional trajectories of Euzkadi ethno-nationalism? Along with the polarisation created in WWII, the situation of the Euzkadi in France was perceived as different and so demanded different methods. Modern Northern Euzkadi ethno-nationalism, though moving away from its devout Catholicism,

was first an apolitical language and cultural movement, typified by the organisation Eskuazaleen Biltzarra (Association of Basque Students). A political party, Parti Eskualerriste, did emerge presenting itself as a youth party. Mainly middle class and comprising as many as twenty members, they were devout Catholics. Their focal point was a national newspaper, Aintzina, whose purpose was for the moral and spiritual purification of the Basque youth. Aintzina evolved into a social, political and regionalist movement. It was youth oriented, Catholic and in opposition to French secularism. Any aspect of the Spanish Civil War or the plight of Southern Euzkadi was remarkably absent. This regionalism is one of Aintzina's most important legacies, campaigning for greater autonomy within existing French state and society. As such it was compatible with French patriotism and not with the alternatives south of the border. Separatism was not a widely accepted solution, nor was reunification if that meant living under a repressive Spain. Northern Euskadi ethno-nationalism lacked the committed dynamism necessary to make political gains, or even to challenge the French state. In 1946 Aintzina ran some nationalist candidates in municipal elections on a platform of a Basque department and increasing ties between North and South Euzkadi. Electoral turnout was abysmally low, and politically there was little early support for Basque nationalism of this kind. It would appear that the Northern Euzkadi never recovered their highly participatory culture nor their political liberties destroyed during the French Revolution.

However, this low level of politicised assertion in Iparralde has changed in recent decades. Though there is a policy of regionalisation in France, which includes the defence and promotion of Euskera, it has not seriously been implemented. Concern over the deterioration of the economy and the impact of greater regionalisation trends has found a receptive audience in Iparralde. Young French Euzkadi particularly are now more influenced by the separatist movement in Spain and by exiled Euzkadi. French Euzkadi nationalist parties won five per cent of the vote in the general elections of 1988 and 7.5 per cent in the cantons. In 2000, Euzkadi nationalist parties had increased their gains to 12 per cent of the vote in Iparralde.

In 1959 the political movement Enbata was founded to save Euskera and Euzkadi culture. Its aims included creating a single département, Le Pays Basque, and a Basque General Council. Ultimately it sought reunification and an independent democratic Basque state in a con-federal Europe. Enbata was non-violent and it made some

progress in the general elections, but was banned by the French government in 1970. Enbata finally dissolved in 1974, its militancy at odds with the public.

Out of Enbata, EHAS emerged as the primary vehicle of this militant Euzkadi nationalism in the north. At the same time, Iparretarrak (those from the North) emerged in 1973, a loose coalition of armed groups in the Ipparalde campaigning for full Euzkadi autonomy. The two groups disagreed on the use of violence, although they are quite close in their calls for socialist revolutions- but again this is against public opinion. Iparretarrak was declared illegal in 1978, but its activities have increased in Ipparalde since 1996 and its targets are usually property, security forces and informants. Between 1975 and 1992 there was a progressive cycle of violence and repression in the Northern Euzkadi territories. Spain has notoriously used mercenaries and contract killers in the region, designed to pressure France into moving against ETA's Northern sanctuary.

The left continued to attempt to gather support with groups such as the Herri Taldeak and the Euskal Herirko Laboriarren Batasuna (United Workers of the Basque Country). Many of the groups relied on the promises of the French government to create a Basque department and to preserve the language and culture- a promise that was quashed by the Gaullist government who amalgamated the territories into the Pyrénées Atlantiques.

The less publicised Euzkadi militancy in the French Basque Country, and its inability to make political progress did leave a vast political centre open for moderates. The absence of candidates and a cohesive movement did lead to broad based movements such as the Ezkerrkeko Mugimendu Abertzalea (The Patriotic Left Movement/ EMA). A recent development is the quasi-political movement for the unification of a sole Département of Pays Basque by the Eusko Alkaratasuna (Basque Solidarity/ EA). The EA claims their objectives are borne out of the obstinacy of the government to see the social economic situation of the Northern Basque Country. EA formed in 1986 and though its objectives are limited, they are in solidarity with other minority peoples in France. There are no indications of militant separatism.

In 1986, Euskal Batasuna (Basque Union/ EN) was formed, followed by Ezkerrkeko Mugimendu Abertzalea (The Patriotic Left Movement/ EMA) in 1988. Running in coalition in the French municipal elections of 1992, they won 7.2 per cent of the vote. The following year the EMA-EN gained 5.4 per cent of the vote in the general elections,

but in the regional elections of 1998 they won nine per cent. In September 2001, EMA-EN won a seat on the General Council of the Pyrénées Atlantiques département, as well as the town hall in Hiriburu. Now known as Abertzaleen Batasuna, it debates its direction as a local party without a national Basque political strategy or as a militant pro-Basque independence movement. Euzkadi in Ipparralde also began to develop their own structures outside of the political institutions. Most unique of these was the IZAN, the Self Managed Basque Patriotic Collective. IZAN was a 'work structure' formed in 1977 by Abertzaleen independents, who were fed up with dead end politics and were seeking to enhance economic developments in the region.

France's legal history is conscious of the French Basque Country; in 1790 the Constitutional Assembly created eighty-three départements which included an approved Département Basses Pyrénées. The Eusko Alkaratasuna (EA) also found a proposition for the creation of a Statute du Pays Basque dans la République Française, to be established with France's liberation in 1945. A referendum in 1994 found that 86 per cent of Chamber of Commerce and Industry members in the region favoured the creation of a Département Pays Basque. A poll in 1996 found that 63 per cent of mayors favoured such a département and, in 1999, the municipal councils surveyed were overwhelmingly favourable. (EA, Département Pays Basque, www.euskalherrdepartamendua.com) Even so, in 2003 just ten per cent of the 210 000 people voted for Basque parties in Ipparralde. (The Telegraph, 02:03:2002) Most French Basques today operate with the French constitutional framework and hold the view that the French Euzkadi territory is too small to survive independently. This is further entrenched by the changing demographic; the region is now less homogenous. (Judge, 2000:55) The Abertzaleen Batasuna is currently the most popular French Basque party, rejecting violence and other nationalist goals of unification. Notably, the AB does not wish for southern political parties to colonise the north and transplant power; French Basques still see themselves as politically and culturally different from the south.

Southern Euzkadi Ethno-nationalism

Ethno-nationalism in Hegoalde, by contrast has been well-organised, highly participatory, and dynamic; equally it has been divisive, monopolised by the longstanding Basque National Party (Euzkadi Alderdi Jeltzalea/ Partido Nacionalista Vasco, EAJ/PNV), and detrimental to the region and to Euzkadi ethno-nationalism as a

whole. Although the PNV led a general strike (1947), all its efforts to dismantle Franco were ineffective. As the authority of the PNV waned, a splinter group emerged. EKIN (meaning *action* in Euskera) was initially a discussion group that was against Marxism because of its centralist ideology. Eventually EKIN's socialist, humanist and federalist facets were replaced with leftist, revolutionary ideas. Though it advocated liberation through armed struggle, initially EKIN confined its activity to producing political educational material.

Ideological incompatibility, combined with a mutual suspicion that each side operated as American agents, strained relations between the PNV and EKIN to the breaking point. EKIN then founded ETA, (Euzkadi Ta Akatasuna/Basque Homeland and Freedom) on 31 July 1959. Instead of peaceful penetration of the Basque and Spanish polity, they trained for violent action, recruiting from the mountaineering groups founded by the PNV. The first act of ETA's military campaign, the attempted derailing of a train carrying civil war veterans in July 1961, also cemented the demarcation between ETA and the PNV. For the nationalist movement, it had disastrous consequences. The francoist response was swift and severe; hundreds were arrested and many fled to France. This attack proved to Madrid that Euzkadi were a security threat and thus legitimated increased military force.

For ETA, the onset of a violent campaign was initially a success. It confirmed its ideology that attack would lead to counter-attack, destabilising the right wing regime. ETA had support both in Euskal Herria and abroad. At the 1962 ETA assembly in France, it described itself as a revolutionary Basque movement of national liberation demanding full independence, unification and a democratic state. ETA also supported a federal Europe. Besides armed liberation struggles, ETA's remaining political ideology was shallow, even naïve, based on the flimsiest of Marxist tenets, which were not at odds with nationalism. ETA's political wing, the Herri Batasuna (People's Unity/ HB) was founded in 1978. In the 2000 election it received some 180 000 votes and publicly has never condemned the violence. ETA also has two large youth wings; Jarrai and Haika, which regularly vandalise, sabotage and firebomb symbols of the Spanish state and ETA opponents' property.

Militant Euzkadi ethno-nationalism is neither a comprehensive nor cohesive movement. ETA has experienced many schisms, which centre on the conflict between the priority

of the working class and the Euzkadi nation. ETA today is the offspring of ETAm, the more militant faction, demanding self-determination for Euskal Herria, the union of the province of Navarre with Euskal Herria, the unification of Ipparalde and Hegoalde, and the regrouping of imprisoned activists.

International tolerance of ETA has drastically diminished; the USA extradited its first ETA member in 1997. Public support for ETA has also declined and throughout Spain the militancy of Euzkadi nationalism provokes anger. Public demonstrations against violence have increased and in September 1998, ETA announced it would learn from the Good Friday Peace Agreement in Northern Ireland. However the collapse of the ceasefire and the increase in ETA attacks indicates that the organisation is arguably not capable of sustained interest in a peace process and has become dangerously out of touch, not only with Euzkadi society, but also with developments in the wider world.

Traditionally ETA's political arm, Herri Batasuna, has received its instruction from the militant organisation. HB has never condemned an ETA attack, nor street violence (*kale barroka*), nor asked ETA to abandon its weapons. In the 1980 elections HB refused to take its seats until 200 imprisoned ETA members had been amnestied. Herri Batasuna is the only political party that has yet to sign the Lizarra Declaration and its absence from the pre-negotiations could be taken as its de facto subservience to ETA. Herri Batasuna has had its website suspended by the IGC (Institute for Global Communications) in 1997, and all twenty-three members of HB's national committee were sentenced to seven years in prison for collaborations, such as granting ETA coverage in free televised electoral space. Since late 2001, the Spanish government has sought to have HB acknowledged by the European Union (EU) as a terrorist organisation and in August 2002 the party was suspended, which prohibited them from holding public demonstrations and from running for elections. Meanwhile, the Spanish Parliament has separately voted to seek a total ban on the party. Though the party now operates under the name Euskal Herritarrok (Basque People/ EH), it has gradually lost the majority of its electoral support. In 2004 further schism in EH took place and Aralar was formed. Aralar completely condemns all forms of political violence; further evidence of the fading support for Euzkadi militancy.

The PNV re-emerged in 1975 well financed and well staffed, its Christian democratic traditions presenting an attractive image. The PNV developed an offshoot party, the

Eusko Alkarasuna (Basque Patriots/ EA) and gradually adapted to the arrival of other Euzkadi parties and relinquished its rights as the sole organisation of Euzkadi nationalism. For a period it even joined forces with the Herri Batasuna as well as the EA. The PNV is criticised as willing to align with any Spanish Party in order to preserve their political hegemony, with negative consequences on any kind of unification for Euskal Herria. Publicly, the PNV oscillates between independence and unity with economic autonomy in Spain, and this dampening of its already moderate nationalism has not endeared it to militants; hence the PNV has not been spared ETA violence. The ousting of the PNV electorally has left this traditional wing of Euzkadi ethno-nationalism isolated from other nationalists, from its electorate and from the Spanish government.

The Basque Autonomous Community has produced two left parties, the PSOE-EE, (Partido Socialista de Euskadi- Euskadiko Ezkerra/ Basque section of the Spanish State Socialist Party), a united socialist Basque nationalist party, and Ezker Batua/ Izquier da Unida, (United Basque Left, EB-IU) established in 1986. Ezker Batua's primary platform addresses the actual violence and conflict in Euskal Herria as the priority, whilst the socialist and pacifist objective of the PSOE-EE is Euzkadi autonomy in cooperation and solidarity with Spanish people. Ezker Batua earned 11 000 votes in the 1999 elections but no seats. Its 223 page electoral agenda centres on the normalisation of society. Normalisation would entail a referendum on the Basque question, state sovereignty, territorial identity and cooperation. EB also advocates for socialist banking, labour rights, internal solidarity and Euro frontiers. Most of all, the EB proposes a free and federal union with the people of Spain.

National parties of Spain are represented in the BAC by the Popular Party, (Partido Popular/ Euskal Talde Popularra, PP) a moderate Christian democratic aggregate founded in 1989. The PP respects the rights and freedom of the community, but especially the Spanish Constitution and its regionally autonomy statutes. Additionally Euskal Herria has a young and vibrant- though yet to be represented- Basque Humanist Party (Partido Humanista de Euskadi). Its programmes are pan-Spain in context, with no specific reference to autonomy or self-determination.

Voting in the BAC demonstrates an increase in national assertiveness, but a steady decline in support for militancy. In contrast to the assertion of Euzkadi identity in

Navarreese politics is another Navarreese political movement, the UPN (Union of the Navareese People/Union del Pueblo Navarro). Its agenda considers the important *fors* elements of the Navarreese identity to guarantee the collective liberty. Though its politics are neither specifically Euzkadi nor Navareese, it has been criticised by some Euzkadi parties for being right wing.

In general Euzkadi ethno-nationalism in France, in Navarre and in the Basque Autonomous Community concentrate on Euskal Herria, and on relations with Spain and France with little movement into a European context. The leading party, the PNV, makes a fleeting but supportive reference to the European Convention on Human Rights, whereas EA and PSOE-EE include visions of “freedom” and “solidarity” with Europeans. Only EB has a sophisticated understanding and policy of Euzkadi ethno-nationalism in a European dimension, which includes not only support for a federal Europe but also a redefined Committee of the Regions, and an extensive role for Euskal Herria in EU institutions. Coincidentally, the EB is also the only party with a sophisticated plan for peace and reconciliation in Euskal Herria, giving some indications that it may be trying to redefine the conflict and capitalise on the opportunities afforded by the supra-state. In France and Navarre, political parties remain underdeveloped and demonstrate indecision and fluctuating attitudes towards Euzkadi ethno-nationalism; and so have yet to consider their options at the European level.

In the party manifestos there is a tendency to refer to autonomy alongside solidarity with the people of Spain, never with the Spanish state. EB was the only party to risk denouncing ETA and criticises other parties like the PP. It also insightfully refers to anti-Basque, neo-Spanish sentiment and how that influences conflict. The political principles of the PNV, most evident in their initial acceptance of the Spanish Constitution of 1978, demonstrate that old and new nationalism wants sovereignty and independence, even if in politically guarded terms. (Herranz de Rafael, 1998:39) Further observations on Euzkadi party politics include the bilingual Basque Parliament title, with Euskera as the first language and the-primarily Euskera material of the EAJ/PNV. Conversely the socialist parties operate completely in Spanish, whilst the Popular Party offers some introductory material in Euskera.

Euzkadi nationalism has made rapid progress, though not as rapid as that of Catalonia. There is a dominant role for Euzkadi culture in the political project. The high degree of

fractionalisation is matched by interaction and cooperation between its various factions. The role of the left has been prominent for over thirty years in both Ipparalde and Hegoalde, and though unification and independence receive most of the attention, there is a firm thread of regional autonomy. A minority of the Basque ethno-nationalists recognise in themselves the same problems facing other minorities, but a political coalition remains unseen.

Table 4 Politics in Euskal Herria

EUSKAL HERRIA

The Basque Country

- **Population:** 3 million, 600 000 Euskera (Basque) speakers
- **Hegoalde:** Southern Basque Country comprised of Navarre and the Basque Autonomous Community (Pais Vasco). Population: 2, 623 318 (1991) 25% Euskera speakers. BAC & Navarre: decreasing population, high youth unemployment (21% BAC), high taxation (31% Navarre), highly educated, industrialised
Basque Autonomous Community Parliament (Lehendakanitza) collects taxes, police force, education, language, transportation, culture, tourism.
- **Ipparalde:** Northern Basque Country comprised of Rousillion-Languedoc, Midi-Pyrenees and Aquitaine. Population: 212 400 (1991), 67 000 Euskera speakers. Rural, high unemployment (15 % youth unemployment in Aquitaine), increase in aging population
Separated from Hegoalde since 1659, 1972 regional governance est. (incomplete)
- **Seminal Political Statutes:** Amnesty Acts 1976-1977, Regional Autonomy Statutes of 1979 establishes autonomous governments for BAC and Navarre, Ajuria Enea Pact 1987, Lizarra Declaration/ Lizarra- Garazi Accord 1998, New Political Statute for the Basque Country 2003

Prospects for Settlement

Violence and instability are concentrated in the BAC, and hence the major initiatives for ceasefire, dialogue and peace and stability have centred on this region. Democratisation in Spain brought prospects for peace, in the form of home rule, to the Basque region. The Spanish government granted the three provinces a statute of autonomy in 1978, which provided for the official recognition of their language and provisions for non-discrimination based on language. The Eusko Jauriaritza is the official name of the Basque Autonomous Government, which administers the provinces of Bizkaia, Gipuzkoa and Araba, which comprise the BAC. Navarre voted in a referendum to remain outside the Basque Autonomous region and became its own autonomous entity.

Both the Spanish Government and the Basque Autonomous Government have facilitated a peace process, as have individual political parties. The Amnesty Acts of 1976-1977 officially sanctioned and pardoned offences committed by the francoist regime and Spain did offer an amnesty between 1983- 1986, taken up by 107 ETA members. The Ajuria Enea Pact of 1987 was signed by all parties (except Herri Batasuna) and created the all-party Ajuria Enea Forum. The President of the BAC intends to resurrect this forum to recommence the peace process. In April 1995, ETA issued its peace proposal, The Democratic Alternative, which offered a ceasefire in exchange for the recognition of Euzkadi self-determination and included a plan for democratic process and negotiations; it was rejected by the Spanish government.

The run up to the ceasefire of September 1998, which lasted fourteen months, began with the Lizarra Declaration signed by over twenty-five political organisations, social movements and trade unions in the BAC. An accord signed in 1998 by ETA, the PNV and the EA, outlined an indefinite ETA ceasefire. Later substantial changes were made and it became the Lizarra-Garazi accord that included a democratic formula to overcome the conflict. Lizarra proposed to establish a basis in which all political options were possible and legitimate, creating the opportunity for non-violent, democratic, Euzkadi decision making. ETA, EA, and the PNV agreed upon a set of cooperative nationalist aims, which included the unification of Euzkadi territory, cooperation of all nationalists, the end of forces obstructive to Euskal Herria and an indefinite ETA truce. However, Madrid and ETA suspected each other of insincerity when ETA did not abandon its weapons and Madrid failed to organise meetings. By August 1999, ETA announced that the contract with Madrid had ended and the end of the fourteen-month ceasefire was announced in November 1999. ETA renewed its violent campaign and the conflict has since escalated and acquired new complications.

Among the important political initiatives has been the proposal of October 25, 2003, passed by the Basque Autonomous Government. A New Political Statute for the Euskal Herria aims for extended self-government as a necessity to improve coexistence. The new statute is not a breaking with Spain, but is a coexistence framework where Euzkadi identity gains the ability to speak with its own voice in Europe and the rest of the world. The BAC parliament would control the recognition of political parties and unions and the Statute has extensive provisions for autonomous Basque justice. Exclusive powers include a Security Policy in which the Ertzaintza (Basque Police Force) will protect

persons and property, while the security forces of the states will only be responsible for exclusive state powers in the BAC. The BAC government will also have its own powers to cooperate with states in Europe in matters such as social and employment policies, as well as having direct links to the European Union, with direct recourse to the European Court of Justice (ECJ). Euskal Herria will make up a single electoral district to the European Parliament and be able to set up delegations abroad and can authorise international treaties. Additionally, the Basque Government will develop its own solidarity with developing countries and be represented in international organisations as a stateless nation.

This document from the BAC parliament represents both unified ethno-nationalism, as well as an indigenously initiated peace process. This uniquely political-legal statute indicates clearly that resolution hinges in part on increased autonomy and sovereignty. This is most notable in relations with Navarre, BAC and Ipparalde, but also internationally and in the EU. The aforementioned right to international representation is remarkably novel and well thought out, considering the lack of attention to these areas in party manifestos. These provisions indicate an ethno-nationalist movement, whose goals are near statehood by representation at international levels and parity with the Spanish state. There is also a moral imperative to this statute that only increased autonomy measures can secure the rights of citizens in the Euskal Herria, revealing an underlying distrust and aversion to Spanish hegemony.

Conceptions of Euzkadi identity and conflict based on race and language have faded from the centre. The majority of Euzkadi are more concerned with economic issues than with nationalist causes, although these are inextricably linked. The situation is one of resentment, where the BAC pays more in taxes than it receives in benefits from the central government and Euzkadi wealth subsidises Spain's more underdeveloped regions. Furthermore Madrid makes too many decisions affecting the BAC, contributing to perceptions of exploitation and oppression of the masses. (Khatami, 1997: 396) ETA's own theory of the conflict is one of internal colonisation. (Khatami, 1997: 397) Class ideology still plays an important role if divisive role in the conflict.

Central conflict issues include unification, sovereignty, autonomy and representation, but also prisoners and party recognition. Internally, political and militant wings of Euzkadi ethno-nationalism now compete over which is the legitimate representative of

Euzkadi nationalism. The dynamic between working class radical nationalist and moderate middle class nationalists, although waning, remains important. There is some evidence of rising confrontation with a distinctive Navarrese identity. The Euskal Herria Journal, which believes the conflict is between nations, focuses instead on Navarre as a nation with its own rights, but occupied by France and Spain. This indicates a trajectory of contending centres of the Euzkadi Homeland; the Autonomous Communities versus Navarre. Additionally, Euskal Herria contains a large number of immigrants of Castilian and Catalan origins. The dominance of the Catholic Church alongside an established Protestant faith indicates another aspect of societal divisions, whilst the rise of neo Spanish nationalism presents another challenge.

While Euzkadi ethno-nationalism interacts with environmental, gender, peace, and conscientious objector movements, the antipathy to violence and terror is a further schism in Euzkadi society. Increased political space for nationalism has now come to confrontation with militant nationalism. In many ways, the conflict has dispersed into competing visions of Euzkadi identity, its autonomy, and territorial integrity and the means to achieve this.

Although the BAC and Navarre are amongst the most autonomous sub-state units in Europe, regional autonomy has not been entirely satisfactory. Spain enshrined federalism in its 1978 constitution, but Euzkadi nationalists' demands for recognition of their original sovereignty in the constitution were rejected. The statute was approved by only one third of the electorate in Navarre and the Basque Autonomous Communities. Nearly 65 per cent of the Euzkadi population could be assumed to not approve and thereby not be bound to the constitution. There are many reasons why devolution and extensive autonomy did not resolve the conflict. Francoism may have contributed to the lack of civic participation and, though the type of government has changed, the force of centralism, commitment to an autocratic system and even the actual politicians remain. Spain's centralist parties are merely a cosmetic rearrangement of the unitary state; thereby devolution was an illusory solution. Perceptions that reform was not genuine also increased perceptions of a peripherality under attack. Medhurst (1987) reminds us that ETA violence was itself a product of francoism. (Medhurst, 1987: MRG Report 9) There remains much to be done in eliminating anti democratic attitudes in the military and police services. (Medhurst, 1987: MRG Report 9)

This perceived lack of genuine reform is among many obstructions to resolving the conflict. The Amnesty Acts intended to officially pardon offences are heavily criticised as being a legitimated collective amnesia. (Aguilar Fernandez, 1996: 4 in Flynn, 2001: 707) Neither can resolution, which requires some acknowledgement of the autocratic past, proceed if official comprehensive pardons do not include a voice for victims. Resolution based on political transitions also requires sincerity and transparency and the perception from Euskal Herria is that there has been no real change in the system. The French government promised in 1982 to create a Basque département, but this has never materialised and this indicates that insincerity is combined with lethargy.

The processes leading up to the Lizarra Declaration had a crucial flaw; Herri Batasuna, ETA's political arm was excluded from these negotiations. The exclusion of Herri Batasuna negatively affected the peace process, as well as the democratic process. A gap between ETA and Herri Batasuna has since emerged and the gulf between militant and moderate nationalism has widened, coinciding with the escalation in violence. Direct negotiations with ETA are now considered impossible.

The Process has been derailed partially due to a lack of reciprocity. For instance, Lizarra indicated that the autonomous community was initiating the peace process, which was previously dominated by the intransigent relations between Madrid and ETA; and in so doing, was taking its nationalist destiny into its own hands. During the Lizarra peace process the PNV invited the former president and leading Christian Democrat, Francesco Cossiga, to the BAC for assistance, and in December 1998 the PNV, EA and EH went to Washington to resume talks with the Carter Centre and have an interview with the Senate. These efforts by the Basque Autonomous Government have been largely ignored by the Spanish government.

Similarly, the Spanish government's commitment has been criticised; only one meeting (May 1998, Zurich) was held with ETA during the 1998 ceasefire and the government made no good will response. The government refused to discuss demands for independence and self-determination and could not make progress on the issue of Euzkadi prisoners. ETA doubted the genuineness of Madrid's intention to resolve the conflict. Lizarra was criticised as granting legitimacy and concessions to ETA. The sincerity of ETA's indefinite truce was also doubted as it did not abandon its weapons, but only intensified its criminal activity, raiding armouries and munitions factories.

Lizarra demonstrated that dialogue could deliver peace if it was inclusive and that the major sectors in Euzkadi society are permanently altering the previously hegemonic conflict paradigm. The more acute attitudinal impediment is intransigence, for instance, the fanatical constitutionalism demonstrated by Madrid and the entrenchment of political values against dialogue with terrorists. The PP and the PSOE are still adamantly opposed to the Lizarra declaration, portraying it as a concession to terrorism. That this is not viewed as a political conflict is an impediment. Portraying ETA as criminal thugs with no political credibility erodes any political space for settlement.

Initiatives of third party mediation or support have been few and not well received by the Spanish government. The Spanish state defends the unity of the state and so opposes any internationalisation of the Euzkadi conflict and any external mediation. Moraiz (1998) argues that international mediation could be beneficial because the political system within Spain is so highly damaged by repression, dirty wars and corruption that it has neither the credibility nor competence to take responsibility for the necessary guarantees to begin a peace process. Similarly, internationalisation of the situation, or third party intervention could inject France and Ipparalde with the necessary impetus and attention to begin resolution.

Moderates have been increasingly marginalized and ETA itself is isolated from the community, its political wing Herri Batasuna now exiled from the political process. There is more space for radical, polarised and intransigent doctrines, for instance, that of ETA will not budge from full unity and independence and will not cooperate with those opposed. The similarly inflexible stance from Madrid, and from socialists and conservatives in the Basque Autonomous Community, will not concede to terrorists and allows for little progress for resolution. Secondly, veto holders, such as ETA, Madrid and the Euzkadi political parties, operate in a vacuum and have neither incentive nor legitimacy to move once more to a process of dialogue. This abandonment of political settlement reveals, increases and legitimizes the culture of violence.

A political middle ground or common space could mediate differences, but there is an absence of authoritative bargaining partners and divisions between negotiating partners are widening. The conflict has been monopolised by dogmatic elements and political impositions. Khatami concludes that attitudes must change to transform the conflict.

namely that Madrid must realise that force alone is not sufficient, and resolution will depend on political recognition. (Khatami, 1997: 414) Meanwhile, Flynn observes that national identities need to develop flexibility, where applicable diversity may lead to mediative proposals. (Flynn, 2001: 715) Psychosocial remedies to address *kale barroka* may be useful and military addresses, such as weapons decommissioning may be appropriate.

The European Dimension

Although moderate Euzkadi parties, like the PNV and the EA, have emphasised their support for the EU, they have also tried to re conceptualise the future of Euskal Herria in Europe. However, the supra-state has had a negative impact on resolution. EU anti-terrorism measures vigorously advocated by national parties contribute to conflict intensification. With new and more Euzkadi names being added to the EU anti-terrorist list, radicals heighten their sense of siege; EU collaboration is 'being presented as a contemporary manifestation of historic experiences of state repression.' (Bourne, 2003: 398) Furthermore, MEPs from the BAC have suggested, rather than punitive measures, the EU should mediate, promote and oversee democratic dialogue, and implement resolution- none of which can be found on the agendas of either the EU or the Council of Europe. Euzkadi and Spanish representations have been active in trying to gain the BAC some special consideration from the EU. In the 1980's, a delegation tried to persuade the EU to grant preferential treatment in the setting of the regional state aid allowances and the PNV led an unsuccessful campaign to establish the Euzkadi equivalent of Northern Ireland's SSPPR programme (PEACE programme). (Bourne, 2003: 399- 340) Attempts to receive special assistance based on comparisons with Northern Ireland have not been well received. Bourne concludes tentatively that 'European integration has disempowered the Basque Autonomous Community.' (Bourne, 2003:609) Its competencies, transferred to the supranational, have essentially been lost, as are its abilities to channel its interests at decision-making levels.

Intransigence also applies to attitudes concerning mediation. The forceful input from Britain, Eire and the United States of America into the Northern Ireland Peace process generated in Spain 'anti-foreign hysteria'; strongly independent, and constitutionally nationalist, the possibility of outside influence in what it perceives as internal affairs, from strong and powerful states is met with a resistance nearing paranoia. This strongly held desire to protect Spain, from both within and without is an obvious obstacle to the

peace process. Other assumptions, such as that *kale borroka* is organised and controlled by ETA and ETA is just a criminal organisation with a vested interest in maintaining the conflict, only further entrenches the violence and jeopardises the peace process. A mediator could screen out these false assumptions.

The intervention of a prestigious international organisation may be sufficient to guarantee the honourable participation of Spain and other actors. The EU should have a passive role in the peace process, providing the new framework, democratic guarantees and a system of monitoring. The EU may find understanding easier in the context of the solidarity of all European minorities and regions. Third party intervention could also promote benefits, such as increasing the international status of Euzkadi, the economic importance of regional relationships and the common interests of affiliated groups. (Moraiz, 1998) In the long term, political structures would look like market economy models applied to parties and their leaders, where the middle ground assumes the hegemonic space.

In their series of articles, Moraiz and Galforsaoro (1998) contend the Basque conflict is taking a turn away from any standard model of conflict and thereby away from any usual pattern of peace and reconciliation. To generate a peace process, movement must be made away from a moralising argument, which seeks to identify good and bad, and moves towards a scientific process of inclusive dialogue. It would demonstrate that not only are Spain and France affected, but indeed European peace and security are also threatened. Third party mediators and European intervention could impart lessons learned from Northern Ireland. To reiterate, for all actors, political dialogue must be pursued over violence. This means an agenda which includes sovereignty, autonomy, governance, and prisoners' issues. It may also in Ipparalde include support for further development of a participatory public culture. In fact, Hanzich (2003) concludes that no single military defeat will close the conflict; force on the part of paramilitaries and the state will have to be abandoned and bilateral negotiations embraced. Conflict in Euskal Herria is complicated by violence, class tensions, territorial identity, and language issues, as well as the sheer volume of actors. But the most important factor in generating a peace process will be the decision to take small but important steps to develop trust and confidence; not only in the actors, but in the political and resolution processes themselves.

CHAPTER EIGHT:

FRYSLÂN

Origins

Like many Europeans, Frysân origins are the result of human migration. Early archaeological evidence from the Palaeolithic era shows the coastline inhabited by the nomadic reindeer hunters who roamed Scandinavia and Northern Europe. Neolithic peoples left the stone monuments and huge boulder graves. The grave contents, which included earthenware and food, indicate these people had a sophisticated conception of astrological movements and the afterlife. DNA analysis on second century skeletal remains closely resembles modern inhabitants, indicating a consistency in the area's populations.

Strategic and Political Foundations

Roman writings record contact with the *Frisii*, inhabitants of a forbidding and uninviting landscape along the coastal belt of the *Mare Frisicum* (North Sea), in 57 BC. Such contact however was only sporadic; attempts by the Romans to subjugate were usually met with fierce resistance, and by 68 AD Rome had completely retreated, barricading itself against the *Frisii* and other North European peoples. However there were periods of commercial exchange and some Frysâns even served as mercenaries in the Roman Empire. Roman descriptions of the Frysâns state they were a people who governed themselves by assemblies, councils and chieftains; the Roman term for their territory was *Frisia*. They were unified however by one enduring concept; freedom, as a philosophy, form and identity. It is even hypothesised that the Roman name for the Frysâns emerged out of this crucial and consolidating concept.

The post Roman era saw the Frysâns move from being coastal settlers to exploitative mercantilists, moving into Schleswig- Holstein, England, the Rhineland and Scandinavia. By the 7th century Frysans established a formidable trading network, which included posts as far away as Russia and Italy. Writings of this period commonly speak of Frisia Magna. The Frankish empire was unable to effectively subordinate Frisia during the seventh and eighth centuries and as a result Frisia consolidated into the Seven Frisian Sea Lands, which then extended from the river Scheldt to the Weser in Flanders. (Stephens, 1976:567) Fryske in the early middle ages was spoken in the entire coastal belt between the estuary of the Schele and the Jutland peninsula. Charlemagne freed the

Frysâns from ever having to swear fealty to foreign overlords in the eighth century. This decree formed the premise of the *Lex Frisionuum*, both the codification of customary Frysân laws and what can be regarded as a Frysân Constitution. It is evident from the *Lex Frisionuum* that in Frisia men and women were regarded as equal, while slaves and serfs were only a small proportion of society. It is also evident that what social ranks existed in Frisia could be transcended. Frisia, relatively egalitarian and self-governing was therefore an anomalous political and cultural entity in Europe at this time.

Although in the ninth century Frysâns allied with the Danes and invaded England (Stephens 1976: 569) this century was marked by economic decline due to continued piracy and Viking raids as well as hydrological movements on the Rhine. In 911 AD eight German duchies were united under Conrad I, including Frisia. With virtually no serfdom nor manorial system it remained a political anomaly, incongruent with the rising power of German dynasties. Political manoeuvrings and bargains between the German empire and the Counts of Holland resulted in a superficial, and chronically disputed division of West Friesland and East Friesland. Despite this, a solid core of Frysân consciousness remained, and when its overlords drained the land and a degree of economic prosperity returned, this only re-ignited in Frisia a unified refusal to submit to foreign power. Without a root of feudalism, efforts by foreign overlords to subjugate their Frisian territories were sporadic and unsuccessful, sometimes violently so.

By the twelfth century Fryslân was one of the most prosperous countries in Western Europe, whose people enjoyed a reputation as pugnacious, justice loving and war like. (Stephens, 1976: 569) There were thirty communities and eleven towns which sent representatives to Pan- Frysân discussions. Fryslân was much envied by other nations during the Middle Ages for its lack of serfdom, feudalism or aristocracy. In the thirteenth and fourteenth centuries Frysâns used the *Lex Frisionuum*, which guaranteed Frysân rights and protections, to defend against bishops and counts and limit foreign control over Fryslân. Medieval North Frysâns mixed with the sparse population of Jutes and were alternately subjects of Denmark and the Duke of Schleswig, although they kept their own laws, based on the Jute law books.

By the fourteenth century, an alliance of the territories of Fryslân, the *Upstallisbeam* was in existence. This remarkable arrangement, a proto-federation of territories, united under the same laws, *The Seventeen Privileges* and *The Twenty Four Statutes*. Until

Fryslân came into the Hapsburg Empire (1498) it maintained its status as a loosely associated group of free republics whose citizens were not tied to the land.

In an international system of monarchical states and empires, Fryslân was a gross anomaly, and while viable, successful and enduring, it was not a model of governance that could be respected and represented in a dynastic Europe of counts, kings and emperors. Periods of economic decline would again leave Fryslân vulnerable to its own internal feuding, and to imperial interests. By the end of the 15th century West Fryslân was absorbed into the Kingdom of the Netherlands and East Fryslân became absorbed into Germany. The North Frysâns made early attempts at secession but their efforts were permanently thwarted after defeat at Langsundtoft in 1344. (Stephens, 1976: 434)

West Fryslân

West Frysâns, with an autonomous history that far predates the existence of The Netherlands as a state (Krejci and Velimsky, 1981: 193) survived the disintegration best of all the Frysân territories and in a sense formed the heartland of the remnants of Frisia Magna. The foundation of The Netherlands is the Republic of the Seven United Provinces, born of the 1579 Union of Utrecht, which did allow for an exceptional degree of regional autonomy. West Fryslân exploited this political system fully, and its Frysân delegates were sent to The Hague and when the United Republic of the Netherlands was formed in 1648, the Frysâns still considered themselves as a free nation in a strongly federal state. (Stephens, 1976: 579) For instance, Fryslân minted its own money, rejected the stadholdership of the House of Orange and was the first political entity to recognise an independent United States of America.

France abolished these regional variances of The Netherlands in 1795; the Frysân army disbanded, the court, its admiralty, and its university were abolished and the church lost its autonomy. Rebellion fomented around the Dutch Royal house, and Frysâns banded with the Netherlanders in support of William V of Orange-Nassau. The new state, the United Kingdom of the Netherlands was highly centralised on the French model, and Frysân identity, as well as other distinct provincial identities, were harder to maintain. Despite wide incorporation into The Netherlands, Frysâns formed their own military legions and developed their own socialist and anarchist movement. Later nationalist movements aimed to make Fryske the official language of the government and church in

Fryslân. The popular movement, 'Fryslân Free' aimed to transform the Netherlands into a federalist state along the lines of a Swiss canton system.

North Fryslân

As West Fryslân was married to the fortunes of the Netherlands, the perspectives of North Fryslân continued to focus on relations with Denmark and Germany. The Frysân renaissance in North Fryslân began in the early nineteenth century. The priest Christian Feddersen wrote in 1842 his 'Five Statements to the North Frysâns', which included a programme for an independent Frysân movement, thus crystallizing the sentiment that they were neither Danish nor German. The painter Harro Haring appealed to the King of Denmark for help in establishing a Scandinavian republic in which Frysâns would be equal partners. However in 1864, North Frysâns came under Schleswig rule again before being fully annexed to Prussia three years later. North Frysâns founded various associations which vigorously protested against Prussianisation and demanded protection and recognition. Although by this time the Frysân Congress had no governing capacities, the North Frysâns continued to be represented and to participate.

East Fryslân

Similarly, with West Fryslân preoccupied with relations with The Netherlands, East Fryslân, or the Saterland, became the spoils of border disputes, first by The Netherlands' troops and then as a province of the Prussian kingdom in 1744. Later it would become part of the Hanoverian kingdom before being returned to Prussia. In 1866 the Prussian Prince Edzard zu Innhausen und Knyphausen declared himself King of all the Frysâns, which irritated their national consciousness, leading to a clandestine movement led by Lolle Piers de Boer. 'De Wraldfries' was formed to 'liberate' East Fryslân and unite Fryslân, but was rapidly and violently put down by Prussia. There were no successive attempts from the Saterfrysâns although they continued to participate in the Frysân Congress.

Minority Identity

While the Frysân adherence to the concept of freedom endures, undoubtedly today, Frysân identity centres on its language. As expected in a territory subject to massive geo-political changes, the Frysân language and culture has developed dialects and regional variances.

West Fryslân

As befitting the heartland, Fryske is the first language of 55 per cent of the population of West Fryslân (population: 615, 482 in 2000, Central Statistical Office. NLD) and 74 per cent speak the language whilst 64 per cent can read it, though only 17 per cent can write it. (Mercator, 2003) Fryslân was officially recognised as a bilingual community by The Netherlands in 1956. Over the provincial border into Groningen some 3000 Fryske speakers live without any minority status. Fryske ceased to be the language of instruction after 1960, but some form of Fryske language teaching has been compulsory since 1980 at the primary levels and in 1993 it became compulsory in the first year of secondary school. The language is undergoing conspicuous revival, evidenced in the bilingualisation of primary schools and Fryske is frequently chosen as a secondary school course. The universities of Fryslân were closed during the 1950's but one can study Fryske language and culture at the University of Amsterdam, leading to the paradoxical situation of academic study of Fryske being available only outside Fryslân. The literary presence includes the Provincial Library in Leeuwarden, two publishing houses and two Dutch language newspapers in Fryslân with between 3 and 5 per cent Fryske content. (Mercator, 2003) The weekly newspaper *Fryske en Frij* is entirely in Fryske. Media is further supplemented by one Fryske radio station, a cable television station and the public radio station has several Fryske language radio programmes a day. The Fryske Akademy is a permanent commission, funded by the province with responsibility for the welfare of the language.

The Fryske Akademy (Frysân Academy) figures for self-identification in West Fryslân show 57 per cent of native Fryske speakers consider themselves primarily Frysân, and of those residing in Fryslân who speak Dutch as their first language, 30 per cent consider themselves primarily Frysân; seven per cent of Dutch immigrants to Fryslân consider themselves Frysân. While language is strongly tied to Frysân identity, it is not critical. Keppley-Mahmood's research found that younger and better-educated Frysâns defined their ethnic identity in culture rather than race or territory. (Keppley-Mahmood, 1985:89) Over half of Keppley-Mahmood's subjects recognised a distinctly Frysân identity, but 82 per cent of the people interviewed did not regard themselves as 'a separate people', although 76 per cent were supportive of the Frysân movement. (Keppley- Mahmood, 1987: 92 and 94) None of the Frysân communities have used violence as a means of ethnic assertion and the emphasis on their revitalisation has been overwhelmingly on language, resulting in a circumscribed nationalist rhetoric.

(Keppley- Mahmood, 1987: 105) The work of Keppley-Mahmood and Floyd Smith reveal the disdain for militancy and an accommodation characteristic that exists simultaneously with assertions of Frysân identity. In this inverted way, what superficially appears as linguistic nationalism has a deeper, more complex foundation, where psychologically rooted identity merges with pluralist pragmatism.

Following World War Two (WWII) West Fryslân did receive substantial economic development, though this has later been criticised as far behind what was received by the rest of The Netherlands as well as experimental, inappropriate and implemented without local consultation. The promotion of industry was an answer to agricultural decline, but West Fryslân today still has an unemployment figure twice as high as the rest of The Netherlands. Frysân exports continue to fall behind the national average despite its major seaports and transport infrastructure. Agricultural industry such as machinery and dairy products has not grown quick enough to compensate, further exacerbated by the remoteness of the province from the centres of Dutch economic wealth. (Stephens, 1976; 576) Additionally research by van Langeveld indicates that Frysân language and culture has been a double- edged sword for the economy, with large businesses perceiving the Frysân identity and language as threatening and untrustworthy. (Zoon, 1969:167 and Berga, 1990: 45-46 in van Langeveld, 1999:33-34) The education level in Fryslân remains below Dutch averages and so Frysâns are unable to attain jobs at the higher levels in their own province, a situation which increases both inferiority and ethnic assertiveness. (Keppley –Mahmood, 1989: 97) Modern Frysân society suffers from high numbers of suicides, drug and alcohol abuse, rapid urbanisation and unemployment, whilst simultaneously producing a rising number of poets, artists, writers, introspective scholars and entrepreneurs. Whereas the population of The Netherlands has increased by 20 per cent since 1950, Fryslân has only increased by five per cent (Stephens, 1976:576); emigration cancelling out any net natural increase. Frysân environmental concerns centre on the Waddenzee reserve, which is threatened due to its fragile ecological balance. Fryslân has lagged behind the economic and cultural sphere and Hechter and Khlef document the situation as one of internal colonialism- so acute is the dominance of Holland over Fryslân. (Hechter, 1975 and Khlef, 1985 in Keppley- Mahmood, 1989: 38)

North Fryslân

Culturally the North Frysâns do not occupy a single coincidental administrative unit, being composed of a combination of linguistic enclaves and traditional settlements. Today only about 10 000 North Frysâns have knowledge of the language and yet North Fryslân has produced noteworthy and prolific writers. There are nine main North Fryske dialects, three on the islands and six on the mainland. The Island North Fryske dialects are spoken by less than 150 persons and are acutely threatened by extinction. (Report, Germany, Framework Convention for the Protection of National Minorities. 24 Feb 2000, Council of Europe) With the rediscovery of the value of cultural diversity in the 1970s language opportunities and provisions for Fryske increased; it can be studied at the Universities of Kiel and Flensburg. (Report, Germany, Framework Convention for the Protection of National Minorities. 24 Feb 2000, Council of Europe) Frysân associations work to increase its public presence through street signs, marriage services and church services. Print media has been available since 1926 but North Frysân has a minuscule presence in radio broadcasts; the radio channel NDR has a three-minute Fryske broadcast once a week as well as irregular programmes. (Report, Germany, Framework Convention for the Protection of National Minorities. 24 Feb 2000, Council of Europe) Critically, the Frysân language is unrepresented in the media like no other language in Western Europe. (Teebken and Christiansen, 2001: 109)

Economically North Fryslân has suffered decline, having the lowest gross product per inhabitant in Schleswig Holstein, which, until unification, had the lowest in all Germany. North Fryslân's unemployment rate is still far higher than the national average. The economic structure is weak, dependant on farming and fishing. Since 1920 the population of North Fryslân has declined with over half of school leavers emigrating each year. Despite the universities of Kiel and Lubeck, two teacher-training colleges and six technical colleges, just nine per cent of the workforce has a university or technical qualification. Since 1987 the Land has hosted disproportionately high numbers of asylum seekers and ethnic German migrants but only three per cent of the population are foreign, the lowest rate in Germany. The awareness of North Fryslân as a distinct geographical area has increased among inhabitants even those who are not Frysân.

East Fryslân

East Frysân is known in Fryske as *Seelterfrysk*, or *SaterFriesisch* in High German, and is spoken by about 2000 people or about 17 per cent of the population in the Saterland community, though it has its own dialectical divisions. (Euromosaic, Frysâns in Germany, 2003) Though the Land Niedersachsen (Lower Saxony) recognises it as a minority language it has no official status in the territory. About 1500 people use the language on a daily basis, though use has declined sharply in the past thirty years owing to the dominance of High German, and the lack of educational materials and provisions for public use. People perceive teaching it to children may impair their High German, and it is not considered a special asset. Most Saterfrysâns are in favour of maintaining their language and there is a local folk association, the Heimatverein or Seelter Buund, which has worked vigorously to make it an official minority language. Primary students get below four hours per week of language instruction; there is one adult education course but no secondary school opportunities- although seminars are offered at the Universities of Kiel and Goettingen. (Report, Germany Framework Convention for the Protection of National Minorities. 24 Feb 2000, Council of Europe) Seelterfrysk is permitted in the media, though there are no special provisions and its presence is limited to occasional short articles and notices in local advertising. Despite this, three books were published in Seelterfrysk in the past decade and there is a small but increasingly popular amateur theatre tradition.

One group, Die Forinning for National Fryske (The Union for National Frysâns) do see Frysâns as a distinct people and consider themselves as a German national minority. A further layer of the Saterfrysân identity is their strong Catholicism. In 1957 Lower Saxony decided to end separate schooling for Roman Catholics and hence for Saterfrysâns as well. (Concordant case, 1957 in Hopkins, 2002:187)

Saterfrysâns occupy the Kreis of Weser Ems, Lower Saxony's third largest economic centre. Within Weser Ems are the Saterfrysân districts of Aurich, Wittmund, Leer and Emden which are all less favoured economic areas due to their distance from markets and structural weaknesses. Unemployment rates are higher than the national average, with a low level of industry and yet the region produces 60 per cent of Germany's oil and 80 per cent of its natural gas. The East Frysân Islands are a designated unique habitat and national park.

German influences on topography have diluted the ethnic consciousness of North and East Frysâns and there is some debate if they can be considered a national minority like the West Frysâns. Neither can West Fryslân be considered a kin state to either East or North Fryslân. Census indicates that of the 150 000 inhabitants of North Fryslân, only a third declare themselves members of the Frysân community. Germany allows each individual the freedom to choose to declare association, and under this most North and East Frysâns wish to be classed as an ethnic group and not a national minority.

However, pan Frysân organisations, East and North Frysân associations, combined with certain international activity, such as membership in the Federal Union of European Nationalities, attest to a conscious identity- if an uncertain direction. East and North Fryslân, being ethnically diverse and one of the most linguistically diverse pockets in Europe, are demonstrating active appreciation and protection for this diversity.

Fryslân has moved far from its position of wealth in the early medieval period.

Throughout the coastal belt it is an economic periphery. Relatively less populated and with weak economic structures, its modern history is one of economic decline and depression, its populations both internally displaced and prone to immigration. The lack of economic generation has, arguably enhanced Frysân identity. Fryslân in its entirety then, appears to be materially poor, economically peripheral, and politically struggling for full recognition and empowerment. Still, it is a community with an assured sense of identity, despite geo- political divisions and marginalisation. This identity springs from Fryslân's ecological wealth and cognisance of their culture's worth and diversity. While language forms an important cornerstone of Frysân identity, economic struggles isolate Frysâns in their host state, and territorial division has nevertheless affected self-identification.

Identity and Conflict

A nation uniquely marked by the fact that it does not promote fanatical and homogenous allegiance, Fryslân tolerates its internal diversity well. Indeed its historical foundations were political structures that corresponded to this unified diversity, and a strong Frysân identity prevailed. However the dynamics of World War Two (WWII) sparked a deep crisis in this identity.

Though only indirectly involved in World War One, the Second World War had a great impact on Frysâns both personally and politically. Some West Frysâns collaborated with

German rule, having supported and joined the National Socialist Movement (NSB) even before occupation. Advocates of National Socialism were found particularly among the East Frysâns. The role of the National Socialist Movement in Fryslân and its attendant complicity with Nazi Germany is notable in our research for three reasons. First, the NSB ideology can be conceived as a return to tribalism, in which Aryan mythology may have struck a chord in Frysân society. Secondly, the NSB, as an alignment with a foreign power was regarded by those collaborative West Frysâns as leverage *vis a vis* the Dutch minority. Like so many of Europe's minorities Frysâns were manipulated by National Socialism and fascism. In particular, promises from the Nazi regime for an autonomous, unified Fryslân within a federalised, Aryanised Europe were attractive particularly to the marginalized and politically disempowered North and East Frisians. These Frysân aspirations plummeted when the use of Fryske was forbidden during Nazism. Thirdly, the impact of National Socialism and the devastation of war, left a divisive scar on the Frysân community between NSB sympathisers and Allied Frysâns, as the majority of West Frysâns stood firmly with their Dutch compatriots against German hegemony. This exaggerated differences between Frysâns who were also part of the Netherlands and Frysâns who were also part of Germany.

Conflict in Fryslân today society has three dominant facets, the first being issues related to language, the second related to peripherality and the modern world, and thirdly, conflict over the natural environment. The foundations of these tensions all lie in the struggle to assert and defend Frysân identity, namely in its language and culture but also in varying degrees, its political autonomy. In examining these dominant issues the more theoretical aspects of identity and conflict, and place Fryslân within the larger context of European ethno-nationalist movements and minority rights issues are observed. In some contexts the pivoting of identity from minority to dominance and back again is discernable as is the discourse of identity in essentialist elements like race versus social constructionist features such as language.

Fryslân today is challenged by modern diversity and multi-culturalism, as are many of Europe's ethnic communities. Within Frysân language promotion itself, there is conflict. One long-standing battle is recognition of the *Stellingwerfs* regional language. A southeast linguistic enclave in West Fryslân, its language originates in Lower Saxon. A bitter conflict over topographical markings gained the attention of the State Secretary for Inland Affairs, which decreed that Stellingwerf will be unilingual, in favour of its

own language. (21 June 2000, LC) Fryslân is again confronted: It is not an impermeable, ethnically and linguistically homogenous territory, nor is it the sole authority of its own internal affairs.

The Dutch asylum policy has placed a disproportionate number of asylum centres in Fryslân, particularly in small villages. Concerns include that the misuse of asylum rights would have a negative effect on Frysân culture and language (24 September 1999, LC) and complaints that, whilst asylum seekers could have state paid interpreters, there was no such provisions for Fryske speakers. (27 September 1999, LC) When an asylum seeker was suspected of the rape and murder of schoolgirl in a Frysân village, tensions erupted into the formation of an anti-asylum party. (Fekete and Hoppe, 2000) In a Europe of migration, Fryslân is not atypical in its concerns and responses to asylum seekers. However, a small community with weak provisions for its status can become quickly overburdened and resentful if asylum policy is not executed with sensitivity and proportionality by the host state.

Public efforts to come to terms with diversity have included recommendations from the Fryske Akademy to provide information for newcomers on Fryslân's bilingualism and on the convenience of learning Fryske. (26 March 1999, LC) The neo-fascist movement throughout The Netherlands has in Fryslân been met with an equally forceful anti-fascist campaign. It was in Fryslân in the 1970s that the first anti-fascist organisation in The Netherlands was founded. Sensitivity for a non-racist Frysân movement is evidenced in reports that efforts to learn Fryske make a person more Frysân than ethnic origins. (Marcel de Jong, LC, 10 May 2000) Outwardly the Frysân movement has moved beyond blood and soil nationalism and has the potential to embrace diversity.

Pro-Frysân identity is marked by concern, preoccupation, awareness and frequent comparisons with other ethno-national and linguistic groups. These include Basque and Catalan nationalism, (17 June 2000, LC), the bilingual language and education provisions in Wales (22 May 2000, LC, 12 April 2000, LC), but also aboriginal land rights in Brazil (29 November 1999, LC). Furthermore, the Frysân language movement keeps a critical eye on developments within The Netherlands, such as a Netherlands' radio station termination of broadcasts in Fryske and regional dialect groups from Gelderland and Limburg. International standards are also kept in the public debate, such as the inclusion of Lower Saxon as a minority language in The Netherlands' Charter of

Regional and Minority (7 March 2000, Henk Bloemhoff, LC). Frysân politics is acutely aware of its place within wider conceptual political movements.

The Frysân movement at home is marked by proactive measures to prioritise Frysân language and identity. The language movement has taken advantage of information technologies like Frysân newspapers available on line and Frysân search engines. They have even taken on Microsoft concerning the availability of Microsoft Word and Spell Check in Fryske and its dialects.(3 March 2000, LC, February 2000, LC, 25 May 1999, LC, 22 May 1999, LC) The public presence of Fryske on road signs, lakes and waterways, and in parliament and local council, leads to debated ethnocentrism which in the public debate has even been termed linguistic apartheid

Frysân education is a dominant issue marked by concern and pride; with new plans like unilingual Frysân education (25 January 2000, LC) and the trilingual education project in Earnewald. (8 March 2000, LC) North Frysâns acted to protect their language in 1974 when a large student protest at the University of Kiel demanded the teaching of Fryske at all education levels. In Kiel, Frysân organisations protested against the abolishment of the head of the North Frysân learning institute in Flensburg in 2000. (20 May 2000, LC)

Fryslân's philological debate on real languages has coloured its own relations with the Dutch and with other minority language groups. Both politicised Frysân nationalists, as well as those solely concerned with Frysân as a language and culture, react forcefully to the debate on whether Fryske is a real language. There is a common denial of Fryske's status as bonafide language instead of regional dialect and an unwillingness to accept ability to speak Fryske as a legitimate qualification and job requirement in the Province. Low-level tensions abound, as experienced by anthropologists Keppley- Mahmood. A Groningen scholar warned her that research on Fryslân would propagate the 'myth' of a separate Frysân culture.

This lack of esteem is part of wider anti-Frysân sentiment. Anti-Frysân sentiment takes many forms, the most dominant is the continuing assertion that Fryske is not a distinct language, nor are Frysâns a separate people. The National Farmers Union, for instance, forbids its office in Fryslân to use Fryske. (10 Jan 2000, Omrop Fryslân) The phenomenon has proved useful to the Frysân movement as a catch-all, motivating

phrase. Further institutional discrimination was met with resistance by activists when for instance, the Deputy of State proposed budget cuts for language and culture in Fryslân, and when the Frysân doctoral programme at the University of Amsterdam was threatened by funding cuts. (Kramer, 19-12-03, FNP) Similarly in North Fryslân, usage of the term, 'National Frysâns' is cautious, with authorities downgrading North Frysâns to a minority language community.

There is an increase in the capability of the Frysân movement to mobilise and target authorities effectively. It is a conflict of psycho-social dimensions, where ideas and values are arms, and whose territory is expression and dignity. The response from the authorities indicates the seriousness with which these low-level tensions are being taken. The detail and originality of discourse indicates that Fryslân is at the forefront conceptually, but the uncertainty and tension within Fryslân is worrisome. Though capable of taking the lead in minority rights activism, Fryslân is tentatively strategising to follow the real political gains made by other ethno-linguistic communities.

Politics and Ethno-Nationalism

A Frysân renaissance materialised approximately one hundred years ago. Largely a middle class language movement, it produced a thick flowering of poets, writers, musicians, thespians and introspective scholars. Politically ethno-nationalist organisations ranged from socialist and nationalist to Christian and nationalist. The Christian Frysân Association operated on a platform in 1925 where Fryske must be the official language of the government as well as the church in Fryslân.

The impact of incorporation into The Netherlands and Germany whilst diluting culture and language has not critically affected the emergence and appearance of Frysân ethno-nationalism. As a modern political movement, it emerged within the classical timeframe and echoed the articulations of similar ethno-nations across Europe. Despite the self-assuredness of their identity, Frysân ethno-nationalism remains a weak movement, with small political presence. Frysân ethno-nationalism does however stand out for its numerous and dynamic pan Frysân initiatives.

Joint Frysân projects have steadily grown in the post WWII era. Pan Frysân organisations established in the post WWII environment include the Frysân Movement Council (Ried fan de Fryske Bewegin) formed in 1945 to defend Frysân interests

particularly linguistically. This includes the full legal equality of the language. A common Frysân Manifesto was adopted at the Congress in 1955 and the Fryske Ried (Frysân Foundation) began its work in 1956 to promote cultural, political and scientific exchange between North, East and West Fryslân. Since 1999 it has been known as the Inter Frisian Council. Besides these concrete developments there was evidence of nationalist aspirations. In the post war settlements, the exiled Berend Joukes Fridsma appealed to the exiled Queen Wilhelmina for the establishment of an autonomous Frysân Parliament, which was ignored. (Stephens, 1976:572) The budding Nordic Council also heard a Danish proposal for independent pan-Frysân membership.

Naturally as the heartland, the most dynamic and conscious efforts of Frysân ethno-nationalism are to be found in West Fryslân. However there are notable developments in North and East Fryslân and these shall be examined here first.

North Fryslân

The renaissance in North Fryslân could be said to begin in 1809 with the publication of the first book in North Fryske. In 1818 a Frysân society was planned. In 1844 and 1845 the German Schleswig Holstein movement organised large Frysân festivals. In 1864 a centuries-old connection with Denmark was severed and North Fryslân became part of Germany, fully integrated into its political, intellectual, economical and social developments. From then on the dominance of great states and powerful empires almost completely overshadowed ethnic and national consciousness in North Fryslân, but the dominance of macro politics was not absolute. North Frisians founded the North Frysân Society in 1879. The first homeland association was established in 1902, and sided with the German fatherland, whilst attempting to maintain their traditional peculiarities. The Frysân Schleswig Society founded in 1923 vigorously protested against Prussianisation and demanded legal protection and recognition. Politics and identity came into conflict again in 1920. Though a referendum decided that the region remained with Germany, a National Frysân movement emerged as a counterweight, with the view that Frysâns were an independent people because of their language and culture, having been colonised by Germany. Such efforts were met with repression. Thereafter the politicised North Frysân Society retreated into a folk group and the Frysân-Schleswig Society was banned outright. Any attempts to create political foundations and a voice for North Fryslân were unsuccessful. The Organisation for National Frysâns which began in 1923

co-operated with the Danish minority of Schleswig-Holstein, and pursued efforts to achieve formal recognition of the North Frysâns as a national minority through membership in the European Congress of Nationalities. In 1925 the first Frysân Congress was held in Jever and in 1930 the Frysân Council was established. However the consciousness suffered from internal division as well. Many North Frysâns felt themselves to be German and were against allying themselves with the Society for National Minorities in Germany, which the North Frysân Society had joined in 1926. Powerful German influence saw the rejection of the application of the North Frysâns by the European Minorities Congress in 1928, their characteristics not perceived as sufficient for inclusion as a minority. Any attempts to create political foundations and a political voice for North Fryslân were unsuccessful in this period. Continued links with their kin in The Netherlands helped maintain their cultural identity.

North Fryslân found itself a neglected third party in the subsequent post World War Two (WWII) settlement over Schleswig Holstein. Earlier difficulties in achieving recognition for North Fryslân dogged their attempts to make an impact on the reconciliation and reparation between Germany and Denmark. Although the status of the North Frysâns is referred to in the Declaration of Kiel in 1949, the Bonn Declaration of 1955 omits a reference. Both declarations overwhelmingly deal with the reciprocal minority status of Germans and Danes. Though not equating to the provisions of the Danish minority, the North Frysâns regained the ground they lost both politically and culturally. In an environment where minority issues were a security concern, the North Frysâns increased their independent assertions which did not endear them to German authorities at this time. In particular the Frysân-Schleswig Society reformed in 1945, changing its name in 1948 to the Association for National Frysâns and allied itself with the Danish minority. Since 1950 the association has belonged to the Federal Union of European Nationalities. A second society promoting the Frysân language was founded in 1946 as the North Frysân Society for Knowledge and Love of Home. In 1949 the North Frysân Institute was founded, but was accused of pro Danish sympathies which resulted in chilly relationship between the two main North Frysân societies. The border debate overshadowed the efforts to overcome the national political conflict, achieve political aspirations and conduct objective scholarly work. The West Frysâns in The Netherlands attempted mediation at the 1955 Sixth Frysân Congress and successfully initiated some reconciliation as both North Frysân societies agreed to support the Frysân Manifesto.

In the North Fryslân kreis, the SSW, *Sydslesvigsk Vaelgerfroening* (South Schelwig Association of Voters) is the party of the Danish minority, with which most North Frysâns are allied. The SSW supports environmental concerns but prioritises North Fryslân's cultural wellbeing and the role of Danish and Frysân culture in educating youth. Direct voter's democracy was included with no specific ethno-linguistic references. The SSW appoints members in each of the three Frysân districts of Flensburg, Schleswig and North Fryslân. In 1996, the SSW won two seats in the Parliament of Schleswig Holstein, and is the most visible direct representation of the national Frysâns in the state parliament. The SSW and representatives of the Danish and Frysân minorities have solidarity that even includes the Sinti and Roma minorities and the SSW works for their inclusion in the Article Five protections (Teebken and Christiansen 2001:69). This is a unique political coalition of minorities who have worked for real mutual benefits, such as the special minorities passage in the new Basic Law, and dialogue with officials.

East Fryslân

By 1500 the East Frysâns began using Low German as the language for drafting legal documents and by 1800 most of the language had been relinquished in public use and yet here too Frysâns have preserved their linguistic independence even within Germany. One group, The Forinning for National Friske do see Frysâns as a distinct people and consider themselves as a German national minority. In some communities Saterland Frysâns represent the majority politically, with a large number of members represented on kreis councils and municipal and parish councils. One East Frysân was elected to the European Parliament for the Social Democratic Party of Germany and another for the same party was elected to the Saxon Landtag in March 1998.

West Fryslân

Increasingly in West Fryslân, all things Frysân have now become part of the political sphere. However in The Netherlands' Second Chamber there is no particular ethnic political presence. National parties such as the Christian Democrats and the Labour Party from Fryslân are represented in De Hague with a discernable Frysân agenda. Voter turnout from Fryslân is the highest in The Netherlands at 83.5 per cent.

The PvdA (Partij van de Arbeid/ Labour Party) includes the importance of Fryslân's natural environment as a cornerstone, and supports development of specific Fryslân sports. Its pro-Fryslân policies include a bigger provincial justice role, turning the Fryske Akademy into a university, and an independent province in a greater north region in the European Union, capable of making its own international contacts and foreign relations. For a worker's party, it has a clear Fryslân identity and a more exact vision of what is an independent Fryslân, in both the local and international context.

The Christian Democrat's (Christen Democratisch Appèl/ CDA) pro-Fryslân agenda includes plans for a stronger provincial body politic, strengthening of the three Northern provinces, financing for the province from De Hague, European financing for waterways, specialist Fryslân social services, and support for Fryslân identity groups. Besides emphasizing Fryske literacy, its Fryslân language policy was not part of official party agenda, but rather the personal address of the party chair. This may explain in part why the CDA lost two seats in the March 2003 elections, for the Provincial Parliament of Fryslân, gaining sixteen in all.

The D66 (Democraten 66) is the Netherlands' Communist Party which held its only seat in the Provincial Parliament from its stronghold in the islands. This may indicate a second layer of regional and political identity within Fryslân identity. D66 would create a multilingual Fryslân where asylum seekers will always be welcomed. Contacts between the province and the centre need to be quicker, more efficient and more democratic which would entail referendums as well as an elected Commissioner and mayors.

The Green Left Party (GrienLinks) represents the Fryslân aspect of a national party in Fryslân. It uses the friesified name 'GrienLinks', however its targets are notably at the European level. In Fryslân, its objectives include the opposition to the high-speed train links proposed and support for the Fryslân environment and federation. The party was vague on what this political federation meant and was far more comprehensive about its social and environmental plans.

The VVD is the Peoples Party for Freedom and Democracy, (Volkspartij voor Vrijheid en Democratie) which in 1995 was the largest party in The Netherlands. However, in Fryslân it continues to lose popularity perhaps because its liberal manifesto has no

specifically Frysân agenda in the province. The Socialist Party (Socialistische Partij) has a more parochial pro-Frysân agenda, which include its anti-high speed train stance, and opposition to the selling of social housing in Fryslân. It has its own environmental alarm team, and has been visibly active in protecting the ecologically delicate Waddenzee. There are no indications of democratic reform or pro -Frysân political aspirations.

A truly Frysân ethno-nationalist party is represented solely by The Frysân National Party (Fryske Nasjonale Partij/ FNP). Formed in 1962 the FNP won its first provincial seat in 1966. Out of all the fringe parties, it is making a good pace of rising popularity, having won four seats in 1999 and seven in 2003, though it still has no representation in the Second Chamber of The Netherlands General Parliament because it does not stand a candidate.

Despite a minimum of votes, its aims have been taken up by other parties. Analysis of the direction of Frysân nationalism should not be limited to party votes. Although the FNP appears to focus on the reinstatement of a historical and culturally distinct Fryslân, first on its agenda was the relations between voters and the body politic. It promotes itself as a federalist party, seeking to devolve power to the province and local councils, creating an independent Fryslân with more authority and an independent judiciary. The FNP supports a united Europe where regions like Fryslân have a clear voice, and would have the Committee of Regions changed from an advisory organ to a regional representative body. Uniquely, the FNP would have the European Parliament reformed so that voters across national borders can vote.

Whereas other parties focus on the strong Frysân economy, the FNP states Fryslân is behind the rest of The Netherlands and therefore needs a Northern Commission based on an enlarged and independent northern economy, particularly in developing and reaping the benefits of petroleum and gas mining. A strong economy cannot grow without university education, so the FNP would change the Fryske Akademy into a university. The party's agenda for a fully bilingual Fryslân would include 25 per cent of government notices in Fryske, support for Frysân culture and media, as well as the central role of education and special Frysân sports.

The FNP has had success in localised Frysân affairs, such as gaining the permission to fly the Frysân flag in the Leeuwarden city council building. (16 May 2000, LC) It was

the FNP which spearheaded movements to take on Microsoft regarding the availability of Microsoft Works in Fryske and in the languages of other small peoples. (February 2000, LC)

The FNP is not a separatist party, though its mandate for an independent Fryslân is at times unspecific. Rather, the FNP sees itself as one of many small peoples without a state, knowing their history so they can hold their own future. The FNP have emphasised Fryslân's autonomous beginnings, and the detrimental effects of the growth of centralism from 1815, presenting Fryslân independence as something to be regained rather than achieved. The FNP continues to grow as a federalist alternative to secession, and the guarantors of Fryslân in a European future.

The FNP has not confined its pro-Fryslân agenda to the province, but has introduced the Fryslân language issue into national politics, though without resolution. FNP requests for Fryske to be used in the Second Chamber were met with the emphatic response that the language of The Netherlands parliament is Dutch. (19 November 1999, LC) Other parties have picked up this theme and for the first time questions were asked in Fryske in the provincial legislature by a PvdA party member and attempted by a CDA councillor. The combined efforts of all these parties have had some notable success for the Fryslân political movement overall. In 1999, following twenty years of voluntary use of Fryske in the Provincial parliament, moderately stricter measures have been introduced. All new officials must have an active command of Fryske and current personnel may follow, voluntarily, with Fryske courses to be paid for by the provincial authority.

Unlike the FNP, nationally linked parties, like the PvdA, view Fryslân interests as part of the democratic rationale, whereas for the FNP the democratic rationale justifies ethno-nationalism. Political reform for the FNP is not for its own sake, but serves the interests of Fryslân, whereas for parties like the CDA and the PvdA, improvements in the functioning of government whilst benefiting Fryslân, are valued for their own sake.

Keppley- Mahmood observed that only the Christian parties associated Fryslân identity as racial or territorial in nature. The progressive and liberal parties located ethnic identity as cultural and possibly mutative. There is consistency in the political parties' operations in Fryslân, as they all want to be Fryslân though they define its nature and

goals differently. Hence the Frysân national movement is a combination of the radical and the traditional elements of ethno-nationalism. Hemminga characterises the Frysân movement as passive in nature and subordinate to The Netherlands' national politics. (Hemminga, 2001:141) However, this may be simply status quo, as again all parties at the provincial level campaigned for further decentralisation, more power and remit to the provinces, direct democracy and marked leaps in autonomy for Fryslân and all regions at the European level. The Frysân movement is politically both micro and macro: concerned with local issues as well as the European supra-national ones. Frysân politics are neither separatist nor divisive, containing traditional ethnic elements of shared Frysân identity and broad goals, with sophisticated, modern political values- namely autonomy, democratic reform, and minority solidarity. This is rapidly becoming a popular phenomenon across Europe.

Table 5 Fryslân

- North Fryslân: 9 dialects, 10 000 speakers, (population of Kreis of North Fryslân. 60 000), population decline, unemployment higher than national average, 9% of workforce has qualifications, 10% self employed, lowest gross product per person in Schleswig- Holstein, Helgoland is a duty free zone.
- Politics: 1946 Land of Schleswig Holstein, Kreis of North Fryslân established, 1990 Constitutional Guarantees (Lander), Parliamentary Committee and a Special Commissioner
Political Parties: SSW (*South Schleswig Association of Voters, coalition of Danes and North Frysâns*)
- East Fryslân (Saterfryslân) 2000 (17.7% of population) speak Seelterfrysk, unemployment above national average, 20% of work force has qualifications, population in decline, 70% of Weser Ems is pasture, low industry but produces 60% of Germany's oil and 80% of natural gas
- Politics: 1886 Kingdom of Prussia, no special status or protections, no official recognition.
- West Fryslân: pop. 615 482 (2000) and 3000 in Groningen, 55% speak Fryske as first language, population decrease, aging population increase, 20% of jobs in agriculture, unemployment 2X the national average
- Politics: 1579 Union of Utrecht, 1648 United Republic of The Netherlands, 1956 Province of Fryslân declared bilingual, Provincial Parliament with Queen's Commissioner but no special constitutional status/ representation, Frysâns in Groningen have no status.
Political Parties: Frysân National Party/FNP (*pro Europe, federalist, nationalist, independent province, unification*) Christian Democrats/CDA (*pro Frysân social policy*) Socialist Party (*local Frysân issues and culture*) Labour/PvdA (*pro- Frysân political autonomy/provincial independence*) People's Party for Freedom and Democracy/VVD, Communist/D66, Green Party/ GrienLinks,
- Joint Organisations: Frysân Congress, Frysân Council/ Inter Frysân Council (1999), Frysân Manifesto (1955), Frysân Movement Council. Frysân Foundation, Fryske Akademy, Fryske Kultuerrie.

Prospects for Settlement

Fryslân has coped with its incorporation into two states and its own linguistic and cultural distinctions in large part through its joint councils and pan Frysân initiatives. With only minimal symptoms of violence, and tensions managed through routine political channels, this section will examine the modern political settlements that maintain a divided Fryslân, but also provide for means of accommodation of minority rights and participation within the political system. First to be examined are the unique constitutional features of Germany in regards to North and East Frysâns and their position within the state. The aspirations of Frysâns in the Netherlands will then be discussed.

North Fryslân

In many parts of North Fryslân, a strong level of self-administration existed at least until the middle nineteenth century. The Kiel Declaration of 1949 was a first attempt in the region to ensure reciprocal minority rights. The Schleswig Holstein Constitution contains the right to declare membership of a national minority, and freedom of self-identification and Article Five, states that the Frysân ethnic group is to be protected and supported. Since 2001, Germany supports projects for Frysân language and culture on a larger scale, but it is only possible to maintain minimal preconditions for the protection of an independent North Frysân language and culture. (Teebken and Christianson 2001:24-30). .

Since 1988, the Schleswig Holstein parliament has had a Committee for Matters Concerning the Frysâns in Schleswig Holstein, meeting twice yearly to pay attention to their minorities and provide the political space where all-important decisions about minority policy are prepared. (Teebken and Christiansen, 2001: 40). Schleswig Holstein also appoints a Special Commissioner for Minority Affairs, which includes the Danish and German national minorities and the Frysân, Sinti and Roma communities. (Teebken and Christiansen, 2001:21) The Commissioner advises the President in all questions concerning the minority groups. A minority report is also presented to the Land and in the Landtags Committee on Questions of the Frysân Minority. Local authority staff have knowledge of North Fryske and in some island communities public employees deal in

North Fryske if clients prefer. Island local council meetings are usually held in Fryske unless there is an objection or a visitor. The Land government has consented to display place names in Fryske. (Report, Germany Framework Convention for the Protection of National Minorities. 24 Feb 2000, Council of Europe) Kiel and Copenhagen councils support Frysân cultural activity and in 1997, local authority transfrontier agreements between Flensburg, the Kreise of Schleswig-Flensburg, North Fryslân and Danish local councils agreed to provide the basis of long term cooperation for enhancing the region's development in Europe. (Report, Germany Framework Convention for the Protection of National Minorities. 24 Feb 2000, Council of Europe). Schleswig Holstein is the only Land with three minorities and a German minority in neighbouring Denmark. Even on a European level, it is a unique geo-political entity. In Germany it is the only Land with a policy for and by minorities with direct contact on all sides.

East Fryslân

East Frysâns have no particular rights, guarantees or administrative adjustments, although the Department of Education has made provisions for unqualified teachers of the language to be remunerated at the same rate as qualified teachers. Some civil registry offices perform civil marriages and other official acts in Seelterfryske. (Report, Germany Framework Convention for the Protection of National Minorities. 24 Feb 2000, Council of Europe) This small local culture is increasingly Germanophone, and has informal understandings with the authorities; hence as a minority they do not present Germany with difficulties of accommodation. (Krejci and Velimsky, 1981: 214) In some communities, East Frysâns represent the majority politically, with a large number of members on kreis, municipal and parish councils. Transfrontier cooperation is increasingly important especially in the Ems Dollart Region in cooperation with Groningen and Drenthe (The Netherlands) and the Land kreise of Aurich, Leer and Wittmund. The municipality of Emsland facilitates economic cooperation and coordinates cultural affairs. As the Ems Dollart Region covers part of the East Frysân settlements and peripheral areas of the West Frysâns, the cultural cooperation also refers to representation on the local bodies and direct participation in the cooperation process. (Report, Germany Framework Convention for the Protection of National Minorities. 24 Feb 2000, Council of Europe)

West Fryslân

Constitutionally, the Province of Fryslân has no particular powers over other provinces in The Netherlands; it does not exceed the common constitutional framework. In West Fryslân, the highest official is the Commissioner of the Queen for Fryslân, who, along with mayors, is centrally appointed- which is problematic for local interests and in particular cultural identity. Similarly in the judicial systems, where appointments are centrally approved, tensions have arisen. In a landmark 1951 case, a Frysân defendant was forbidden to use Fryske in court, which led to a mass demonstration outside the courtroom met by police with clubs. Language rights thus entered the political and security sphere and demonstrated the latent potential for ethnic schism in the Netherlands. There remains no explicit or guiding recruitment principle to ensure ethnic sensitivity. A more reparative measure was the 1955 bill, enshrining Frysân rights to judicial service in the Frysân language. In practice, the judicial rights are severely hampered by the lack of awareness of this right by the population. (Council of Europe Report, Rights of Minorities, 2001 rapporteur: Mr. Rudolf Bindig. Council of Europe, Strasbourg. 2001) Constitutionally, Fryske is the second official language in Fryslân, and a 1956 bill allows Fryske as an option in elementary school. In reality, these education rights are practiced only minimally.

Frysân aspirations are characterised by accommodation of their place in Netherlands' society. Krejci and Velimsky have described this as an ethnic group enjoying cultural rather than territorial autonomy. (Krejci and Velimsky, 1981:193) In Fryslân, the Provincial Council responsibilities include maintaining dykes, roads, bridges, canals, and cultural affairs. There is no special representation for Fryslân at the national parliament in De Hague.

The European Dimension

It is markedly observable that the Frysân movement is composed of micro or local level politics as well as having a macro, European, and supra- national focus capable of holding its own in conceptual discourse on the nature of democracy and governance. Frysân politics are a progressive coalition that collectively values autonomy and democracy, which mirrors the aims of many other European minorities.

That being stated however, Fryslân has yet to make any gains at the European level. Nor does it attract much interest from either the European Union or the Council of Europe. The FNP is a member of the European Free Alliance, a growing voice of small regional parties of Europe. Through this vehicle the FNP envisages a political structure that protects the interests of the voters, and provides a minority centre for minority culture, language, economy and conflict. The FNP connects Fryslân with its European future.

The European Charter for Regional and Minority Languages is in force in the Netherlands, but in practice the judicial rights in Fryske are severely hampered, as noted earlier. (Council of Europe Report, Rights of Minorities, 2001 rapporteur: Mr. Rudolf Bindig. Council of Europe, Strasbourg. 2001) The European Charter for Regional and Minority Languages entered into force in 1999 and protects North Frysân and Seelterfryske. However state and Land obligations are only practiced minimally.

The linguistic and geographical diversity of Fryslân is echoed in the variety of its political experiences and expressions. Efforts to promote and protect its language and culture as well as to participate in public political life run from modest and informal arrangements to fully fledged ethno-nationalism. While this demonstrates, usefully, that in managing ethnic conflicts a range of creative and complementary options are available, it also demonstrates that Fryslân, despite its diversity, is dissatisfied with the status quo and resolutely holds to the imperative to direct its own destiny.

CHAPTER NINE: NORTHERN IRELAND

Origins

In many ways the Celts can be regarded as the original Europeans; deep rooted, enterprising, and expansionist, they left their marks throughout the European continent. This is however, precisely the origin of the debate: ‘Who were the Celts?’, and a secondary question, ‘Are the Irish today Celtic descendants?’.

A few archaeological traces reveal that Ireland was indeed occupied by hunter gathers from the continent, approximately 8000 BC. Throughout Europe, Iron Age and Bronze Age cultures reveal a heartland of a proto-Celtic culture in what is now Northern Austria and Bavaria. These communities appeared to be structured around local chiefs, and were intensely competitive societies, with their hallmark hill forts. These proto-Celtic communities, sometimes known as the Hallstatt and La Tène cultures, were also remarkably expansionist moving west into France, north into Britain, and south towards both Spain and Italy. Furthermore they had frequent interactions with the Greek city states on the Mediterranean coast around 700 BC; indeed the name ‘Celtic’ is derived from the Greek, ‘Keltoi’.

Without substantial Roman archives on this period, nor any indigenous writings, scholars are in disagreement on the source of Celtic identity. There are doubts if the peoples who traded with the Greek city states ever called themselves, The Celts. As for their appearance in Ireland, a radical view, supported by archaeological research, states that at most a small warrior aristocracy may have extended a Celtic cultural hegemony over existing communities but that there is no basis for a mass migration of Iron Age colonists. Other arguments centre on language developments, informing that basic forms of Celtic dialects have older, and more independent, or indigenous roots; essentially the product of an indigenous culture that acquired some Celtic elements as the result of exchange. Some early genetic research supports this hypothesis.

Roman writings, Irish myths and poetry and archaeology inform most about pre-Christian Ireland. Although not formally part of the Roman Empire, Ireland was a Roman interest, and its scholars and strategists noted that there were internal differences among the Celts, and that a confederation of Irish tribes invaded Great Britain in 367

AD. Certainly the Roman Empire pushed the Celtic peoples to their fringes in Scotland, Ireland and Wales, but as Roman authority declined, the Celtic societies responded with a vigorous expansion into Britain.

Strategic and Political Foundations

The main kingdoms of Ireland emerged between the 4th and 5th centuries, as rich and complex cultures and societies, with upper classes, aristocratic warriors, scholars and druid priests as well. By the beginning of the 5th century the former tribal affiliations were replaced with the basis of the Uí Néill dynasty. This dynasty and its hegemony formed a back bone of Celtic or Irish culture and institutions to resist the next centuries of invasion and occupation, and provide a historical source of common identity. By the ninth century, Viking invasions decimated the local dynasties but the institutions they had formed would survive and adapt. Although important for both the Irish and the Viking economy the Viking invasions did not achieve total domination of Ireland. The Vikings fought as many times against various Irish kings as for them. The Battle of Clontarf (1014) ended Viking power in Ireland.

For a short period Ireland returned to self governance, marked by small kingdoms, *tuaths*, which were elected by freemen. At any time there were between 80-100 *tuatha* in Ireland, with larger provincial kingdoms, forming an unstable hierarchy of petty kingdoms and over-kingdoms. In these power struggles one exiled king, King Diarmuid Mac Murchada, enlisted Norman forces to regain his kingdom in 1167. He achieved this (1169) and passed his kingdom to his Norman son-in law, which would also mark the beginning of nearly 700 years of Norman-Anglo hegemony in Ireland, and a decline of any Celtic or Irish autonomy either politically or culturally.

Norman overlordship in Ireland infuriated King Henry II of England who set about to establish his authority in Ireland. He did so with papal backing, thus establishing English overlordship in Ireland, with its provincial and local affairs controlled by Norman lords and Irish kings. The next centuries were marked by successive English campaigns to weaken Norman lordship. For a brief period in the early 14th century, English control shrank back, and even Hiberno-Norman lords adopted the Irish language and its customs, and by the 15th century central English authority had all but disappeared.

The Reformation would bring about a determined effort from England to re-conquer and re-colonise Ireland, so that it would not become a source of foreign invasion or future rebellions. Beginning with the reign of Henry VIII, a re-introduction of the English language and English political control took place after several bloody conflicts. Native kingships were displaced and a centralised English government was installed, but this could not change the religion of the native Irish. Neither would the 17th century Plantation, where Scottish and English Protestants were brought to Ireland as colonists. These settlers would form the future ruling and land owning classes of Ireland. This, and two periods of civil wars would lead to the final disappearance of the Irish Catholic land owning class, but with no effect upon their faith allegiance. Political submission was further accomplished when the Catholic majority in the Irish parliament was overthrown (1613), leading to Protestant dominated boroughs. With penal laws which discriminated against them even further, the role of religion amongst the Irish assumed more pronounced importance and the conflicts in Ireland developed a more sectarian character. Legislation ensured that what remained of Celtic customs was repressed and the language of the government, and later education, was English. Two famines (1740-1 and 1845-1849) would devastate the Irish populations both by starvation and mass migration, but would also result in critical re-inspection of the governance of Ireland.

The Protestant hegemony altered its orientation and began to see Ireland as its native land and agitated for political reforms, centring on emancipation and land reform. The same period locates the roots of Irish ethno-nationalism. Already in the late 18th century, inspired by the French Revolution (1789), Irish Catholics formed the Society of the United Irishmen and would collaborate in the Irish Rebellion of 1798, which was bloodily suppressed. Aspirations of Irish ethno-nationalism were further suppressed by the Act of the Union. The colonial parliament was abolished in Ireland in 1801 and Ireland became part of the United Kingdom. Not until 1829, with the Catholic Emancipation Act, would Irish Catholics be able to be represented in the Parliament of Ireland again. The Local Government Act of 1898 broke landlord domination and democratic control returned to local officials through elected County Councils. The increase in self government for Ireland would lead necessarily to a debate over Home Rule and an intense bifurcation of Irish society. With the prospects of political autonomy, religion, which was the prime identity marker, was joined then by the divergent visions of government in Ireland. The debate was dominated by the opposing Irish nationalists and Irish unionists. Irish nationalists largely Catholic and agrarian.

formed the majority of the population. However in the northeast, Protestant, industrialist unionists dominated.

The first decades of the 20th century were marked by determined attempts to introduce and establish Home Rule, but already organised paramilitary activity of the opposing sectarian movements was evident. The outbreak of World War One stalled the first attempts, while post-war attempts stumbled over debates on whether Ulster, the northeast, would be included or excluded in the Home Rule provisions. The period of 1916 to 1921 saw intense political violence and upheaval, which culminated in the partition of Ireland, and independence for the twenty-six counties.

The Easter Uprising, (1916) failed to gain independence but it did sway support for the rebels, and in 1918, Sinn Fein, the party of the rebels, won a majority. In early 1919 the Dublin MPs assembled to create an Irish Republic, declaring their unilateral sovereignty over the thirty-two county island. This sovereignty was by no means acceptable nor permanent and would result in the War of Independence, mainly a guerrilla campaign between 1919-1921. A truce was called and the Fourth Government of Ireland Act 1920 separated the island into 'north' and 'south'. The Anglo Irish Treaty of 1920 abolished the republic and instead created the Irish Free State. Said state left the United Kingdom promptly but the treaty also contained provision for the territories of Northern Ireland to opt out of the Irish Free State and remain in the United Kingdom, which it did. Under these provisions the Irish Free State, comprising the twenty-six southern territories gained its final and formal independence, later to become the Republic of Ireland 1949, while the six county Northern Ireland gained Home Rule.

Northern Ireland

The conflict in Northern Ireland is complicated by the proliferation of actors, perceptions and objectives and, although it may seem biased and circumscribed, this case study is limited to exploring Irish Catholic ethno-nationalism and its expression in Northern Ireland, and only restrained reference to the dynamic interaction of the actors is possible.

The Government of Ireland Act 1920 established Northern Ireland as a distinct region in 1921. The Parliament of Northern Ireland, Stormont, was bicameral: alongside the

directly elected House of Commons was the Senate of twenty-six members. Twenty-four Senators were elected by the House of Commons using the single transferable vote; the other two seats were held *ex officio* by the Lord Mayors of Belfast and Londonderry. Stormont was given power to legislate over almost all aspects of Northern Ireland life. With only a few matters excluded from its remit, Stormont was an innovator in much of its legislation.

From the perspective of Westminster, Northern Ireland was largely left to its own devices. In reality this meant a Protestant dominated polity, for whom Home Rule meant preserving both the union and their socio-economic and political privilege. From the perspective of Irish nationalists partition was largely seen as a betrayal and particularly in Belfast, the early years were marked by successive IRA (Irish Republican Army) campaigns. The unionist government created the Ulster Special Constabulary and draconian powers were introduced. The result was a migration south of some nationalists, with the remaining communities isolated and feeling under occupation. The unionist dominated government ensured its monopoly largely by gerrymandering of local councils and disenfranchisement of Catholics. Its hegemony was enforced by the Royal Ulster Constabulary and the Ulster Special Constabulary. In letter, legislation forbade Stormont from creating any law which directly or indirectly discriminated against a religion (section 16 of the Schedule to the Irish Free State (Agreement) Act 1922). But in practice this provision was easily flouted.

The partition created in Northern Ireland, a Catholic minority of some 500 000, outnumbered numerically by Protestants by two to one, and inestimably in terms of land ownership, jobs, policing, housing and politics. The Catholic minority was treated as an enemy, with systematic exclusion being the policy to maintain union with Britain. Counties were demarcated by calculated electoral strategies in order to ensure a sufficient Protestant majority and not by any naturalness of borders or population. The property qualification necessary for council elections disproportionately disenfranchised Catholics. A form of population control was accomplished by building fewer homes and ensuring what council homes were built went to Protestants. Though the Westminster Act forbade religious discrimination anti-Catholic attitudes filtered through society. In many industries Catholics would not be given employment; the RUC (Royal Ulster Constabulary) employed over 90 per cent Protestants and the B-specials, a heavily armed militia, had no Catholics at all. Judges and magistrates were nearly all Protestant

and Catholics were systematically discriminated against participating in the justice process, as jury selection was only open to ratepayers- predominantly Protestant. The everyday reminders of Unionist monopoly on power were near continuous between 1921 and 1963.

Prior to the hard line security stance, Catholic grievances were concerned with electoral rights, housing, education and employment. Unemployment amongst Irish Catholics remains persistently and significantly higher than for Protestants; twice as many Catholic men are likely to be unemployed as Protestants, and 1.8 times for Catholic women. Until the 1980's, most schools were religiously segregated with Catholic schools making up 15 per cent of funding from their own resources until 1992. (Darby,1995: 1) Catholic students perform less successfully than their Protestant counterparts and more leave school without qualifications. Levels of disability are higher for Catholics than for Protestants. Health research between 1988 and 1992 confirmed that the twelve most advantaged hospital wards were in Protestant areas and the twelve least advantaged in predominantly Catholic areas. Policing has always been a priority grievance; the RUC has repeatedly been criticised for its partisan and unprofessional behaviour towards Catholics and Catholic participation in the RUC stands at an abysmal 7.4 per cent. The perception of the Catholic community is that they do not receive equal treatment from the police and security forces and the community's perception of itself is one of a disadvantaged minority. Catholics have been documented as being a Minority at Risk and are the victims of human rights violations, according to Human Rights Watch.

Minority Identity

The perpetuation of difference and division in Northern Ireland is perplexing because the two groups are of essentially of similar 'racial stock'. Not just in prehistory is their common ancestry; few families do not have ancestors or some relatives from the other community. (Darby, 1998: 24) One of the myths in Ireland is that of ethnic distinction and purity. A social constructionist would be quick to conclude then that ethnic conflict in Northern Ireland is based partly on denial and partly on socially constructed, imagined and exaggerated differences, reinforced by political and economic systems. There is no fundamental, essential, biological, authentic origin for the difference. Some

scholars may find comfort in denoting this as sub tribalism, but that is not in the purpose of this thesis.

In the differences in language, however we can detect a facet of an essentialist identity; Irish Catholics as the indigenous inhabitants and Irish-speaking as differentiated from the immigrants, speaking either English or Ulster Scots. In Northern Ireland, where English is the majority language, the awareness of communal differences is at its most acute. (Krejci and Velimsky, 1981:183) However, in people and place names remains a thread of the essentialist Irish ethnic identity. The revival of the Irish language and the exponential increase in Irish education (see Tovey, Hannan and Abramson, 1989: 81) attests to the presence of essential Irish-ness. Though the percentage of Irish speakers in Eire declines, 86.5 percent in 1961 to 77.4 per cent in 1981, language is increasingly the subject of assertive identity movements and national political consciousness. In Northern Ireland this is reflected in movements to rename places in Irish, to reclaim the territory in the name of their ancestors; for instance, Londonderry Council is now Derry Council.

The myth of ethno-racial purity, relying on prehistory and language, is not, in its entirety, tenable grounds for differentiation. Hence, for the communities in Northern Ireland, religion becomes one obvious identity demarcation. It is less the practice of religion and more so the underlying symbols of conquest and discrimination that divide the communities. For instance, Brewer and Higgins have examined anti-Catholicism in Ireland and Northern Ireland from the 1600's to 1998 and concluded that the racial inferiority of Catholics is still used common-sensically, with reference to theology and scripture. To Protestants, Catholics are sullen, lazy, have too many children, they are dirty and expect handouts. (Jackson and McHardy, 1995:6) One can detect in this anti-Catholicism, the perception that such traits are inborn in the Irish. Anti-Catholic attitudes, upheld by scripture, justify the sectarian attitudes of the Protestant community, and enable the rationalisation of inequality. In contrast, Jackson and McHardy argue that religion is the nearest and handiest identifying mark available to the two sides. (Jackson and McHardy, 1995: 6) This practice of labelling the conflict by its religious nature is also subject to flux. The practice of using labels Protestant and Catholic is recent, probably less than twenty years. Previously it was more usual to describe the dichotomy as unionist and nationalist, or the Ulster British and the Ulster Irish. Research shows that in the 1980s, the badge of Northern Irish was popular amongst both religious

communities. (Trew and Benson, 1996:123) A theologian may confirm that there is no serious doctrinal difference, but the reality in Northern Ireland is a Protestant doctrine that is observably anti-Catholic.

Both sets of research confirm that the real roots of conflict are not wholly located in empirical group identity, whether self-ascribed or essentialist, but are attitudinal, psychologically constructed, rather than socially constructed. Ethnic difference in the biological sense is less important: the antagonism rests in the unconscious and consciously held beliefs, in both communities, that there is an essential difference. In some paradigms, violence in Northern Ireland is only a manifestation of psychological violence and prejudice, itself a construction of myth, perception and shady theology. Regardless of how the groups characterise their ethnic difference: Irish race or British race, with or without Irish speaking ancestors or Ulster Scots speaking ancestors, Protestant or Catholic, it is the generalised perceptions of each other that mainly contributes to conflict. These generalised perceptions are adequate to maintain difference, particularly beliefs of superiority. Protestants, with their political and economic resources, were able to maintain empirical dominance and this socially reinforces difference.

Attitudes and perceptions are more crucial regarding basic security. In the face of history, Catholics doubt their ability to achieve security and equality as a minority, whereas the Protestants have had a fear of being a defenseless minority in a united Eire. Historical incidents of violence against Protestants have embedded themselves upon the collective Protestant conscious, entrenching their fear. Both communities look in different directions for protection; Protestants to the East, to Britain, and Irish to the South, to Eire, to their kin in America and to reabsorption in their traditional community. The perception that Northern Ireland was created as a Protestant Parliament for a Protestant people is partly based on the belief that Catholics did not want to cooperate with the new state. (Fitzduff and O'Hagan, 2004) The Catholics' situation is understandably one of being unable to be loyal to the state which has oppressed and discriminated against them. Protestants, understandably, perceive their revanchist neighbours to be essentially disloyal. Catholics feel persecuted, Protestants feel at risk from the enemy within. Ironically, both communities have much in common, feeling under threat and at risk.

These mental ghettos translate into physical ghettos, marked by neighbourhoods, parades, flags, graffiti etc. It is territory, material and spiritual, which must be defended. Northern Ireland is a conflict that hinges on the high degree of voluntary segregation, but is also marked by polarization on a wide range of policies on returning to the essential question of what constitutes this community and its collective political vision.

Northern Ireland suffers acute peripherality; its connections to Great Britain, Eire and European regions are in dire need of improvement, and this is an often-overlooked impediment to a peaceful, stable and prosperous society. The total employment for Northern Ireland is just over 600 000, but unemployment remains higher than European Union (EU) and United Kingdom (UK) averages, and is marked by a shortage of opportunities and higher rates of long term unemployment. A struggling economy with few natural resources and industrial decline, complicated by problems of economic peripherality, Northern Ireland has since the outbreak of violence been increasingly dependent on subsidies and public sector jobs from the UK. It has also relied heavily on benefits for disadvantaged regions from the EU, the only region in the UK to qualify.

Identity and Conflict

The inequalities in treatment, from electoral franchise to employment discrimination, do not adequately explain all aspects of the conflict. The tensions between the two communities need to be explored through themes of ethnic identity. John Whyte's 1996 book 'Interpreting Northern Ireland' identifies the conflict forces in Northern Ireland as socially segregated religion, a fragmented Protestant community, differing levels of economic prosperity, conflicting national identity, contrasting political agendas, perceptions of security forces and legal systems, an extreme minority holding the moderate majority hostage, subjective psychological factors and perceptions and lastly the issue of a double minority. (Whyte 1966 in Crotty, 1998: 18-19)

Northern Ireland, born of industrialisation and not agriculture, has a strong working class tradition on which some aspects of the conflict depend. Low levels of industrial wages, high unemployment and a shortage of low cost housing predominate amongst the Catholic population in Northern Ireland. Ownership and management of industry concentrated in the hands of Protestants ensured that Catholics suffered the most from industrial decline and entrenched the belief that only in their own state, in control of

their own economy, could Catholics ensure their own welfare or even prosper; wedding nationalism to the workers movement. It would be very tempting to explain the troubles as a stereotypical clash between the proletariat and the bourgeoisie. However, the only way in which this explanation can coexist with the clashes between Catholic working class and Protestant working class is to admit the predominance or pre-existence of an ethno-religious cleavage. While a Marxist approach draws attention to the escalation of militarized violence, this is not the only violence in society.

Gender is also an aspect of the conflict, as 46 per cent of the labour force is made up by women and male unemployment is serious at 18 per cent. This is especially so amongst Catholic men and their marginalisation from the economy is fertile IRA (Irish Republican Army) recruiting ground. (Haughton, 1998: 35) For many years the main breadwinners have been women, the traditional dominance of males has steadily eroded in a society which still observes strong patriarchal social mores on both sides of the community. Male unemployment has eroded the cultural patriarchal mores and this disempowerment politically, economically and finally in the home may go some way to explaining the dominance of male militancy in both working class communities.

Peace organisations, ecumenism, intermarriage, shared schooling, housing and community projects are all ways in which the two communities do coexist. In 1970, a sociological study by Richard Rose concluded that the two communities had little to disagree on in regards to everyday issues such as family, economics, and community. (Rose, 1971: 325 in Crotty, 1998:19) Attitudes indicate that the gulf between the two communities in these respects is not so wide that it cannot be overcome by the people of these communities themselves. Where polarisation was created was on issues of politics and state, and hence Rose concluded that living together in an ordinary and non-political way was not the path to resolving political discord. The problem is not that the two groups cannot live together, but that they have coexisted as different, segregated and unequal communities. Besides political values, other types of schisms in Northern Ireland need addressing, and perhaps the best starting place is the fundamental nature of group identification.

Eire, before partition and without reference to early armed conflicts such as the Easter Rising (1916), was a society characterised by negative peace. The discriminatory features of the Unionist rule, from 1921-1971, are forms of violence directed against the

Catholic minority. Galtung calls this structural violence, in which the system itself is designed to cause harm. Within the Protestant community their own history of discrimination and exclusion, and their fear of absorption into Eire, would also constitute a negative peace. The link of the Orange Order to the Unionist Party coerced conformity, any moderate voice for Protestants was prevented and Catholics excluded from having a real political voice. It would be diagnosed by Walker as democratic oppression, which both communities experience. Combined with the perceptions of the communities, this indicates that a culture of violence has been a constant feature of Northern Ireland. Traditional patriarchy, anti-Catholic sentiment, the struggle of the proletariat, nationalist and unionist extreme positions are also aspects of cultural violence, used to justify structural and direct violence.

Between 1969-2001, the conflict in Northern Ireland has claimed a total of 3,523 lives (Sutton, 2002) and over 30 000 have been injured. (Fitzduff and O'Hagan, 2004) In the majority of the killings, no one has been convicted. Three billion pounds annually are drained from the British treasury for security measures, and security and border patrols in Eire cost one quarter of their annual budget. (Hancock, 1998) Until recently one of Europe's most violent conflicts, the political violence is abnormal to the society as a whole. In 1969 Northern Ireland had the lowest per capita prison population in Western Europe and even today, non-politically motivated crime is low and people express less concern about crime and personal safety than in mainland Britain. (Darby, 1995: 11) Because the population of Northern Ireland is relatively small, but the period of conflict is so long, it has been estimated that the number of people closely associated to those who have been killed or injured is approximately half the population, which raises the scale of impact of violence considerably.

The violence is cyclic in nature often coinciding with downturns in the local economy. Overall, there is a decrease in the death toll. This cycling also reflects the increased strength of the security forces and the changed fortunes of the paramilitaries, namely the sources of financial and moral support they had relied on during the 1970's. Attacks on Catholics from loyalist paramilitaries have fallen since the 1970's, as many Protestant paramilitaries were imprisoned and their organisations became more factionalised. One striking feature was that loyalist paramilitaries almost exclusively kill civilians. (O'Duffy and O'Leary, 1990: appendix) By comparison, nationalist paramilitary targets, which account for more than half of all deaths, are security forces. (O'Duffy and

O'Leary, 1990: appendix) This group has also caused many deaths outside of Northern Ireland. On both sides tactics have changed from indiscriminate community attacks to selective attacks on security forces and politicians, now perceived as legitimate targets. (Jackson and McHardy, 1995: 10) Non-paramilitary violence is largely confined to poverty-stricken ghettos, which reflects the lack of mobility for the unemployed and the low-waged. What little stability they can muster is reactively defended at the slightest threat. Community violence and street violence has also been a manifestation of the siege mentality that both Catholics and Protestants, working and middle class, exhibit. O'Duffy and O'Leary provide excellent statistical knowledge and analysis of the violence in Northern Ireland and there are several worthy pieces that address the psycho-social effects of the violence, especially on children and young people.

Politics and Ethno-nationalism

The Northern Ireland Assembly, only recently restored, held elections on the 8th of May 2007, with voter turnout remaining constant at 63 per cent. Although politics in Northern Ireland is increasingly normalized, the Irish Catholic ethno-nationalism has long been propelled by militancy.

Militancy

The Society of United Irishmen, as noted earlier, was originally a political organization that sought parliamentary reform in the late 18th century. It would evolve into a revolutionary republican organization and form links with another organization, The Defenders, a secret agrarian society, whose cells were *de facto* United Irishmen branches. Most unique of any European ethno-nationalist movements was the ambitious raids and campaigns undertaken by The Fenians in North America. It was formed in America in 1858 out of the remnants of The Young Irelanders and marked an internationalization of Irish Catholic nationalism. The Irish counterpart of The Fenians was the Irish Republican Brotherhood, committed to achieving an independent Irish Republic by force. Cooperating initially with the Irish Parliamentary Party they agitated agricultural tenants and later organized a dynamite campaign of English cities. However the Irish Republican Brotherhood would be weakened by internal divisions and furthermore by the failure of the Easter Uprising. As an organization it did not survive the Irish Civil War.

The contemporary face of Irish Catholic Militancy is the Irish Republican Army (IRA). The IRA was founded in 1919 as the legitimate army of the unilaterally declared Irish Republic. It evolved out of an earlier paramilitary group, The Irish Volunteers, set up by nationalists to ensure the implementation of Home Rule in 1914. In theory, the IRA was accountable to the Dáil and was the army of the Irish Republic. In practice, the Dáil had great difficulty in controlling the actions of the volunteers. During the next decades of conflict in Ireland the IRA became the paramilitary wing of Sinn Féin.

In Northern Ireland the IRA started a new campaign for secession between 1956 and 1962, but was not able to generate much support for this campaign, as the Catholic community did not have a strong perception of relative deprivation. However, the Catholic communities did express their increased frustration by the late 1960's and so the IRA was able to re-establish itself. The hard line action of security forces to peaceful demonstrations and the attacks by unionist crowds upon demonstrators and Catholic neighbourhoods provided legitimacy for the IRA's purpose. The IRA, by the early 1970's, had reconstituted by providing defence from police and Protestant paramilitaries to Catholic areas.

In Northern Ireland, the IRA has spent over 25 years trying to achieve a United Eire by force of arms, ending British rule and peacefully accommodating the unionist populations. The IRA is not a monolithic movement expressing a united collective Irish nationalist and Catholic consciousness. The IRA is, on the surface, divided into two sections; the Official IRA- left wing, and the more nationalist Provisional IRA. Further schisms in republican militancy include the Irish National Liberation Army. Militantism is also expressed through republican militant schisms such as the Real IRA, Continuity IRA, Republican Sinn Féin and the Irish 32 County Sovereignty Movement. These are demonstrably capable of continuing armed warfare through bombing campaigns, but are not as clearly organised or well funded, which leaves them vulnerable to racketeering and less able to articulate political programmes and a community base.

Political Parties

Aspects of settlement are common priorities of all parties in Northern Ireland and the community divisions colour all aspects of politics. A substantial number of political players now focus activity beyond their own community, namely the EU. As part of the

UK, Northern Ireland joined the EU in 1973, at a time when political and civil unrest was in the ascendant. In Northern Ireland, 47 per cent were opposed to joining compared with 65 per cent in mainland Britain, though the electoral turnouts were abysmal. The debate overlapped and interacted heavily with controversy about Northern Ireland's status as an entity, and this continues to be a notable feature of its membership and politics.

Sinn Féin

The most obvious ethno-nationalist party, Sinn Féin or in Gaelic, '*Ourselves Alone*' or '*We Ourselves*', was formed in 1905 supported by Gaelicised youth. Sinn Féin won 73 of Ireland's 105 seats in the United Kingdom of Great Britain and Ireland parliament in December 1918 and many of the seats it won were uncontested. Its paramilitary wing is the IRA, but despite the affiliation it has not always been clear which organisation is subordinate to which, or if they are acting on their own initiative.

In Northern Ireland, Sinn Féin was radicalised by the 1970's with a mandate to agitate around social and economic issues which soon saw support in the form of electoral gains. The success of Sinn Féin, though initially barely two per cent, has increased and the IRA/Sinn Féin uses politics, more than violence, to make its political case for a united Ireland. The landmark moment was when Sinn Féin agreed to join the multi party talks that led to the Belfast Agreement in July 1997. Sinn Féin's participation in peace processes has seen republican militancy capable of political and democratic expression. However there should be no illusions that Sinn Féin is operating independent of the IRA, or that its activity is unrelated.

The extreme left Sinn Féin is the fastest growing political party in Northern Ireland with 26 per cent of the vote and 28 seats won for the Assembly in the 2007 elections, in addition to their five seats at Westminster. Republican and labour, it is nationalist, and internationalist, anti-imperialist, anti-fascist and anti-racist. Irish unity and independence is the forefront of its policies and Sinn Fein is the only political party to offer bilingual services. It has an extensive policy on promoting the Irish language in all sectors. Opposition to the EU stems from the view that the EMU (European Monetary Union) exacerbates the North-South economic divergence in Ireland, which is a further obstacle to the Sinn Féin objective of a single integrated all-Eire economy. Sinn Féin nevertheless recognises that the EU is an optimum environment for its policy struggle

‘... which we can use to advance our republican aims of national independence and economic and social justice.’ (Gerry Adams, Sinn Féin EU Election Manifesto 1999)

Sinn Féin plans to engage with the EU in a critical manner, decentralising power back to national parliaments and continuing to promote a united, 32 county political and economic identity in the EU. Whilst Sinn Féin maintains that it is not anti-EU, and enthusiastically supports European cooperation, this is only possible in a democratic Europe of equals where smaller national or minority groups are considered equally; thus Sinn Féin remains opposed to supra-nationalism and fortress Europe. The cornerstone of Sinn Féin’s work remains national self-determination through the unity and sovereignty of the people of Ireland.

Since the politicisation of the IRA, arguments that Sinn Féin was merely a terrorist political front, a subordinate to the terrorist groups, justified their exclusion from any political dialogue. However, the legitimating of Sinn Féin by three democratic states has been fundamental to its electoral advances and ethno-nationalist gains. The possibility that there was a duality in membership of IRA and Sinn Féin was considered, but at least until autumn 2001 Sinn Féin was subordinate to the IRA Council and this may account for its inability to deliver disarmament. It is yet to be seen if the weapons of the republican movement can be disabled, but certainly the core of the movement is joining the mainstream political process. Increasingly Sinn Féin is part of the pro-state apparatus. Democratic recognition, international legitimation and engagement with the Protestant political forces have changed Sinn Féin to the senior partner in the republican movement. Despite the underlying fragmentation of the republican movement and the new trajectory from military to political campaign, certain elements remain consistent; its leftist philosophy, the morality of armed struggle and its solidarity with similar groups. Irish nationalism is largely, but not entirely dominated by men, and the republican movement is still strongly defending the interests of the working classes, remaining pro-Irish and pro-Catholic. All aspects of this ethno-nationalism are motivated to unite Ireland into a socialist republic through an armed struggle.

The Social Democratic and Labour Party

A second tangent of Irish Catholic ethno-nationalism is the Social Democratic and Labour Party (SDLP), formed from the old Nationalist Party whose traditional role was as the permanent and virtually impotent opposition in Stormont. Like Sinn Féin, the SDLP is republican and leftist but decidedly void of militancy. The SDLP won 15.2 per

cent of the Northern Irish vote, and sixteen seats in the Assembly in 2007; it has three seats at Westminster. As Sinn Fein continues to make modest electoral gains, the SDLP presence at Stormont is reduced. Whilst they aim for a united, pluralist, non-sectarian Ireland, where Irish and British are respected the SDLP is nevertheless a nationalist party. It seeks to secure a United Ireland with the same commitment which lies at the heart of the Good Friday Agreement, namely the British government must enter into negotiations with the Irish government and there must also be a referendum in the south. The SDLP address of regional development is nominal, but includes the strategic development of social inclusion and growth, with references to a united Ireland in a European context. The SDLP is strongly committed to full participation in the EU, lobbying in favour of the Euro and has secured significant EU funding for Northern Ireland and the border regions.

Non-violence, and solely political transformation marks the SDLP ethno-nationalism, but it is by no means a passive political party. It has resorted to effective symbolic action, such as withdrawing from the political process as an extra constitutional act and expression of its disgust. It has entered into negotiations by proposing a framework of a three-fold relationship; British, Irish and Northern Irish, and can be credited with creating the opportunity for new political relationships, which the SDLP had advocated since the late 1970's. Redirection of the nationalist position from military means to political is due in no small part to the initiative of the SDLP, which initiated bilateral talks with Sinn Féin in pre-negotiation meetings in 1995. This has locked nearly all aspects of Irish nationalism into a process of normalising politics. Ethno-nationalism of Irish Catholics in Northern Ireland is characterised by two core aspects of state-like characteristics; democratic politics and the use of force. The recent peace process illustrated that the main elements of nationalism and republicanism are being redefined to consider conditions of Irish unity in a more flexible light.

The Alliance Party

An alternative to republican ethno-nationalism is the Alliance Party. Liberal and internationalist, it maintains a stance as the only party which respects personal choice over identity. The Alliance Party won seven Assembly seats in the 2007 election, gaining just 5.2 per cent of the vote, but this was an increase from its 2003 results of six seats and 3.7 per cent of the vote. The heart of its manifesto is building a united community and creating a shared future, which includes tackling the divisions of the

Northern Ireland society. The party developed its own proposals for reviewing the Good Friday Agreement, namely the Principle of Consent; being that the people of Northern Ireland should not be restrained by two choices of constitutional outcome. The party rejects the dualism that has dogged Northern Ireland and promotes Northern Ireland instead as a distinct region in a 'Europe of the Regions'. This promotion includes new symbols of their regional identity and greater use of the EU flag. As well as promoting citizenship, Alliance stresses people can hold open, mixed and multiple identities and have a range of loyalties to political structures at multiple levels. It is the only party which consistently seeks to include the needs and rights of other ethnic minorities in Northern Ireland. Reflecting this, the 2007 election is the first time that a minister of Chinese origin, Anna Lo of the Alliance Party has been elected to a parliamentary institution in Britain or Ireland. Alliance is strongly pro-European, with an impressive record of participation in a variety of European and international debates. It supports an enlarged union, on the basis that this creates better markets and intends to establish a European Affairs Committee in the Assembly, not unlike that in the Oireachtas (the Parliament of Eire). In the European dimension, Alliance maintains an attitude of economic sovereignty and responsibility for Northern Ireland. Its global affairs policy is to continue to increase the role of regions, like Northern Ireland, on the international stage to develop their transnational political networks. The Alliance Party maintains that the people of Northern Ireland have their own distinct perspective on EU and global affairs, which requires articulation by locally based political entities.

Politics in Northern Ireland is dominated by the fiercely oppositional objectives of republicans and unionists. However, other equally worthy schisms indicate that Northern Ireland is not a society so simply bifurcated. Unionist parties face their polar opposites namely in the force of Sinn Féin. However, undercutting this confrontation is a plethora of third way parties. On the unionist side, the Ulster Unionist Party- though conservative- is progressive and accommodating, whilst the SDLP is nationalist and pro-united Ireland. It too is progressive, having thoughtfully considered genuine pluralism. Both parties seek to build a political entity and society that is not hostage to identity conflict. The liberal Alliance Party promotes a pluralistic, transcendent Northern Ireland identity. A final political trajectory in Northern Ireland is the Northern Ireland Women's Coalition and the Greens, which may represent a new political trend altogether. Politics in Northern Ireland reflects the deep bifurcation of a society on religion, ethnicity, language, class, ideology/ political orientation and even gender.

Furthermore, Irish ethno-nationalism cannot be circumscribed solely to the political; important cultural nationalist movements have developed from the 19th century onwards and included the Celtic revival, The Gaelic League (Conradh na Gaelige) and the Gaelic Athletic Association.

Table 6 Northern Ireland

NORTHERN IRELAND

- Ethnic/ Religious/ Linguistic/ Class differences: total pop. 1, 685 267 (2001). Irish Catholic 43.76% (737 412). Eire, 77% speak Irish (1981) Unemployment, 10.9% higher than EU and UK average, 36% for Catholic men (1987) 2X that of Protestant men, 46% of labour force are women, 40 000 jobs are security related, 6 % of marriages are mixed
- Political Institutions: British Irish Council, North South Ministerial Council (North South Bodies), Northern Ireland Assembly/ Stormont
- Seminal Legislation: Northern Ireland Parliamentary Act (Anglo Irish Treaty 1921) Downing Street Declaration 1969, Sunningdale Agreement 1973, Fair Employment Act 1976, Anglo Irish Agreement 1985, Downing Street Declaration 1993, Northern Ireland Act 1998, Good Friday Agreement/ Belfast Agreement 1998
- Constitutional Bodies: Northern Ireland Housing Executive (1972), Fair Employment Agency (1976), Committee on the Administration of Justice (1980), Central Community Relations Unit (1988), Northern Ireland Human Rights Commission (1999), Equality Commission (1999 *amalgamating the Fair Employment Agency, Equal Opportunities Commission, Commission for Racial Equality, Northern Ireland Disability Council*), Police Ombudsmen, Criminal Cases Review Commission, Sentence Review Commission, Life Sentence Review Commission, Victim Liaison Unit, Northern Ireland Ombudsmen and The Parades Commission
- Political Parties: Democratic Unionist Party (*extreme loyalist*) Sinn Fein (*militant, left, republican, nationalist, unification*) Ulster Unionist (*conservative unionist*) Social Democratic Labour Party (*moderate, nationalist, reunification*) Alliance Party (*third way, regionalist, pro- European*) Progressive Unionist (*radical unionist*) Northern Ireland Women's Coalition (*third way*) United Kingdom Unionist Party (*radical unionist*) Green Party (*third way, pro- European*)
- Militancy: Irish Catholics: Sinn Fein/ IRA (Official and Provisional) Irish National Liberation Army, Real IRA, Continuity IRA, True IRA, Irish 32 County Sovereignty Movement Protestant/ Loyalist: Ulster Defence Association, Ulster Volunteer Force, Ulster Freedom Force, Combined Loyalist Military Command, Loyalist Volunteer Force, Red Hand Defenders, Orange Volunteers, Plus state security apparatus in collusion: Royal Ulster Constabulary, B- Specials (defunct), Ulster Special Constabulary, Ulster Defence Regiment
- UK joins EU 1973 Eire joins EU 1972 EU Objective One Region, PEACE programmes
- Irish Language Organisations: Gaelic League, Comhdhial Naisiunta na Galelige
- Peace Organisations: Peace People, Families Against Terror and Intimidation, Cultural Traditions Group, Community Relations Council, Corrymeela Community, Education for a Mutual Understanding, Northern Ireland Civil Rights Association

Prospects for Settlement

Resolution depends on tackling minority disadvantage, such as in housing and employment, and establishing parity of esteem for the two cultures and languages. Additional resolution will require changes in attitudes and perceptions; the communities must choose better ways of dealing with disagreements. The collapse of the power-sharing experiment in May 1974 highlighted the difficulty of stabilising Northern Ireland without radical political innovation. Previous arrangements, such as the Anglo Irish Agreement, were overarching agreements made by the UK and Irish governments. (Darby, 1995: 18) The Good Friday Agreement, by contrast, included the full range of players- even previously illegitimate ones, such as Sinn Féin. Previous agreements created without local participation were based on perceptions that the conflict was solvable at the interstate level. The efforts of the sub-state had to be accorded their legitimate rights to participation and recognised in some form. Hence, the focus of the Belfast Agreement/ Good Friday Agreement on local parties was notable because it was the result of sub-state initiative; a secret meeting between rival nationalist leaders of Sinn Fein and the SDLP. The Belfast Agreement opened up the political space because its agenda was well rounded, addressing a range of conflict factors from cultural issues to political and security needs, responding with measures that were both novel and wide in scope. The referendum of 22 May 1995 saw 70 per cent supporting the agreement.

The European Dimension

Within the EU, the Secretary of State has promised an active role on the Council of Ministers where Northern Ireland is represented within the UK. Northern Ireland is also represented on the Economic and Social Committee and has two seats for the UK on the Committee of the Regions. Provincial matters are rarely at the top of the UK agenda, but an official link between Northern Ireland and EC policy through committees has ensured that both benefit and influence do flow between the province and the supra-state.

The Northern Ireland Office represents Northern Ireland in Europe, and ensures that the relevant government actors in the province receive EU documents and information, and acts as a coordinator on European matters within the Northern Ireland departments. In Brussels, it is the Northern Ireland Centre in Europe which acts as a listening post and lobby channel for business, community, social and legal organisations and local

governments, as well as employer organisations, chambers of commerce and trade unions. The potential of Northern Ireland in Europe is great and has much in common with the dynamic energy and political savvy shown by Eire in realising the benefits of the EU. In spite of this, neither the Commission nor the EU has been tempted to play a more direct role in Northern Ireland. Solidarity with victims of terrorism, grant aid for economic peripheralism and support for the democratic processes do not extend to political assistance in human rights or constitutional matters. Such initiative has been repeatedly ruled out by the Commission and the Commission views that this is equivalent to 'unwarranted and unauthorised interference in the domestic affairs of member states' (Hainsworth, 1996: 132). Similarly, the Council of Ministers have avoided anything which smacks of political intervention, but the European Parliament has attempted to address Northern Ireland through resolutions and debates, which have also included, controversially, matters of UK internal security and human rights. Through the Committee of the Regions, empirical research has demonstrated the cautious concern for Northern Ireland's political problems, however constitutional or government reform is absent in favour of recasting Northern Ireland in the role of an independent region with its own identity and agenda in Europe. Northern Ireland is given special status as an Objective One region with considerable finance and support for the structural funds. From 1994 to 1999 the European Regional Development Fund and the ESF contributed over 940 million pounds, up from 550 million between 1989-1993. These funds were further supplemented by the special Peace Programme which brought to Northern Ireland £240 million in March 1995. The criteria for these funds included long-term unemployment and industrial decline but the key factor was the delicate political situation. (Hainsworth, 1996: 133)

Northern Ireland relies on its pattern of diametrical opposition in regards to the EU also. Parties supportive to the EU process include the SDLP and the Alliance Party. Anti-EU parties are the Democratic Unionist Party, Sinn Féin and the Ulster Unionist Party. (Hainsworth, 1996: 129) The SDLP has been the most steadfast supporter of European integration, its resolution capacities an example of good practice for the island. In the EU, the SDLP sees an articulation of post-national ideals and a greater role for regions. In contrast, nationalists and other critics do not accept such an interpretation of the EC. For instance the DUP, though they have enjoyed four successive European Parliament elections, criticize European integration as a threat to national sovereignty. In spite of negative perceptions of the EU, the DUP leader has worked tirelessly to secure aid for

Northern Ireland from the EU and cooperates with other Northern Irish MEPs to secure monies to underwrite peace initiatives. (Hainsworth, 1996: 130) The DUP, a less than enthusiastic supra-state participant, is the only party keen on the Council of Europe as adequate guarantor of Northern Ireland's human rights and equality. Sinn Féin has been similarly critical of European integration, equating it with the loss of Irish sovereignty and neutrality. Furthermore, the EU is seen as the vehicle of capitalism, though since the 1990's Sinn Féin has been making modest attempts to project the Irish problems in a European context. The Ulster Unionist Party- though also against the EU in principle- accepts it as reality and works constructively within it, especially in reaping benefits of the Common Agricultural policy and business interest. Ironically, the UUP Member for European Parliament sits with the pro-integrationist European Democratic Party, whilst denying that the EU has any role in the political or constitutional affairs of Northern Ireland. The most strongly pro-EU party is the pro-integrationist Alliance Party, with its priority policies substantially rooted in securing a place for Northern Ireland and all devolved regions in the EU. Of all the parties, Alliance has the most practical perspective; it is the only party which truly transcends the parochial quality of the Northern Ireland conflict. Alliance aside, all parties find themselves entangled in further tensions, between their own domestic, often sectarian aims, and the pull of a separate Northern Ireland entity within the European context. Particular conceptual trends such as devolution, subsidiarity and regionalism appear readily adaptable to each of Northern Ireland's parties' objectives.

The Good Friday Agreement contained initiatives beyond sectarian mediation and political accommodation. Expanded institutions and new cross border councils show that the concept of devolution remains not only active, but can be applied in a multiplicity of directions. These initiatives may be framed as horizontal manoeuvres to improve relations between the sub-state and the state, though they also contain a supra-state element.

Two aspects of the Good Friday Agreement concern the supra-state dimension: The most observable is Strand Two, wherein the cross border institution, the North South Ministerial Council, takes into consideration the EU dimension. The supra-state dimension in Strand One is the creation of the Assembly safeguarded by the European Convention on Human Rights (ECHR). Strand Three specifically addresses human rights and safeguards for equality of opportunity which the UK government will

incorporate into Northern Ireland law. The ECHR includes the power for the courts to overrule Assembly legislation on grounds of inconsistency. The Irish government makes compatible steps to strengthen its human rights protection in compliance with the ECHR and proceeding with quickest possible ratification on the Framework Convention of National Minorities. The 'active consideration' of the UK to signing the Council of Europe Charter on Regional or Minority Languages, particularly in relation to the Irish language, was included as well. The Agreement makes immediate reference to the UK and Eire as a unique relationship of friendly neighbours and EU partners.

The North South Bodies are a unique example of the active and complementary relationship between the Council of Europe and the EU; the Council of Europe with its focus on law and the EU with its programme of economic and social well-being. The North South Bodies, though in their infancy, may be illustrative of how strands from the EU mandate and strands from the Council of Europe's mandate are interwoven and used as a resource in transforming conflict.

Once fully active, aspects of the Good Friday Agreement, such as the cross border institutions, possible provisions for representation at the Dáil, and increased representation in the EU, may provide the foundations for common loyalty. Recent research suggests that young people, after thirty years of conflict and violence, may be contributing to a preference for a shared regional identity of Northern Irish. (Trew and Benson, 1996:138) Certainly in the political sphere, parties such as the Alliance Party indicate the growth of a regionalist Northern Ireland political identity that may transcend the traditional ethno-religious bifurcation. An embryonic regional identity with secured expression in the supra-state may also be the source of common loyalty that releases Northern Ireland from its security dilemma

In the run up to the Good Friday Agreement, the focus on the origins of the conflict begins to shift from historical grievances to competing political visions. The Northern Ireland Assembly has only recently been restored and intractable conflict issues such as politics, weapons, inequality, prisoners, violence, justice and community relations remain. There is some criticism that the latest peace process is dominated by elites and marginalizes the wider community, further weakening the process. Another widespread criticism is that the agreements further entrench ethnic division, such as the requirement for members to declare their identity, and the requirement of a majority in each

community for key votes. However, the creation of a political order which recognises all parties and allows them to participate legitimately has been a critical step and has widespread support. It shows new currents in nationalist thinking, changes in the nature of state boundaries in the modern world and principles committed to equality and human rights. The Good Friday Agreement, however, fails to tackle the central issues of legitimate authority and therefore continues to be fragile.

Some communities' needs and interests would require the review of an external body with sufficient authority and impartiality to monitor and enforce the guarantees, an opportunity for supra-state organisations like the EU, the Council of Europe or even the United Nations. The EU has held some influence over the conflict at both the inter state and intra state level. In 1965, the UK and Eire attempted to join the EU but encountered hostility from the EU towards their nationalisms and authoritarianism. One of the likeliest hopes lies with participation in the EU because the economic interest of Eire and Northern Ireland are the same, and are in contrast to British interests; Britain is food importing and Eire and Northern Ireland are exporters. Unionists, realising the EU as a potential forum for resolution, have been unsupportive and thrown out any economic benefit with its political potential. Nationalists in contrast have been willing to engage and utilise both political and economic benefits despite ideological reservations.

The supra-state has and continues to have increasing impact on the economic, social and political life of people in Northern Ireland and Eire. Indirectly, integrationists believe that the EU structure will transform the relationship between Northern Ireland and Eire. The Single European Act should increase trade and already there is an increasing flow of goods and capital across the border. Efforts from the business community make it clear that this is without constitutional or political implications and occurs despite the divisions, entrenching a more mutually beneficial relationship. The EU has had a direct and positive impact, with financial aid directed at the region and those people most affected by violence, which can only be a positive support for the peace process.

The EU has sponsored peace conferences after the initial 1995 negotiations and much of this diplomatic support is designed to lock unionist and nationalists into the normal politics of dialogue. The nationalist position has been generally supportive of the EU process and this has added another layer to the discord between unionists and nationalists. A more active Council of Europe role, for instance monitoring, although

advocated by the DUP is unlikely to find unionist support. Securing minority rights through the Council of Europe auspices could remove this as a conflict factor. Support for the EU from nationalists and the low-key intervention from the EU in Northern Ireland creates extreme suspicion and insecurity in the unionist community. Hence, any initiatives for supra-state intervention from either the EU or the Council of Europe do include the caveat that external involvement in any conflict carries with it the very real possibility of exacerbating the divisions.

The Peace Process and the normalisation of sectarian politics has not eliminated violence, nor has it settled the conflict, but a large amount of the conflict over equality, recognition and constitutional aspirations has been transferred from the streets into the debating chamber. The nature of Northern Ireland's society remains one of two distinct communities, but the conflict has shifted, no less critically, to competing political ideologies. Studies demonstrate that the perceptions of the problem do differ between the communities, with Protestants framing the conflict in constitutional and security terms, concerned about preserving the British union. Irish Catholics may perceive the violence as part of a nationalist struggle to unify with Eire or as the result of a corrupt and unfair system, prejudicing Catholics. Despite the increasing degree of political normalisation in Northern Ireland, the dispute and tensions remain framed in terms of inclusion and exclusion. Polls indicate that both communities are opposed to the use of violence and agree that the existence of Northern Ireland is a core factor. Prospects for the management of Northern Ireland currently centre on efforts to return Northern Ireland to a high degree of self-rule, as a means of satisfying the coinciding identity and political needs. Furthermore, the rigidity of competing identities is, through the peace process, softening, losing the absoluteness of a win-lose outcome. The peace process, in its broadest conception represents a new flexibility in the ethno-nationalist psychology and political aspirations.

SECTION THREE

THE PRACTICE OF ACCOMODATING SUBSTATE ACTORS

CHAPTER TEN: COUNCIL OF EUROPE

Structures and Processes

The Council of Europe developed after World War Two (WWII) as the sole, overtly political European organisation. Its fundamental purpose was and is to assure that individuals and minorities were guaranteed respect and fundamental protection. (Mroz, Pinto, and Rosenstiel, 1993: 5) Theoretically, the Council of Europe held a wide range of competencies, but no real power; although the first session of the Council of Europe did mark the onset of intensified efforts of European integration. The Council of Europe was but one organisation dogged by the competing visions of federalists, advocating a body with supra-national capacities, and intergovernmentalists, for whom integration meant greater international cooperation built on the retention and strengthening of national sovereignty. For those aspiring to create a Europe functioning beyond the level of states, the Council of Europe was inadequate, reinforcing of state centrism. The Council of Europe did offer to be a uniquely political organisation, with no supra-national aspirations, and promised not to entangle itself in economic and security issues at such a delicate historical period.

It is not enough to be a juridically sovereign state in Europe to qualify for membership, and herein lays the uniqueness of the Council of Europe. Countries must offer proof that they are pluralist democracies that protect fundamental rights. The Council of Europe is thus also a value loaded judgemental organisation. As expectations evolve, standards must also be maintained and intensified, as membership is not a lifetime guarantee. Both in ideology and in international relations, the Council of Europe underpins the truism that, economic prosperity depends primarily on adherence to democratic principles. In fact, for current and future leaders of the post-communist states of Europe, ‘... the road to membership of the EC passes first through Strasbourg.’ (Mroz, Pinto and Rosenstiel 1993:6) The benefits of membership and compliance with the Council standards must far outweigh any temptation to violate them. It is an important milestone in European integration and the first with a distinctive political and human rights quality.

In examining how the Council of Europe engages with sub-state entities, the statutes upon which it is built will be firstly reviewed. Two key institutions, the Commission for Human Rights and the European Court of Human Rights were researched for the

relevance to the case studies and the results of this follow the overview of the statutes. Similarly the political institutions of the Council of Europe, being the Congress for Local and Regional Authorities, the Parliamentary Assembly and the Committee of Ministers were researched to reveal the relationship between the Council of Europe and sub-state entities. The activities of the Council of Europe through its institutional bodies have been summarised by searching the relevant documents for the period from 1992 to 2003 and using the search terms indicated earlier in Chapter Four (conflict, minority, region, subsidiarity, Åland, Basque/ Euzkadi, Fryslân, Northern Ireland). From 1992 onwards marked a period of subtle, yet profound, developments in the aims and activities of the Council of Europe. Coinciding with the beginning of the enlarged Council, the challenges of the post-communist era and the beginning of summitry with definitive intergovernmentalism, this period reveals the expansion and deepening of a variety of democratic processes. This lengthy and detailed Chapter concludes with a brief overview of the interplay between the institutions of the Council of Europe and the case studies.

The Statutes

The Council of Europe's founding document is the Treaty of London, signed on 5 May 1949. The aims and objectives located in the Preamble are not just rhetorical objectives but actual conditions of membership, as a violation can mean suspension or expulsion in accordance with Article 8. The Council's Convention for the Protection of Human Rights and Fundamental Freedoms was the first international legal instrument safeguarding human rights and was signed on 4 November 1950. Table 7 summarises the four statutes relevant to sub-state issues; the Framework Convention for the Protection of National Minorities; the European Charter for Minority Languages and Cultures; the European Charter for Local Self Government; and the Outline Convention on Transfrontier Cooperation.

Table 7 Four Treaties with Sub-State Relevance

The Framework Convention for the Protection of Minorities

- Implicit caveat; provisions are undertaken whilst respecting the principles of territorial integrity and political independence of states. Principles are implemented through national legislation and policies. Implementation is weakened, both by its low number of signatories and the lack of an office
- Legacy: Most comprehensive document in the field, first multilateral, legally binding instrument concerned with protecting national minorities, major contribution to the international law corpus and to the international regime for protecting minorities. The rights of national minorities are an integral part of human rights and are held individually, as well as in community with others. (art.3)

The Charter For Regional of Minority Languages

- Aims: ‘soft areas’ such as education, media, cultural activities and facilities, and the more politically sensitive areas of judicial authorities, administrative authorities and public services, economic and social life and transfrontier exchanges.
- Legacy: “the right to use a regional or minority languages in private and public life is an inviolable right.”

The European Charter of Local Self Government

- Aims: Advocates a clear division of responsibilities between central government and local authorities, the assigning of financial resources of their own to local authorities commensurate with the tasks for which they are responsible and freedom for them to decide how to use these (art 2 and 4).
- Legacy: The first multilateral legal instrument to define and safeguard the principles of local autonomy, specifically as a pillar of democracy.

The European Outline Convention on Transfrontier Cooperation

- Aims: Enshrines the right of territorial communities or authorities to conclude agreements among themselves within this framework.: sets conditions and restrictions for this exercise
- Limitations: No legal effect, states have no specific commitments/obligations to recognise any right of communities or authorities to conclude transfrontier cooperation agreements. Agreements must also comply with the procedures indicated in the statutes of such authorities and be compatible with the international commitments entered into by states and with states’ national law.
- Legacy: The Additional Protocol removes some of the legal obstacles to transfrontier projects.

The Framework Convention for the Protection of Minorities

The Framework Convention for the Protection of Minorities expands from simple protection, where a regime could qualify simply by non-interference, to promotion and support in areas such as residence, education and language use. The text does not consider minority issues a matter solely for domestic governments. There are indications that protection and promotion come simultaneously under the remit of international regimes and transfrontier cooperation. Independence is not sufficient to eradicate the problem of minorities, partly because there will always be minorities and partly because the nature of their loyalties is complex. Territorial solutions, i.e. secession and independence, offer no assurances. Only respect for law and democratic practices that is founded on negotiation, reciprocity and the recognition that minorities have legitimate rights to security and freedom of expression, can offer a starting point and guide to managing ethnic conflict. (Foucher, 1994:39)

As highlighted in Table 7 including the sub-state units in an international framework convention is tempered by the caveat that these considerations and recognitions are without prejudice to the constitutional and territorial integrity of each State. This clause makes ratification possible, but States may find themselves bound again by Article 1, which states that national minorities are an integral part of the protection of human rights and fall under international law.

That the DH-MIN (The Committee of Experts on Issues Relating to the Protection of National Minorities), the institution with primary responsibility for overseeing the adherence and implementation of the Framework Convention has had its activities suspended to due a lack of resources begs two questions: *How important is real protection of minorities in the Council of Europe?* and *how effective is the Framework Convention?* Effective promotion of the Framework Convention and the subsequent accomplishment of its objectives depend necessarily on some Council of Europe institution responsible for coordinating and organising the administrative tasks surrounding implementation. The Framework Convention is decidedly inert, and weakened, by both its low number of signatories and the lack of an office. This signals that although member states and the Council of Europe are acutely aware of the security and human rights issues specific to minorities, minorities' protection and rights are a highly sensitive issue for states. Reluctance on the parts of states to sign, ratify and

implement the Framework Charter removes the matter from Council priority and, as seen, removes Council support from the whole initiative.

Charter for Regional or Minority Languages

Parties to the Charter for Regional or Minority Languages must address their policies, legislation and practice to eight fundamental principles and objectives which contain prohibitions on all forms of unjustified distinction. This could create a legal quagmire in light of the founding definitions. Part three of the Charter translates these fundamental principles into rules: of sixty-eight concrete undertakings in seven key policy areas, party states must select at least thirty-five. This may appear to make the Charter a capricious instrument, but the Charter covers a wide and important range of policy areas. The development of a language's private presence to its public one is credible, particularly in judicial areas. This document is substantial evidence that the right to use one own language publicly, in addition to being an inviolable right, is a necessary component of a person's civic freedoms and protections. The detailed variance in the undertakings should serve as a notice to states that the international forum is aware of deficiencies in state policy. In offering differing levels of stringency the Charter subtly indicates that states should also be looking towards improving the way they address minority and regional languages issues.

Though a welcomed initiative, the Charter is weak on several fronts. With few signatories, it is not applicable to languages that are connected with recent migratory movements. Like the Framework Convention, it operates within the paradigms of national sovereignty and territorial integrity and conceives of an idealised relationship of mutual tolerance and understanding. The Preamble sets out that the right to use a regional or minority languages in private and public life is an inviolable right, but thereafter continues on dangerous definitional ground for two reasons. Firstly, it defines in Article 1, regional or minority languages, territorial and non-territorial languages. Definitions in philology are always difficult, and some minority or regional language communities may find themselves excluded from its protection by falling afoul either of the numerical requirement or the territorial definitions. This would be particularly apt in cases of nomadic and semi-nomadic peoples, but also those living in autonomous and semi-autonomous sub-state entities. Additionally, the Charter does not include dialects of the official state language, the distinction of a dialect being a notoriously slippery

exercise. In undertaking this challenging exercise, the Council of Europe has made itself vulnerable to the criticism that it is assigning of linguistic status and prestige and contributing to the maintenance and entrenchment of linguistic hierarchy.

The second cause of concern in regards to definition is found in Article 3, whereby each state shall specify the languages that are lesser used. It is glaringly obvious that if left to official state recognition, many regional and linguistic communities will find their official existence denied, and thereby unprotected. It seems autocratic to accord the responsibility of linguistic definitions and distinctions to the state instead of to the regional or minority language communities themselves. In this the Charter can be accused of falling afoul of the subsidiarity principle and of not being truly and deeply committed to Europe's diversity. The Preamble itself reinforces the linguistic supremacy of the state by indicating that the protection of regional and minority languages should not lead to the detriment of the official languages and the need to learn them.

The European Charter of Local Self Government

The European Charter of Local Self Government has a vision that necessarily entails local authorities with democratically constituted decision-making bodies and a wide degree of autonomy. While the Charter advocates a degree of autonomy and a clear division of responsibilities, it does not address exactly how much is a wide degree of autonomy, and exactly what amount is "adequate" for 'adequate financial resources'. There is great scope for contracting states in how they devolve power and administer resources. Though representing a compromise between safeguarding essential principles and structures, and balancing the organisation of local self-government and the states, the Charter still concludes by reaffirming the pre-eminence of the central state in the democratic hierarchy. The European Charter of Local Self Government embodies a conviction that the degree of self-government which local authorities possess is the touchstone of genuine democracy, but that it must not disturb the centrality of the state.

The Outline Convention on Transfrontier Cooperation

The Outline Convention on Transfrontier Cooperation is a Europe-wide legal framework for the transfrontier relations of territorial authorities. It is a unique convention in that the parties are local and regional authorities, though this is also a

fundamental weakness. The Outline Convention lays down the right of territorial communities or authorities to conclude agreements among themselves. The Additional Protocol lays down conditions and restrictions whereby states respect this right and allow it to be exercised. A key criticism of the Outline Convention is that despite having achieved significant results for relations between border communities in neighbouring states, the Outline Convention has a major obstacle in that the acts accomplished by local and regional authorities have no legal value within their respective states. (CLRAE Resolution 227, March 1991) States do not specifically undertake any commitments or obligations but are merely invited to ‘facilitate’, ‘promote’, or ‘encourage’ initiatives.

The Convention itself does not contain adequate legal details regarding contracting parties’ national law. Foreseeable problems include implementation within a public law framework, the national legal format and the legal personality of the cooperating bodies. In response, some states concluded bilateral agreements and defined in national law the legal instruments necessary to facilitate transfrontier cooperation. To address the legal problem arising in national laws, the Additional Protocol to the Outline Convention was drawn up. The Additional Protocol does envisage the creation of transfrontier cooperation bodies and indicates the legal considerations of actions undertaken by two or more local authorities in transfrontier cooperation in their respective national systems. Any transfrontier agreements must also be compatible with the international commitments entered into by states and with states’ laws. The Additional Protocol removes some of the legal obstacles to transfrontier projects.

One positive aspect of these statutes is the openness of the monitoring mechanism, whereby the Council of Europe, State Parties and the public can follow and observe the implementation of Charters. The Framework Convention for the Protection of National Minorities, as well as the Charter for Regional or Minority Languages, are bold and specific legal addresses, part of a continuing process of shoring up human rights in Europe. These instruments are also indicative of the continuing trend in the Council of Europe to match legal protections with concrete projects relevant to citizens and communities. Though not legally enforceable, these instruments demonstrate that products of the Council of Europe can be used as a revolutionary force, conceptually and practically.

The European Convention on Human Rights

Of all the conventions from the Council of Europe, only the European Convention on Human Rights and the Cultural Conventions have been signed and ratified by all member states. (Laffan, 1992: 46) The Convention establishes standards, as well as an international supervisory mechanism, that can sanction and condemn any member state that does not respect these rights. The ECHR is the seminal European democratic instrument in part because it stipulates that individuals, regardless of whether or not they are citizens of a signatory nation, may appeal to the Convention's judicial organs if their rights have been transgressed (provided that all national, legal remedies have been exhausted). (Mroz, Pinto, and Rosenstiel, 1993: 30)

Merrills and Robertson identify several paramount principles that distinguish the European Convention on Human Rights. The first is that Article 1 contains an immediate obligation to secure the rights and freedoms guaranteed. It is not an undertaking to do so at some future date, for instance after internal law amendments. (Merrills and Robertson, 2001:24) Article 1 also expresses the universality of the application of the ECHR as a second radical principle. In this respect the Convention entitles everyone to the rights and freedoms, without discrimination. In fact, discrimination is a matter dealt with by Article 14 of the ECHR, which reinforces the principle of universality and the applicability of the Convention to, '... all categories of beneficiaries on the widest possible basis.' (Merrills and Robertson, 2001: 25). For the purposes of this thesis, Article 14 on non-discrimination is perhaps the most relevant, but also the most unique of the Convention articles. Article 14 is autonomous, in the sense that it can be applied in situations where there has been no breach of other provisions (Merrills, 1993: 169). The universality of the ECHR has considerable practical value for the 272 applications filed in 1998 by nationals of non-member states or by stateless persons. (Merrills and Robertson, 2001: 26)

In spite of its groundbreaking triumphs, the legal force of the European Court of Human Rights and the European Convention on Human Rights is criticised for being less useful in the redress of the collective problems of minorities. (Emerson, 1998:147)

Collectively minorities are only protected indirectly, through the prohibition of discrimination. Addressing this gap, The Charter on Minority Languages awaits ratifications and the Framework Convention for the Protection of National Minorities

has been ratified and is in force. These documents also provide for a monitoring mechanism and points of reference for national legislation.

Those treaties related to the case studies are distinctive in their applications as illustrate in Table 8. Finland and Spain, for instance, are absent from the European Convention for the Peaceful Settlement of Disputes; an odd pattern when Åland is one of the most successful cases of international dispute resolution and when Spain is the site of one of two Violent Political Conflicts. In considering the character of the decentralisation process in France it is no surprise that France has only signed and not ratified the European Charter of Local Self Government, as well as the European Charter for Regional and Minority Languages. The infamous assertion of the national integrity of France also helps to explain its absence from the Framework Convention for the Protection of National Minorities. These are key instruments in the protection and promotion of ethnic identities in varying degrees, but Euzkadi in France cannot avail themselves of these, whereas their southern kin, in Spain, do have recourse to such international protections. Hegoalde (Spain) remains more violent but France was the respondent state in one of the three Euzkadi cases to come before the ECHR.

The Netherlands has only signed and not ratified the Framework Convention, leaving West Frysâns without full international protection in contrast to their kin in Germany. A final noteworthy absence is that of the UK from the European Outline Convention on Transfrontier Cooperation between Territorial Authorities or Communities. This seems unusual because the trend in the UK is devolution of political competences. Particularly towards the Northern Ireland Peace Process, considerable emphasis has been placed on cross border bodies and initiatives.

Table 8 Treaty Protections

Treaty	<i>Signatories for Åland</i>	<i>Signatories for Euzkadi</i>	<i>Signatories for Fryslân</i>	<i>Signatories for Northern Ireland</i>
Convention for the Protection of Human Rights and Fundamental Freedoms #5	Finland, with Reservations	France w/ R, D &T, Spain w/ R and D	Germany w/ R&T, Netherlands w/ T	UK w/ T&C, Eire w/R
European Convention for the Peaceful Settlement of Disputes #23		France	Germany, Netherlands	UK w/ R&D, Eire
European Convention for the Suppression of Terrorism # 90	Finland, with Reservations	France with R, D &T, Spain	Germany w/R, Netherlands w/R&T	UK w/ T, Eire
European Charter of Local Self Government #122	Finland	France, signed only, Spain with D&T	Germany w/D&T, Netherlands w/ D&T	UK w/D, Eire w/ D
European Convention for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment # 126	Finland	France, Spain	Germany w/ T Netherlands w/ T	UK w/T, Eire
European Charter for Regional or Minority Languages #148	Finland with Declarations	France signed only, w/ D&T, Spain with D	Germany w/D Netherlands w/ D&T	UK w/D&T,
Framework Convention for the Protection of National Minorities #157	Finland	Spain	Germany w/D, Netherlands, signed only	UK, Eire
European Outline Convention on Transfrontier Cooperation between Territorial Authorities or Communities #106	Finland with Declarations	France w/ D, Spain, w/ D	Germany w/ T, Netherlands w/T	Eire

(D, Declarations R, Reservations T, Territorial Application)

Institutions

The Commissioner for Human Rights

The Commission for Human Rights is a non-judicial institution, approved in 1997. The Commissioner does not receive individual complaints, but is capable of drawing conclusions and taking initiatives of a general nature, though these may or may not be based on individual complaints. The Commissioner's job description includes promoting awareness of human rights and to identify possible shortcomings in the law and practice of member states. Fundamentally, the Commissioner is a type of ombudsmen; a mediator whose third way of conflict resolution is less formal but far more neutral than, for instance, courts or state diplomacy. Conferences, such as those held in Paris in December 2000 and in Lithuania in April 2002 where the role of ombudsmen in human rights was discussed, indicate that the ombudsmen and the Commissioner are increasingly aware of their potential as mediators for ethnic minorities which may be fundamental to crisis outcomes and the building of civil society.

The core of the Commission's work is country reports, and this work is in its infancy. The range of states and particular states' issues the Commissioner has examined is striking. Specific to our research, the Commissioner issued a second Opinion on the UK, in November 2002, titled 'On Certain Aspects for Review of Powers Under the Northern Ireland Human Rights Commission'. The Council of Europe Commissioner of Human Rights was invited by the Chief Commissioner of the Northern Ireland Human Rights Commission (NIHRC) to respond to the Consultation Paper produced by the government in May 2002, following the Commission report. Key issues of that report included the financial independence of the NIHRC, its investigative powers, the referral of draft laws and policies and the power of the NIHRC to bring proceedings in its own name. The Commissioner of Human Rights emphasised that official autonomy and an adequate level of funding are among the means to guarantee the effective independence of a human rights institution. A second criticism was the deficiencies in specifying clearly the NIHRC's investigative powers. Regarding the potential capacity of the NIHRC to bring cases of its own to court; the Commissioner noted that it should be possible for the NIHRC to challenge legislation on the grounds of incompatibility with the Convention. Even if not a victim itself, it could bring proceedings in its own name in place of an identifiable victim.

Conflict management is not a scientific skill, nor are there ready-made solutions. This report is thoroughly illustrative of the Council of Europe's capacity and expertise to consult and assist in virgin territory. It is in keeping with two aspects of the Council of Europe's character; being facilitative rather than judgmental and willing to deal with subtle details that are the real foundations of a peace process and so vital to the people. That the visit took place at the invitation of a sub-state agent and that the main theme is advising the UK government on how better to serve Northern Ireland is an important dynamic to observe in this research.

Åland figured briefly and indirectly in the Commission's work. The Finnish government invited the Commissioner for a visit in June 2001 with the intention of establishing contacts with the Finnish authorities and representatives of civil society and to assess the human rights situation. Having had discussions with the Swedish-speaking Finns, with whom this research is concerned (because of Åland) the Commissioner was assured that they have no claims *vis a vis* the state authorities. The standard of human rights protection in Finland is high, concluded the Commissioner, though with a number of issues yet to be resolved. These included protection of national minorities, but without reference to Åland or other Swedish-speaking Finns.

The Council of Europe is very often perceived as an intergovernmental forum of limited activity and capacity, but this report is interesting because it shows state initiative in contacting and facilitating the visit, and not even in any critical circumstances. Through the Commission for Human Rights we see a picture of an institution that operates in grounded manner, but the process is dynamic and states and sub-state units take a proactive interest.

The Commissioner can be proactive, such as when he undertook on his own initiative a visit to Spain concentrating on the Basque Country in February 2001. The report firstly made explicit that the aim of the visit should not be misinterpreted as a form of interventionism or political mediation, but one of monitoring and a gesture of solidarity. Terrorism by ETA against political opposition and the climate of terror created by crime and extortion is aimed at impairing the function of the democratic systems and citizens' freedom. Terrorist violence by ETA was not the only source of human rights violations; the Commissioner became acquainted with the development of the violence known as

'*kale borroka*' carried out by young people; also a factor in maintaining a climate of terror. The passiveness of the Autonomous Basque police force in addressing this violence was noted. It was an astonishment to the Commission that this occurs in an autonomous community with a sizable population, broad range of exclusive powers, economic responsibilities and cultural self-determination with a net result that the Basque Autonomous Community has more powers today than a German Land.

In keeping with the Council of Europe character, this visit was explicitly made as a gesture of solidarity. The Commissioner did not make public conclusions, but noted the need for further study. The report was realistic in ascertaining what is necessary to begin improvements, showing again that the Council of Europe can be proactive while it conducts its business with a long term and deep commitment. Two other guiding trends are discernable from this report; one is increased and dynamic activity *vis a vis* sub-state units and Council of Europe institutions and the latter is the focus on human rights and their violations.

The work of the Commission is not solely a talk shop, though it does not have the same finality of the Court. Because of the long term and indirect work of the Commission, it is less easy to point to readily definable results. The Commission's work can contribute to a change in the operations and organisation of the state and its distributive capacities. For instance, two reports on the UK contained clear and precise recommendations and critiques for improving the content and effect of legislation, and also the process of legislating, as in for greater Parliamentary scrutiny. The Commission contributes to improvements in the state and sub-state dialogue process by firstly, responding to the invitation by the NIHRC; a contact directly with a body representing an aspect of sub-state concerns. Secondly, by the analysis of the NIHRC with its attendant critiques and effective suggestions, the Commission is part of a diffuse and complementary means of intervening in state and sub-state relations.

The Commissioner can undertake a bold and proactive role, previously thought only to exist in the nature of the High Commissioner for National Minorities (Organisation for Security and Cooperation in Europe). In examining how the Council of Europe Commissioner for Human Rights fulfils his mandate we have seen evidence that his role can be interventionist and that he can be responsive to requests made from a variety of sources at the sub-state level. Were it not for the fact that member states voluntarily

subscribe to the ECHR and attendant Council of Europe charters, then there may well be a case for a threat to state sovereignty from the supra-state. The work of the Commission is supportive and facilitative of ongoing conflict resolution activities, though its role in conflict analyses is unique in the Council of Europe.

The European Court of Human Rights

Through the European Court of Human Rights, individuals can obtain redress for violations of their rights and bring about changes in domestic law and practices. In international law, the interpretation of a treaty begins with the text of the agreements and the ordinary meaning of its terms. (Merrills, 1993: 70) In the Court this principle combined with the application of the effectiveness principles (Merrills, 1993: 99) means that the Council of Europe is concerned with rights that are practical and effective. It is also concerned with tangible results, as the judgements from the European Court are binding on member states, and the Court can in some cases award compensation and costs to the successful applicant. (Mroz, Pinto and Rosenstiel, 1993: 30)

Again using the search terms of conflict, minority, region, subsidiarity, Åland, Basque/Euzkadi, Fryslân, Northern Ireland, the survey of the court judgements yielded hundreds of cases pointing to the many facets of human rights that issues of ethnic and minority identities comprise. Curiosity resulted in the discarding of the chronological limits, so along with the spectrum of human rights issues the research provided a view into the evolution of the court. The search produced 224 cases where ethnic and minority issues featured in some way. Most cases either alleged multiple violations in succession or in conjunction. For some plaintiffs, the ethnic or minority dimension concerned alleged violations regarding their political activity, literary and artistic activity, or intellectual pursuits. Dealings with authorities comprised another cluster, such as immigration officials, police, social, medical or judicial authorities. Matters involving violations in regards to private, family or everyday domestic living were also affected by ethnicity, but there were also issues relating fundamentally to recognition and freedom of association and protection from discrimination. Where violations were found compensation of some form was nearly always awarded and those relevant political developments are showcased before the conclusions.

Some minority peoples bring cases to court concerning the material or cultural aspects of their wellbeing. For instance, there were many property rights and compensation claims regarding the creation of a minority situation in Cyprus. Several cases of Gypsies (Roma and Travellers) in the United Kingdom centred around being unable to establish legitimate caravan sites on land they had bought. In each of these cases there was found to be no violation of Article 8, right to family and private life.

Cultural and identity rights of minority people also featured in many cases; for example, name changes (*Burghartz v Switzerland*, no. 16213/90 and *Stjerna v. Finland*, no. 18131/91) and the Belgian linguistic cases (nos. 1474/62, 1677/62 and 1691/62). Likewise, many cases overlapped ethnicity and religion. Greece has responded to several cases brought to the Court by Turkish Muslims who are also Greek citizens (*Ahmet Sadik v. Greece*, no.18877/91 and *Serif v. Greece*, no. 38178/97). Moldova has been a respondent in a case where the religious and ethnic character of the Church of Bessarabia produced regional security concerns (*Metropolitan Church of Bessarabia and Others v. Moldova*, no. 45701/99).

It was observed that many cases originated with complaints against regional and local authorities, such as case no. 30127/96; allegations against the Sicilian Regional Court for excessive length of proceedings and failure to pay. However by the time the matter reached the European Court of Human Rights, Italy was the defendant. Similarly, case no. 33804/96 really concerned the treatment provided by the Campania Regional Health Authority, but by the time the matter reached the European Court, Italy was the respondent. This format was noteworthy because, although even individuals have the right of petition, only states can be defendants. Italy in particular is a federal state, whose units are distinct both culturally and geo-politically; it is noted these cases occurred quite recently in this period of increasing decentralisation. Even if the substance of the case rests on violations committed by sub-state units, the Council of Europe, through the Court, upholds the centrality and superiority of the state in this way. However the polarity created by the right of individual petition in the context of the numerous individual cases suggests an antidote to this state centrality and some form of balance in the process of acquiring human rights justice, whether exercised individually or collectively.

Sometimes individuals bring cases to court, where their membership in an ethno-nation is the core issue, though not directly part of the actual court case. Such cases included members of the Catalan Peoples Army (case no.10590/83) and political activists, such as Mr. Tomosi, a Corsican activist (case no.12850/87). Both these cases centred on the treatment of individuals at the hands of the police and judicial authorities and illustrate the very legitimate fears and prejudices ethnic minorities face. The disjuncture between states and their ethnic minorities and the impact this has on individual human rights is also strongly demonstrated. The supra-state has a definitive role in managing sub-state conflicts, though it may seem limited to banal and micro aspects. Without the glamour of state visits and press conferences, the Court has proved its worth in how it addresses some of the root causes of ethnic conflict.

A large proliferation of cases in which minority peoples applied to the Court centred on matters concerning their very right to life. The context was usually Kurdish people in Turkey or Irish Catholics in Northern Ireland, with the UK as respondent state (see case study). The range of violations is indicative of long-standing crises. Recorded violations of 'core' rights include Articles 2 and 5, right to life, liberty and security of the person, Article 3, prohibition on torture, inhuman or degrading treatment or punishment, and Articles 10 and 11, freedom of expression, freedom of association. Essential legal rights were violated, such as Article 6, right to a fair trial and 13, covering effective remedy. Unlike other cases, a large number of 'Kurdish cases' found violations under the 1952 Protocols, especially Article 1, which protects the right to property and peaceful enjoyment of possessions. The Court was frequently asked to consider Article 14, the non-discrimination clause, but in no case involving Kurds did the court find the substantial evidence necessary to constitute a violation of this article.

The heart of this research, nations without states, was the subject of several cases, which yielded fascinating, sometimes contradictory results. Numerous cases centred on the rights to freedom of expression and to association concerning national minority groups. The details of these cases are extremely important in illuminating the status and conditions of some national minorities, their struggles and the issues that face states. They hinge on the core struggles of minorities to gain recognition and representation.

A particularly illuminating case was no. 44158 /98, where Poland successfully defended itself against a group of individuals who wished to form a Silesian association. The

applicants complained that Polish authorities had arbitrarily refused to register their association, 'Union of People of Silesian Nationality'. On receiving the application to register the association, the Katowice Governor submitted his comments to the effect that it cannot be said that there is a Silesia representative of a distinct Silesian nationality. Under the Polish national electoral system, a number of Parliamentary seats are reserved for candidates representing national minorities' constituencies and Polish authorities thought that the registration of the Silesian association was a spurious attempt to gain political power.

The European Court of Human Rights considered the alleged violation of Article 11 (the freedom of peaceful assembly and association) and its constituent part, stating no restrictions other than those prescribed by law and are necessary in a democratic society; or are in the interests of national order, public security etc. The Polish authorities had not relied on specific legal provisions, but did argue that their aim was legitimate: to prevent this association from circumventing the provisions of electoral law. The court ruled in this matter there was no violation of Article 11, having considered that in the exercise of Article 11, a balance must be achieved which ensures the fair and proper treatment of minorities and avoids any abuse of a dominant position. The right to freedom of association is not absolute but states in exercising any restrictions to Article 11 have only a limited margin of appreciation.

In contrast, earlier in 1995 the rights of a Macedonian association in Greece were upheld in case no. 26695 /95. Similarly, the Greek Courts had refused to register an organisation which called itself, 'Home of Macedonian Civilisation'. Centrally, the Greek courts had refused to register the association as it was suspected of undermining the country's territorial integrity, which in contrast to Polish/ Silesian case, the Greek state had explicitly claimed from the beginning. When the matter was brought before the European Court of Human Rights, the Court considered that to justify infringing on Article 11 (freedom of association) required convincing and compelling reasons. The alleged plots were unfounded and the separatist intentions not established, hence the Court found in this case a violation of Article 11. Rigorous European supervision limits the margin of appreciation states have in exercising any restrictions to Article 11.

Similarly, the European Court of Human Rights ruled a violation of Article 11, freedom of peaceful assembly and association, in case no. 29221/95; the United Macedonian

Organisation vs. Bulgaria, stating that the authorities had overstepped their margin of appreciation and that those measures were not necessary in a democratic society. The judgements of these cases hinged on the assessment of legitimate aims for restricting freedom of association, and assessing the subtle evidence of the associations' intentions. Regardless of outcome, such thorough attention to the attendant conditions of Article 11 does rein in a state's sovereignty over its domestic affairs.

These cases examined how far the articles can respect ethnic groups and how far they protect the integrity of the state. The differences in the outcomes are founded on subtleties of context and applications, so it would be very difficult for any ethno-national group to depend on a particular outcome. Judgements are linked to the conditions attached to freedom of peaceful assembly and association, as well as the right to free elections. However states are limited in their margin of appreciation to restrict these rights and freedoms by means which are reasonable, proportionate, and legitimate. It is within the scope of this pendulum where the Court judgements may be plotted and where states and their ethno-national sub-state units negotiate rights for representation and recognition.

The Court and The Case Studies

Fryslân was only indirectly part of a court case and the only case where Åland was a factor was no. 11581/85 where Mr. Darby, a Finnish citizen domiciled in Åland, though working in Sweden, was subjected to discriminatory taxes. Remarkably, this mundane case of bureaucratic entanglements made its way to the European Court of Human Rights and the Court did indeed find Mr. Darby had been discriminated against under Article 14 on the basis of his residence in Åland. The Court in this case upheld the particular rights assigned to a resident of Åland and so upheld the particular status of this sub-state entity.

One case involving the Basque Country concerned the legal rights of an admitted Euzkadi terrorist. The nature of this case has many parallels with those arising out of Northern Ireland. In Case no. 12981/87, following a bomb attack on a police station in France claimed by the separatist group Iparretarrak in January 1985, French police arrested and seized articles from the home of Mr. Jean- Pierre Sainte Marie, a French national and admitted member of Iparretarrak. Mr. Saint-Marie complained that in the

course of criminal proceedings, the Court of Appeal was not an impartial tribunal because two of its members had previously ruled on his application for release. The objective impartiality of the trial court could appear open to doubt, stated the European Court of Human Rights. However the evidence and Mr. Sainte-Marie's open admissions do not justify his claims of lack of judicial impartiality in this case and so the Court ruled there were no violations under Article 6.

The second and third Euzkadi cases more directly involve the basic civil and human rights of Euzkadi individuals. The facts of case no.11798/85 begin when Mr. Miguel Castells, lawyer in San Sebastian and elected Senator for the party Herri Batasuna, wrote an article in June 1979, titled 'Outrageous Impunity'. It alleged that the authorities of the far right are responsible for murders, terror and atrocities in Euskal Herria and act with impunity, while Euzkadi activists and even ordinary citizens are harassed and imprisoned. In July 1979, criminal proceedings were initiated against Mr. Castells for insulting the government, which carries a sentence of imprisonment for six years and one day. The case before the European Court of Human Rights, where Mr. Castells claimed a violation of Article 10, examined the legitimate restrictions of freedom of expression. It was agreed that the restrictions were lawfully prescribed and pursued legitimate aims to prevent disorder but freedom of expression is particularly important to an elected representative. Mr. Castells was never given the opportunity to plead before the courts the defences of truth and good faith, so the government restrictions were concluded as not necessary. Hence the Court ruled a violation of Article 10, although it did not consider this in conjunction with Article 14.

Freedom of expression for an ethnic minority and the attendant state anxieties formed the basis of the final Euzkadi case before the European Court of Human Rights. Case no. 39288/98; the Ekin Association versus France, concerned the alleged violation of Article 10 and 14 when the sale of one of the Ekin Association's publications was prohibited throughout France for a period of over nine years. Additionally violations of Article 6 were claimed because of the excessively long proceedings and, Article 13 for not having had access to an expedited procedure before an administrative court where the ban could be reviewed. The book in question was published in 1987 by the Basque National Liberation Movement, entitled, 'Euzkadi at War', and ended with a political chapter entitled, 'Euzkadi at War, a Promise of Freedom'. In April 1988, the French Ministry of the Interior banned the circulation, distribution and sale of the book in

France because, 'it promotes separatism, and vindicates recourse to violence, which is likely to constitute a threat to public order.' The European Court of Human Rights felt that the decree was an interference with the applicant's right to freedom of expression and, as the law did not fulfil the requirement of foreseeability, the restriction could not be justified as being prescribed by law. Furthermore, the length of the proceedings undermined the practical effectiveness of the judicial review. The ban did not meet a pressing social need and was not proportionate to the legitimate aim pursued, nor was necessary in a democratic society hence the Court ruled a breach of Article 10.

Cases before the Court involving Euzkadi are a far smaller category than those concerning Northern Ireland. As can be seen later in this chapter in Table 10, ten times the cases concerning human rights violations in Northern Ireland have been brought before the court in comparison to those concerning the conflict in the Basque Euskal Herria. Even with such a small sample, the similarities in issues and format are striking. Firstly, are the legal rights of separatists who are perceived enemies of the state. Revealed secondly are the rights to freedom of expression of nationalists and, in the Castells case, a prominent politician. Thirdly, because Euzkadi, like Irish Catholics are a partitioned minority there is opportunity for two different respondent states. Defending its treatment of Euzkadi, France has been the respondent state twice and Spain once, which is somewhat puzzling as there are far more Euzkadi imprisoned in Spain for terrorist offences. Also, usually Spain is subjectively considered to have the greater share of the 'problem' yet no cases involving Spanish Euzkadi prisoners have applied to the Court. It could also be argued that France takes issue even with the smallest sign of separatism, such as declaring a book by a minority association a threat to homogeneity and order. Spain only digs its heels in with the 'bigger fish' such as high profile political figures and widely read journals. Perhaps Spain tolerates its internal diversities better than France. In the Euzkadi cases, the Court has been consistent in upholding freedom of expression and to some extent, the application of particular legal rights. It has benefited Euzkadi ethno-nationalism in terms of political and cultural freedom, although it is too early to view the benefits to individual legal rights.

The many cases that feature Northern Ireland reveal a greater range of human rights issues. The Court provides protection and assistance by upholding rights to life and security, legal rights and rights not to be discriminated against. A rare aspect of minority protections is when Court auspices are used by a kin state to complain about the

treatment of their kin in another state. Of the few cases where states charge other states with violations, Northern Ireland is one of them. In case no. 5310/71, Eire charged the United Kingdom with violations concerning the extra judicial powers exercised in Northern Ireland, between August 1971 and December 1975; namely arrest, detention and internments, as well as the alleged ill treatment of persons deprived of their liberty. Such ill treatment was specifically a method, known as the 'five techniques' employed by security forces and designed to obtain information. The UK notified the Council of Europe on six occasions of its derogation from the Convention because of public emergency. According to the applicant, Eire, the exercise of the extra judicial powers resulted in ill and discriminatory treatment of persons arrested and taken into custody, some 3276 persons in all.

The UK did not dispute that the 'five techniques' were used, breaching Article 3 and undoubtedly amounting to inhuman and degrading treatment though not of cruelty or torture. However in February 1977 the UK did undertake not to reintroduce the 'five techniques' and had introduced various measures to prevent any recurrences. In regards to Eire's allegation that there were also violations of Article 5 by the introduction the Emergency Provisions Act and The Terrorism Order, the Court can only review the lawfulness and efficiency of the measures used to combat terrorism. It was not proved that it was not necessary to apply extra-judicial powers hence the Court found that the UK had not overstepped its margin of appreciation regarding the deprivation of liberty. The Court found that the requirements of Article 15 to merit derogation from the Convention were indeed met, so there were no breaches of Article 5 either. In regards to discrimination, Article 14 the Court found there were profound differences between Loyalist and Republican terrorism, yet it was unrealistic to identify clear phases in a constantly changing situation; thus, the measure could be regarded as legitimate and proportionate.

The Court found it was necessary to comment and clarify that unlike classical international treaties, the ECHR is more than a reciprocal agreement; it creates a network of mutual bilateral, objective obligations and a system of collective enforcement. It allows states to require the observance of those obligations without having to justify an interest. To summarize the Court conclusions, the derogations were found to be applicable and compatible with the emergency situation. Although this case is rare, as it involves a state versus a state, the derogation sets the tone for several other

similar cases. The protection afforded by Article 15, which allows states to derogate from their human rights obligations, is nevertheless limited in both time and scope. A number of cases involving similar legal protections in the similar time period were judged as violations. It may initially appear that this case looks like a defensive and sympathetic posture from the kin state, but further cases demonstrate that the problem of republican terrorism is a mutual one for the UK and Eire and the particular aspects and responses bear many similarities. Nevertheless, from a human rights perspective it demonstrates the scale of the problems in Northern Ireland, as well as the real fears and perceived antagonisms from the minority.

In comparison to the 'Kurdish cases' surviving families in Northern Ireland had fewer cases concerning reparations for loss of family. There were no cases involving loss of property. Eight cases were brought to the Court by surviving family members of people killed during the conflict in Northern Ireland. Only four of these cases concerned committed and active terrorists. In six of the cases, the Court found serious problems with inquests and investigative procedures and ruled violations under Article 2. In case no. 18984/91, three IRA suspects were killed in Gibraltar by security forces and this is the only case where the Court ruled they were unlawfully killed. In addition to the cases covered by the Eire v. UK case, only one case concerned an allegation of ill treatment which was not upheld.

Eighteen of the Northern Ireland cases concerned legal rights and three of them with Eire as respondent state. The first of these cases, *Lawless v. Eire* (no.332/ 1957) dealt with legal rights. The Irish legislature had conferred upon the government special powers, such as detention without trial, to deal with the escalating crisis created by the unlawful activities of the IRA. The Irish government informed the Council of Europe of its derogation, under Article 15 on 20 July 1957. The Court found that Mr. Lawless' detention did not breach Article 7 of the Convention because his detention was founded on the right of derogation duly exercised by the Irish government who had given sufficient notice. This case highlights the overlooked problem of how Eire, and not just the UK, copes with terrorism.

Frequently the UK is criticised for notifying derogations to the Convention, but this case demonstrates that Eire follows a similar response as part of containing the crisis. Eire continues to have difficulty reconciling its security needs with the obligations of the

Convention. The remaining two cases were set in 1997 and both upheld uniquely a defendant's right to silence. This is notable because of the enshrinement of the legal right to silence and because, unlike the previous cases, there is no sense at all of kin state sympathy.

In contrast, the UK was more successful than Eire in demonstrating that its security concerns regarding their mutual problems justified derogation from Convention obligations and the necessity of infringing some human rights. In two of the cases concerning legal rights where the UK was respondent state, the UK derogation was upheld as valid. Five cases concerned the denial to see a solicitor and these violations or breaches were all upheld. Four cases concerned arrest and detention, three of which were upheld. Convention derogations are not allowed to become the norm; though the matter of the rights of criminals, terrorists and enemies of the state is a contentious one, the Court judgements uphold that they do have rights. Even more importantly, the Court judgements indicate that the Convention places limits on how states treat their minorities, even when their minorities are de facto threats to the integrity of the state and to public security. These cases on legal rights also demonstrate a development in the context of the Northern Ireland crisis, where the minority is increasingly assertive and challenging in the new battleground of European and international human rights law.

The remaining cases reflect some of the real life discrimination Irish Catholics face in Northern Ireland which did not involve republican activists and their legal cases, but rather ordinary people in their everyday business. The cluster of cases on discrimination also illustrates how a minority can be discriminated against through legal and politically justifiable means. Resolution mechanisms, such as the Fair Employment Commission, obviously designed to address particular conflict causes, now become an additional source of grievance. That these cases went all the way to the European Court of Human Rights is fantastically illustrative of the underlying causes to the Northern Ireland crises.

All five case hinged on the issuance of a Section 42 certificate (Fair Employment Act, 1976) which covers acts, 'done for the purpose of safeguarding national security or of protecting safety or public order'. Two of the cases involved businesses; Tinnelly & Sons Ltd versus the United Kingdom and McElduff and others versus the United Kingdom, (case nos. 20390/92 and 21322/93). The Section 42 certificates were issued after the matters went before the Fair Employment Commission. In both cases the Fair

Employment Commission had problems securing documents and evidence. The matter came before the European Court of Human Rights and in addition to examining the legitimate aim and proportionality of the section 42 certificates, the Court also had to be satisfied that such a limitation to restrict the right of access to a court would not impair the very essence of the right. The conclusive nature of section 42 certificates prevented judicial determination and the mechanisms used cannot be considered to compensate for the severity of the limitation on the applicants' right of access. Above all, the issuance of the certificate under section 42 constituted a disproportionate restriction on the applicants' right of access to a court or tribunal, thereby breaching Article 6-1.

The two remaining discrimination cases concerned individuals. In June 1991, Mr. Devlin having passed tests and interviews for the Northern Ireland Civil Service was informed without any reasons that he was unsuccessful in passing security clearance. In case no. 29545/ 1995, Mr. Devlin complained he was discriminated against on grounds of religion and his right of access blocked by a Section 42 certificate. The Court did not consider the post applied for a being security related and there was no independent scrutiny by the fact-finding bodies and no evidence as to why Devlin was considered a security risk. As such the restriction was disproportionate, and the applicant's right to access to court had been breached under Article 6-1. In case no. 24265/94, Mr. Liam Devenney alleged that the issue of a Section 42 certificate led to the termination of his employment as a silver service waiter and denied him access to a tribunal or court. The Court agreed, finding that the certificate constituted a disproportionate restriction on the applicant's right of access to court, thereby violating, Article 6-1.

The context of these five cases illustrates some of the key origins of the conflict; the legally justified means of discrimination or Irish Catholics. By declaring such legalised tools of discrimination and repression as human rights violations the Court has proved it addresses some of the root causes of ethnic conflict. The supra-state has a definitive role in managing sub-state conflicts.

Post-judgement, the practical impact of Court decisions towards a violation becomes the pressing issue. Often when the Court finds a violation of the Convention the respondent States and sometimes other Contracting States, take measures to comply with the decisions in question, and their higher domestic courts adapt their case law. The respondent state may also take particular measures in regards to the person or persons

concerned. Finally, if the Court finds there has been a violation it may award the victim just satisfaction under Article 50, which usually includes the reimbursement of costs and expense and may consider compensation for pecuniary and non-pecuniary damages where appropriate.

Apart from awarding compensation and providing the opportunity for friendly settlement of disputes, the Court has real practical value to minorities. It offers an improvement on bilateral treaties negotiating the protection of minorities. For instance, in *Serif v. Greece*, case no. 38178/97, the Court commented upon the articles of international law governing matters particular to Western Thrace; they alone are not sufficient in safeguarding the ethno- religious rights and relations. This is one definite case where international law has been strengthened by the applications of European law and supervision.

In regards to the cases studies, the supervision of the Court is indicated by the domestic developments in Spain and the UK. Following the judgments in the *Castells v. Spain* case, in 1992 the Constitutional Court of Spain held that the case law of the European Court was the criteria for the interpretation of constitutional norms protecting fundamental rights in 1995. Such case law is therefore directly applicable to Spain's legal system.

When Eire made allegations of torture and ill treatment by the UK, (case no.5310/71) the Prime Minister of the UK gave a solemn undertaking in March 1972 that the 'five interrogation techniques' would no longer be employed. The case of *Campbell and Fell v. UK* (nos. 7819/77 and 7878/77) resulted in an announcement from the Chairmen of Boards of Visitors and the Prison Department that, as of July 1984, there would be publicly funded legal representation available before tribunals, and the decisions of those tribunals would be made public. The same case also resulted in an administrative circular, which came into force on 12 October 1992, detailing the procedures regarding monitoring prisoners' correspondence with legal advisors or with Convention institutions, such that correspondence is now sent and received without being opened and read. After the *Fox, Campbell and Harley* case, (nos. 12244/86, 12245/86 and 12300/86) section 6 of the Northern Ireland Emergency Provisions Act, which had

contained no requirement that arresting officers have reasonable suspicion, was replaced with Section 11, of the 1978 Act in 1991.

Though the Court can hear applications from the full spectrum of political players; states are always the respondents, though states can also be applicants and so can individuals. Organisations representing a collectivity can also be applicants such as those representing an ethno-national community. Through the Court, sub-state units have a legitimate international presence. In their right to apply for justice and address the Court, such representatives of sub-state interests assume legal parity to the state.

Only states can be respondents, thus even if the substance of the case rests on violations committed by sub-state units, the Council of Europe, through the Court, upholds the centrality of the state in this way. Governments retain the capacity to limit the ambitions of international human rights, having the option to ratify or even partially refuse. The polarity created by right of individual petition suggests an antidote to this state centrality and some form of balance in the process of acquiring human rights justice, whether exercised individually or collectively. In this way, the supra-state offers more for minorities and sub-state units, like ethno-nations, principally because it challenges state centrality, and sovereignty, giving minorities a higher authority and an alternative platform.

When the application before the Court is successful, we can also detect an element of what could be termed, 'state servitude' or subordination to the sub-state entity. The state's only protection by the Convention is Article 15, the emergency derogation clause. The state, as a political unit, however, has none of the fundamental rights, freedoms and dignity the Convention guarantees to individuals and groups. Therefore, although states can and have applied before the Court on behalf of individuals and specific groups, a state as a political unit, has no Convention rights, no dignity, nor fundamental rights and freedoms before the Court. When a state becomes a Contracting Party, it then owes to such individuals and groups the protection of their rights and freedoms and dignity, placing the state, as political unit, in a subservient position to the sub-state units. As this research demonstrates, increasingly states must prove before the Court that they deliver the guarantees, judiciously and effectively to religious organisations and ethnic communities and individuals. The Court and the Convention,

while having real effect on citizens' lives, has also altered the conceptions of the proper relationship between the citizen and the state.

The Court is a means for some ethno-nations or individuals to achieve recognition of rights and sometimes existence. No two ethno-nations are alike in composition, needs or aspirations, and this portion of the research has reflected the minutiae of their circumstances as they appear before the Court. In general, the Court can secure for some groups and individuals meaningful representation, for instance the right to participate in the democratic process by standing candidates. The act of applying before the Court may have poignancy to individuals and groups in recognising their participation in the judicial process, and conversely, reshapes the perceptions of the respondent state *vis a vis* their minorities.

More subjectively, some ethno-national groups or individuals with ethno-nationalist aspirations may find the Court as an extension of the realms of their conflict with the state. The Court is after all an adversarial procedure, and this reinforces this sense of parity between state respondent and sub-state applicant. The Court has been a context where applicants can assert their rights and demands from the state; for instance, ethno-nationalist terrorists can continue their battle against the state in a new form. Even enemies of the state have rights which the state is reluctantly obliged to provide, and it cannot afford to overlook any detail of its Convention compliance. Through the public nature of the proceedings, states can also be exposed and embarrassed, and this too may be an effective conflict tactic by ethno-nationalist groups. This extended battle scenario is further observed when states are forced into undertakings, policy retreats, alterations in legislation and compensation.

Real and symbolic gains have also been made through the Court for both individual members of minorities as well as in collective action. The supra-state has been able to uphold their human rights, which has transformed the conflict dynamics. The supra-state has intervened in support of minority rights, which has helped to resolve such conflict sources as identity expression, citizenship rights, discrimination and access to justice. The Court can prevent escalation by settling issues, but resolution may come from reparative actions, such as awarding compensation, creating precedents and correcting national laws and practices.

European jurisprudence, whether from the European Union Court of Justice or the European Court of Human Rights, is developing both a complementary and supreme position towards national domestic law. For our purposes, the European Court of Human Rights has the capability of subordinating states to the standards and guarantees of European law, forcing states into accepting their ethnic plurality and accommodating this in such a way as to guarantee to all their citizens their fundamental rights and freedoms. Ultimately, the enforcement of the Convention through the Court may override a state's natural and sovereign security concerns in regards to its sub-state units. Some of the varying aims of some ethno-nations may be realised in the Court procedures. In theoretical terms, the Court then does provide an arguably privileged place for the sub-state unit; their rights are protected and may be further defined. A further place for the sub-state unit can be seen in the political institutions of the Council of Europe and this is the focus of the next section of this chapter.

Political Institutions

The political institutions of the Council of Europe are headed by the executive body, The Committee of Ministers, which provides a focal point of the Council of Europe institutional activity. The main democratic bodies, where the voice of the European electorate is expressed in some manner are The Congress of Local and Regional Authorities (CLRAE) and The Parliamentary Assembly (PA). Summarising the key characteristics of these institutions and their particular forte in addressing sub-state issues is the following Table 9. The following subsections describe how these institutions provide a political space for sub-state entities and notably the case studies, at the European level.

Table 9 The Council of Europe Political Institutions

Institutional Framework

The Committee of Ministers

- Executive body, representing the outcome of the intergovernmental processes
- Monitors and interacts with other Council of Europe bodies; namely the Parliamentary Assembly and the Congress for Local and Regional Authorities in Europe.

The Congress of Local and Regional Authorities of Europe (CLRAE)

- est.1957. The voice of Europe's regions and municipalities, a consultative body
- two chambers; one of for the Local Authorities and one for the Regions: comprises 313 titular members and 313 substitute members. Represents existing local and regional authorities legitimated by the state.
- Aims: strengthen local democracy, broaden and deepen the range of powers and remit of local and regional units, subsidiarity even in international issues, sub-state entities should engage in relations with other sub-state entities to solve mutual problems and act as a united front.

The Parliamentary Assembly (PA)

- represents the political forces of member states in the Council of Europe; pluralist assembly, forum for debate for members of parliaments
- Examines applicant states in their observance of the basic requirements of memberships, central role in examination of requests for accession. Action: adopting recommendations, addressing resolutions, framing options or giving instructions to subsidiary bodies.

The Congress for Local and Regional Authorities

The Congress for Local and Regional Authorities (CLRAE) fixes the gaze of the Council of Europe on sub-state units. For instance, the CLRAE address of terrorism transferred capacities at the state level, to those of regional and local authorities to address terrorism. To maintain this sub-state focus the CLRAE is not reliant on the subsidiarity principle, having other sub-state instruments that do not affect state centrality. However in this thesis' observations the CLRAE has not made a direct link between applying the subsidiarity principle to minority peoples and the advancement of the sub-state. As Table 9 summarises, the CLRAE is more involved in assuring genuine democracy and linking this with conflict prevention. The CLRAE has established a normative basis for autonomy as one method of protecting minorities.

(Recommendation 6 (1994)) The CLRAE also observed that regionalisation has historically helped resolve conflicts in divided societies and so is a model for satisfying aspirations of populations desiring their own regional entities. Cultural autonomy as well as territorial autonomy is also regarded by the CLRAE as effective means of

navigating minority issues. (Conference on Federalism, Regionalism, Local Autonomy and Minorities in October 1996, Resolution 52 (1997))

Governmental devolution and other political strategies as conflict management techniques are not as dazzling diplomatic intervention, but they are earning respect in the field of conflict resolution, and the CLRAE demonstrates a thorough understanding of its possibilities. The CLRAE's normative agenda is increasingly giving way to a technical and logical argument, advocating a solution within the CLRAE's expertise. The CLRAE is a strong advocate of minority issues, from language to rights to security, but its approach to collective political recognition and representation based on ethnic criteria is decidedly cautious and disparate. There are variances in how the different sub-state entities utilise the CLRAE and are co-opted into the Council of Europe processes. Notably federal entities and those with legislative powers monopolise the attention of the CLRAE. From the perspective of our research, it is a substantial oversight, on the part of the CLRAE, towards geo-political entities, such as Åland, who are unique in the process of European integration and valuable examples of creative conflict management. The case studies add to understanding of the character and capacity of the CLRAE with the particular advantage of that there is a substantial amount of quality comparable data.

Northern Ireland featured heavily in the CLRAE activities which included the CLRAE monitoring report on Local and Regional Democracy in the United Kingdom (submitted in May 1998 as 1998CG (5)7 Part 2). The events in Northern Ireland were thought applicable to the establishment of regional assemblies and transfrontier institutions. This shows CLRAE's capacity to make the clear link between its mandate, local self-governance and ethnic conflict.

Rapporteurs made a visit to the Province of Fryslân, noting the special status granted to the Frysân language, and, in June 1999, the Monitoring Report on Local and Regional Democracy in the Netherlands was submitted to Congress (Monitoring report 1999, CG (6) 4 Part 2). Concern was noted regarding The Netherlands' representation within the CLRAE, especially in the Province of Fryslân. It debated whether the Netherlands' current system corresponds with the letter and spirit of the European charter of Local Self Government. The rapporteur found it necessary for the Netherlands to reconsider its position concerning the European Charter on Regional Self Government. Though usually a standard-bearer regarding minority languages, the CLRAE did recommend the

Netherlands reform appointments of mayors and commissioners. The comparatively few powers of the province were regrettable, and the CLRAE recommended considering giving the province more work and power, as is proper for the decentralised conduct of public affairs.

Though this research uncovered large quantities of CLRAE information on Fryslân within the Netherlands, the quality thereof is uncreative. The manner in which the CLRAE examines a critical reflective period for the Netherlands on local and regional administrations is dry and largely limited to matters of precise and technical conformity to the charters. The opportunity to boldly link ethnic communities and possibilities for their increased territorial autonomy is there, but the opportunity is not seized, as it was for the UK. Had there been a monitoring report from Germany, one could expect even less responsiveness to ethnic sub-state entities.

France submitted its Report on Local and Regional Democracy in May 2000. (Report 2000CG (7)7) France previously agreed upon a development programme and the CLRAE debated the decentralisation progress in France with a view to improving local and regional self-government. Although France signed the text of the European Charter of Local Self Government, France is still not a party to it, and the decentralisation process in France, begun in the 1980's, remains unfinished. The CLRAE noted with concern controversial trends, including recentralisation. The report suggested some concrete means of reinvigorating the process of decentralisation, such as improving the redefinition of local finance; encouraging the move from inter-commune to supra-commune approach.

The CLRAE recommendations following the report focused on democratic legitimacy and potential for increased administrative hypertrophy. The attention paid to Corsica fits broadly into this research theme, however throughout the address on regional and local self-government in France, not one of its other ethnic communities was mentioned. It is bewildering why a conflict of such critical importance in Euskal Herria is omitted, when by comparison Eire was only chosen for a rapporteur visit because of its climactic developments. It is equally bewildering why the CLRAE's tone to France is less deferential and less sensitive to its unique history and characteristics.

In contrast to France, Finland's strong, traditional local self-government and respect for Charter principles framed the first notes of the Report on Regional Democracy in Finland, produced in 1999 (CPR (6) 2, part2). Areas of concern included the lack of genuine regional governance. Although the system works fine overall, it does not appear to be stable or long lasting, and without proper regional definition and resource allocation, there may be a lack of democratic control. The report considered the issue of regional democracy and self-government specifically as it concerned Åland, but only briefly in regards to special structures recognised in international law and special Finnish legislation. There were no further recommendations of any relevance to the self-administration of Åland or the representation of the Swedish minority. Though responsive to the unique characteristics of Finland, in its address of regional and local self-government, the Finnish report is conducted in the same dry manner as that of the Netherlands. Again, the CLRAE misses the opportunity to address the unique aspects of ethnic politics in Finland and the potential lessons applicable throughout Europe.

In contrast to the violence in Northern Ireland, violence in Euskal Herria in Spain received CLRAE statements (December 2000 and May 2001) concerning ETA assassinations. The link between violence and self government featured in the Report on Local and Regional Democracy in Spain (May 2002). The CLRAE Recommendation 121 (2002) indicated satisfaction with the willingness of the Spanish government to pursue political dialogue on the distribution of powers. Although the Congress was critical of the devolution concentrated at the level of the Comunidades Autonomas, it nevertheless enunciated the reforms, which strengthened democracy and diversity in the face of separatist violence. The attention paid to Spain's internal dynamics demonstrates that the CLRAE can focus, when it chooses, on critical situations.

Despite the broad principles advocated by the CLRAE, Council of Europe policies can be creatively implemented thus preserving European diversity. The CLRAE also takes the opportunity to be supportive and extend the Council of Europe hand of mutual solidarity, as in statements of support and praise for actions such as the development of the Northern Ireland Regional Assembly, and the protection of the Frysân language in the Netherlands. This is also evident in regards to critical, acute situations such as terrorist atrocities. The tone of the CLRAE reports and recommendations is not always deferential and diplomatic. For instance, its reports on France were rather scathing, bordering on the incredulous. This shows the CLRAE has an independent character and

is not always in conformity with the Council of Europe's policy on good manners and positive encouragement.

The CLRAE has no formal mandate for conflict prevention or resolution, but in its themes and actions, it is undoubtedly heavily engaged in track two resolution. The CLRAE may be an Alternative Dispute Settlement Vehicle, whereby sub-state units, unrecognized by existing power structures, can develop. Sub-state entities cannot always openly negotiate their aspirations with the state, but they can exist and function as local/regional bodies. Through the CLRAE, who communicates directly with member states and the Committee of Ministers and other European institutions, these entities can avoid ineffective and destabilising confrontation. Through the CLRAE, as local and regional bodies, they can increase their authority to such an extent they may become very state-like and wield the majority portion of their self-determination and self-actualisation. It remains for the CLRAE to be bold enough to capitalise on its own potential and exploit its capabilities. Certain missed opportunities, hesitancies and inconsistencies detract from the CLRAE's capability as a vehicle for sub-state participation. This process of alternative dispute resolution may be gradual and diffusive, but the CLRAE is definitely a mechanism, if not for resolution, then for the transformation of ethnic conflict.

A noted drawback in how the CLRAE responds to sub-state entities is the *de facto* existence and subordinate character of the sub-state entities the CLRAE so ardently defends. Local and regional authorities should have as much autonomy, whether culturally, politically financially or territorially as possible, but only if they are already established and recognised by the states. Self-determination and autonomy occurs in a politically empirical context and the CLRAE works within the state centred international order without rattling these fundamentals too much. Through the CLRAE, sub-state entities do have a guaranteed voice in the international arena, and this voice is collective and unified. Sub-state interests are part of domestic policy even in other states, i.e. transfrontier cooperation policies, thereby giving them a diplomatic international network with other sub-state units. Sub-state entities influence European jurisprudence and policies and, in receiving and administering these values and policies become direct instruments of the supra-state themselves. However, because the vitality of the CLRAE is contingent on the political organisation of the state, the aspirations and needs of local and regional authorities will always be limited. This is particularly

evident in the monitoring of the Charter for Local Self Government, in which the CLRAE, whether in visits or addresses, interacts largely with the contracting state and its authorities. Despite the title of the Charter, the monitoring process does not include substantial dialogue with any sub-state entities. For specific ethno-nations, communication with the supra-state, the Council of Europe, via the CLRAE is filtered and regulated through the state firstly and lastly.

From another perspective, the CLRAE has a clear agenda to increase the autonomy and powers of local and regional authorities, and pushes for territorial autonomy in areas of ethnic, linguistic and cultural minorities. This can be seen as a cloaked attempt to draw responsibility and sovereignty away from the state. What makes the CLRAE's operations unique compared to most dialogue on devolution and subsidiarity is the continual campaign for transfrontier activity. This very state-like role is being advocated for sub-state units and this is nothing less than inter-national relations couched in bland bureaucratic terms. All credit should be given to the CLRAE for its slyness and foresight in treading conceptually and with practical efficacy into this delicate area.

All in all the CLRAE has a proactive, though normative, role in the Council of Europe and an open and unique agenda, defending the interests and development of sub-state units in line with broad democratic principles, but more specifically federalist and subsidiarity values. However, the manner in which it fulfils its role is inconsistent. The continuous promotion of the principle of subsidiarity is not always visible and local self-governments are not consistently supported. In its monitoring activities, the CLRAE is flexible in its approach, but has decidedly missed its opportunity to be proactive in applying the Council of Europe norms and objectives to real situations.

The Parliamentary Assembly

Like the CLRAE, the Parliamentary Assembly (PA) largely addressed contemporary terrorist threats in regards to '9:11'. However some documents ('The Need for Intensified International Cooperation to Neutralise Funds for Terrorist Purposes' (Doc 9520)) addressed terrorism in Europe notably, Northern Ireland, and Spain. One preventative strategy advocated by the Parliamentary Assembly was that democratic states should respect social and political pluralism by taking into account the legitimate aspirations of minorities. (Recommendation 1426, (1999) European Democracies Facing

Up to Terrorism (Doc 8507)) The PA noted these aspirations are not always recognised nor is recognition always enough. Democratic security, such as, considering measures to limit extremist parties were also debated.

Although not the direct domain of the Parliamentary Assembly there is substantial interchange between the PA and the CLRAE on regional affairs. Regarding issues such as transfrontier cooperation, Euro regions or local and regional autonomy, the PA usually plays a supportive role to the initiatives of the CLRAE. The role of regions in reducing conflicts was a feature of Parliamentary Assembly support. Addressing ethnic conflict through political instruments, such as autonomous regions was explored in regards to Åland and Northern Ireland. (Resolution of Ethnic Conflicts in Council of Europe Member States, (May 1999), (Doc 8425), Recommendation, 1609 (2003)) The PA also campaigns for the strengthened and studied capacity of local and regional authorities in managing ethnic conflict, through activities like confidence-building, reports, monitoring, special missions and meetings in areas affected by conflicts.

The Parliamentary Assembly is critical of the role of the Council of Europe in protecting minorities. Key criticisms included stagnated responses from governments (Recommendation 1177, (1992)), and the legal vacuum (Opinion document 6558, (January 1992) by The Spanish Rapporteur for the Committee on Legal Affairs and Human Rights). Shortly after this, the Parliamentary Assembly embarks on a long campaign and work project of improvement in minority rights. Over ten years, the Parliamentary Assembly suggested mediation instruments, additional protocols to the ECHR, and legal action. This illustrates the sustained interest held by the PA on a campaign for a minute matter. The PA utilises a combined approach to protecting minority rights, such as through legislation, promoting linguistic and cultural diversity, as well as intervention through the ECHR and mediation instruments. Most noteworthy to this research was the developing attention being paid to political strategies, such as autonomous regions and devolution, upcoming themes in the Council of Europe. Predominantly, the approach to minority issues is a normative one. The status quo and relative stability is not acceptable; the PA is forever pushing, often with strong language, for the evolution of pan European standards.

The Parliamentary Assembly's recent activity in ethnic conflict resolution has included studied reports and conferences, but also proposals for the Council of Europe to assume a mediator role. This even included the Parliamentary Assembly volunteering itself as a mediator of ethnic conflicts whenever requested. It was with some concern that this seemingly rash development was noted, because goodwill simply is not enough to resolve ethnic conflict. The question quickly arose; *does the PA have the expertise and credentials to engage in conflict resolution, especially ethnic conflicts?* Fortunately later developments saw a more thoughtful resolution and study on this, including the possibility of the Committee of Ministers developing a specialised Council of Europe institution in ethnic conflict mediation. It was one of a very few examples where the PA deviated from its careful consideration of facts. In the midst of the proposals for Convention reform and mediation instruments, the PA has little if any sympathy with state centrality in the international system. Although a clear advocate of pan European institutional security, there are some elements, such as representations regarding local self government and guarantees for languages, that suggest the Parliamentary Assembly is taking note of the sub-state unit in the ascendancy.

A far clearer picture of how the Parliamentary Assembly responds to sub-state level politics emerges when examining specific minority cases. Included here are some examples that are indirectly related to the case studies to provide a fuller picture.

The protection of minorities in a changing political climate featured frequently especially in regards to the resettlement of German peoples, which featured in two recommendations (#1106, (1989) and # 1049, (1994)). The Parliamentary Assembly made a general warning that any interference with minorities' rights to their own cultural identity constitutes a violation of human rights. In a similar vein, the Parliamentary Assembly addressed the repatriation and integration of the Crimean Tatars in Recommendation 1455 (2000). It notes with concern the scaled down assistance programmes offered by the Ukrainian government and so recommends to the Committee of Ministers to intensify dialogue with institutions active in assisting the Crimean Tatars. Frequently the Parliamentary Assembly addressed the situation of the Roma in Europe. Roma are in need of special protections, especially as they are a double minority, being an ethnic community and frequently belonging to the most socially disadvantaged groups as well. (Recommendation 1557, (2002))

(Recommendation 1203, (1993)) Furthermore many member states do not regard Roma as an ethnic minority, so the PA was adamant that both the Framework Convention and European Charter of Regional and Minority languages must be applied in a manner to include Roma. The PA also addressed the fact that Roma are frequently victims of discriminatory practice and racist crime and suggested setting up of conflict prevention and management bodies at local and regional levels. Citing Hungary as an example, the PA addressed the issue of preferential treatment of national minorities by kin states, in Resolution 1335 (2003). It is interesting to note that Hungary is the state addressed in this matter with no reference to more similar geo-political circumstances of a more critical nature, such as Eire. Minority languages also drew parliamentary attention. Endangered languages such as Uralic and Yiddish languages were a concern. (Resolution 1171 (1998), Recommendation, 1291, (1991)) Since 1998 the PA also diligently monitored Belgium in regards to the situation of the French-speaking minority.

Unlike the aforementioned cases, references to this thesis' case studies were hidden in complex documents. Euzkadi and Frysâns were referred to when the PA considered matters relating to transfrontier cooperation. Publication No 5, 1995 (series Transfrontier Cooperation in Europe) was titled, 'Examples of Good Practice of Transfrontier Cooperation Concerning Members of Ethnic Groups Residing on the Territory of Several States'. For the purposes of this research, the submission from France noted the cooperation protocol with Spain and the Regional Council of Aquitaine of October 1989, which was to develop institutional relations targeting the economy, and Euzkadi culture and language. Although Germany recognises Frysâns as national minorities, in its submissions the study focused entirely on activities concerning the German and Danish minorities. That German Frysâns have some contacts with Frysâns in the Netherlands was noted briefly, but not explained nor described further. The study suggested finally that transfrontier cooperation regarding national minorities might be especially facilitated by direct contacts between members of the respective ethnic group on both sides of the border. The conclusion underlined the sovereignty and territorial integrity of member states as the basis of all transfrontier cooperation, and that transfrontier activities must not be aimed at enlarging its spheres of influence.

Apart from the indications in this study there were no other addresses from the Parliamentary Assembly specifically relating to Fryslân or Åland. However, the considerable material concerning Northern Ireland and Euzkadi was of a unique character. Since 1986, the PA noted attempts in Northern Ireland to develop political institutions which could enable parties to find common ground. The Northern Ireland Agreement was held as a creative resolution of a long-standing conflict that could serve as an example for ethnic conflicts in other parts of Europe. Mostly the PA was supportive of the Peace Process, but at a distance. This changed with the Omagh bombing when Leoni Fischer, President of the Parliamentary Assembly, expressed the PA's horror and their solidarity with the victims; reiterating that terrorism is a threat to human rights and democratic institutions and that nothing must be allowed to interfere with the choice the people of Northern Ireland made for peace. The PA stated that the Council of Europe cannot sit back and let this situation deteriorate: it was put forward that the PA should recommend to the Committee of Ministers, the institution of a Council of Europe presence in Northern Ireland dedicated to ending the climate of hate, intolerance and internecine strife. (Document 9202, September 2001)

The majority of Parliamentary Assembly attention to Spain concerned the situation in Euskal Herria. There were two PA addresses in December 1997 and in February 2000 regarding the assassinations of prominent politicians in Euskal Herria. Unlike the address of the Northern Ireland case, the PA does not champion Euzkadi attempts at a peace process, nor are there any indications of a more proactive role for the Council of Europe.

Despite the Council of Europe's overwhelmingly intergovernmental nature, the Parliamentary Assembly sees fit to address states, regions, communities and other institutions, such as the EU and the Red Cross. The watchdog role is also evident in critical situations, as the PA takes serious note of assassinations. The research demonstrated a broad range of the Parliamentary Assembly's remit; from jurisprudence and legislation to hard security, culture and education. The PA has its finger on the pulse of the minority situation across Europe and the case studies demonstrate this exquisitely. The PA more sensibly makes suggestions for ways in which the Council of Europe could materially assist and build the capacities of member states and minorities.

The study 'Examples of Good Practice of Transfrontier Cooperation Concerning Members of Ethnic Groups Residing on the Territory of Several States' was particularly creditworthy to how the PA and the Council of Europe may act as a resource for ethnic conflict management. That study was more indicative of a wider trend of particular interest to academics. Although the PA, like the Committee of Ministers, uses terms such as transfrontier cooperation and borderless regional democracy, it links these directly and unmistakably to ethnic conflict management and minority protection. Transfrontier cooperation may be the new code for ethnic conflict management, but is this merely sexing up the drab realities of ethnic relations and minority rights? Perhaps the safe and subtle way of managing these issues is without actually appearing to do so. Clearly, academics must engage the Council of Europe and the PA on what transfrontier cooperation actually entails.

In regards to the case studies, in both Spain and Northern Ireland, the Parliamentary Assembly has gone beyond monitoring individual situations and events to paying attention to individuals. This was clearly demonstrated with Northern Ireland, where the PA went beyond suggestions at a European level and became very interventionist; advocating the actual presence of some Council of Europe instrument or body in Northern Ireland. Conceptually, this is the supra-state bypassing the state to respond to crisis in the sub-state unit.

Despite the Parliamentary Assembly being Europe's parliament, there are virtually no indications of interaction with the sub-state unit where the initiative comes from that level. Despite this one-way relationship, the Parliamentary Assembly cannot be criticised for indifference or ignorance; it proves to be proactive, creative, bold and well informed. It is capable of addressing macro and micro perspectives and managing a range of interrelated issues. Despite this energetic capacity and vocal advocacy on behalf of a variety of sub-state units, the sub-state polities do not directly utilise the Parliamentary Assembly. In another research paradigm, there would be a case for examining how the Parliamentary Assembly could channel and target its capabilities and be more elicitory in its relations with sub-state entities.

The Committee of Ministers

The address of regional cooperation from the Council of Europe, accords much value and weight to sub-state entities and processes in the building of European security. Regional cooperation mechanisms discussed in high-level colloquies belied the importance these themes have in strengthening the protection of national minorities, whilst respecting territorial integrity of member states. Although differing from the member states, within the Council of Europe the sub-state entity has as much capacity and responsibility in addressing hard and soft security issues and macro and micro approaches to conflict management.

The Committee of Ministers is careful when dealing with regions to keep the discussion in the context of political administration. These themes of effective governance, underpinned by the enhancement of direct democracy, are dealt with in accordance with the principle of subsidiarity. Action in this area is careful not to alter the status quo by any direct Council of Europe intervention. Through this myriad of activity, studies and statements there is a course of established dispute settlement mechanisms between state and sub-state that is conducted under Council of Europe auspices. These resolution mechanisms are better seen as mediative processes, as they have both legal and political content and are well equipped to deal with a variety of sub-state issues.

Despite the aspect of state centrality, largely seen as the defence of territorial integrity, there is evidence of the defence of rights of sub-state entities that draws supremacy away from the state. This is particularly evident in the mediative processes, which under Council of Europe auspices, regions have the right to set agendas and are directly involved in appropriate areas of legislating. The activities of the Committee of Ministers do not defend the member state's inalienable rights absolutely because it creates the forum whereby sub-state entities do, in some instances, have equality with states before the institution and international law.

Action initiated by the Committee of Ministers weds the protection of minorities and the enhanced role for local or regional bodies to conflict resolution. Particular solutions in the form of a general legal framework were sought by the Venice Commission (October 2000; CM (2000) 18, 'A General Legal Reference Framework to Facilitate the Settlement of Ethno-Political Conflicts in Europe'). This report notes that solving conflict by division into a number of separate states is not consistent with contemporary

politics, as power is increasingly distributed among various tiers of authority. This report represents the clear and succinct expertise in governance issues offered by the Council of Europe. The research revealed that there is no clear dichotomy between full sovereignty and total powerlessness; solutions to conflict lie more in cooperation between tiers of authorities, i.e. at the sub-state level.

The serious priority of protecting national minorities and providing the legal and political monitoring mechanism to help member states facing specific problems was also addressed ('The Role of the Council of Europe in Conflict Prevention and Peace Building', (14 February 2001 document SG Inf, (2001) 14)) . The self-monitoring process is intended to detect failure and shortcomings with a view to assisting countries in their endeavours to correct them. Through its network of non-governmental organisations, the Council of Europe aims includes specific programmes, such as Confidence Building measures, improving inter ethnic relations, as well as the Democratic Leadership Programme. There is also the European Commission Against Racism and Intolerance, the Venice Commission, and the North South Centre; all examples of the structural capacities of the Council of Europe in peace building and conflict prevention. Added to this is cooperation with the EU, the UN, the OSCE and other organisations.

Investigating the work of the Committee of Ministers work in relation to minorities uncovers practical action based on empirical studies. Under the Committee of Ministers comes the work of the targeted specialised Committee, the DH-MIN and the legal contributions of the Venice Commission. The Action Plan and the Stability Pact provide the supra-state with the definite security forum whereby states and minority representatives can have talks and form the basis of cooperation. This is a traditional role of an international organisation, which is now extended to include the less traditional actors of minorities and sub-state units.

The research and activities of the Committee of Ministers provides insight on how empirical sub-state entities may function within the Council of Europe as a whole. However the diversity and wealth of such groups, their status, form and characteristics makes it nearly impossible to detect definite and applicable trends. This is where the decision to use carefully chosen case studies is a justifiable and thoroughly useful methodological decision. The Committee of Ministers adopts recommendations based

on monitoring visits and committee reports. Though these are in relation to the member state, they are also the product of interaction with individuals and organisations representing sub-state activity, and are a rich source of contextual data on particular minorities and their relations with states. The comparisons are constrained by whatever has been produced to date; for instance, the United Kingdom had a monitoring visit by the Committee for the Prevention of Torture and Inhuman or Degrading Treatment whereas Spain did not, and there was no activity on any theme in regards to France.

Fryslân featured in three monitoring reports; one for the Netherlands and two for Germany, both focusing on the status of the Frysân language. The Dutch authorities were found to be aware of the need to protect the Frysân language and have collaborated substantially in various ways to preserve and promote, notably, the adoption of the Charter for Regional or Minority Languages, as pertaining to Frysân languages. However, here many of the obligations in regards to education, media and statutory protections were unfulfilled. In its conclusion, the Committee found that Dutch legislation on the protection of Fryske is elaborate and reflects its high status in the community, but in education, the Committee believes there is considerable room for improvement. There is discrepancy between the legal framework and the actual implementation of the existing provisions on the right to use Fryske in the courts. Subsequently the Committee of Ministers recommended to the Netherlands that as a priority, it take the necessary steps to ensure that a substantial part of education is available in Fryske and to improve the quality and continuity of teaching in Fryske throughout the education process. The Netherlands should also ensure the practical implementation of the existing legal provisions regarding the use of Fryske in judicial and administrative matters.

The Committee of Experts for the European Charter for Regional or Minority Languages also visited Germany and priority recommendations included: adopting specific legal provisions, establishing specific planning and monitoring mechanisms, taking urgent action to strengthen education in North Fryske, Sater Fryske and establishing structural policy to make it practically possible to use regional or minority languages when dealing with administration and courts and to make the speakers aware of these possibilities. In 2003, Frysâns in Germany were referred to regarding the implementation of the Framework Convention for the Protection of National Minorities

by Germany and again recommended review and improvement of the language situation. (Resolution ResCMN (2003) 3)

Åland featured in the work of the Committee of Ministers for its linguistic and political needs. The Advisory Committee on the Framework Convention for the Protection of National Minorities focused its concern on Swedish speaking Finns, but did consider Åland. According to the Report, the Finnish speaking population of Åland can be considered as a minority within a minority and the Committee was of the opinion that the Finnish speaking population of Åland could be given the possibility of relying on the protections of the Framework Conventions. As a subject, Finnish is being taught in the public school and again the Committee stated it would be useful to examine whether the current situation meets the demands of the Finnish speaking population. The Advisory committee considered the autonomy of the province of Åland as a contribution to the effective participation of the individuals concerned in cultural, social, and economic life as well as public affairs. Following this, the Committee of Ministers produced a resolution on the implementation of the Framework Convention of the Protection of National Minorities by Finland: Finland, it concluded, has made commendable efforts concerning the protection of the Swedish speaking Finns. (Resolution CMN (2001)3, GR-H (2001) 20, 25th of October 2001). In spite of the observations concerning a Finnish-speaking minority on Åland there were no specific recommendations relating to Åland.

Northern Ireland features in numerous and varied responses from the Committee of Ministers. For instance, the Committee of Ministers has been broadly supportive of the peace process and this has included statements by the Secretary General in April 1998 and again in December 1999, as well as direct communications with the British Prime Minister in August 1998. The Committee of Ministers has also addressed particular events in Northern Ireland, such as the Omagh bombing and the school route blockades in the North Belfast area of Ardoyne. Consistently, the Council of Europe pledged to continue to contribute to these efforts of building good relations through its expertise and good offices.

The United Kingdom was the subject of some unique monitoring activities, addressing harder security and human rights issues. For instance, the Committee for the Prevention of Torture and Inhuman or Degrading Treatment made a visit to Northern Ireland in

November of 1999. The visit lasted ten days and reviewed the situation first reported on in July 1993. That report, which criticised the Castlereagh Holding centre in Belfast, saw the situation change with the announcement from the RUC in December 1999 that this institution would close.

Like Germany, the UK also submitted a report on the Framework Convention for the Protection of National Minorities, in July 1999. The subsequent exchange of documents focused on security issues but did note language issues as well. In response, the Committee of Ministers produced its Resolution CMN (2002) 9, commending the devolution process in Scotland, Wales and Northern Ireland as helpful efforts to create the conditions necessary for persons belonging to national minorities to participate effectively in affairs concerning them, although the languages of national minorities, notable Irish, was in need of wider scope of protection.

Subsequently, the Opinion on the United Kingdom was submitted by the Advisory Committee on the Framework Convention for the Protection of National Minorities, on 30 November 2001 as CM (2002) 2, after a visit made from 4- 8 June 2001. The Committee firstly considered that there is scope for extending to Northern Ireland the Provisions of the Race Relations Act, as well as enacting provisions to cover racially aggravated offences. The Committee found that in light of the type of violence communities experience in Northern Ireland, the Crime and Disorder Act of 1998 should be applied to Northern Ireland. The Advisory Committee considers that the government should explore what further steps could be taken to cater for the needs and protections of the Irish and Ulster Scots speaking communities.

The Committee of Ministers attended to the Euzkadi case in a similar manner to that of Northern Ireland. For instance, specific violence, such as the assassinations in 2000 and 2001, merited the attention of the Secretary General. Similarly, the Secretary General expressed support for democracy in May 2001, following the high turnout in the country's elections. The Secretary General encouraged political forces in Euskal Herria to draw the conclusion that pursuing normalisation of political institutions and inter party cooperation is the key to the future. Although there were no reports on Spain, the Commissioner for Human Rights undertook, on his own initiative, a visit to Spain concentrating on the Basque Country, in February 2001 (analysed earlier in this chapter). The Committee of Ministers having received the report in March 2001, firmly

condemned terrorism in all forms and supported the Spanish authorities in their fight against the violence in Euskal Herria.

There are a few meaningful distinctions in the case studies themselves. Though in Finland the minority situation is mostly peaceful, a caveat was included in the monitoring report that the status quo is not satisfactory enough. Substantial and continued efforts in all aspects of minority issues are required. The caveat underlines the ever-present danger of underestimating a situation, and this indicates some awareness from the Advisory Committee that there is a lack of appropriate knowledge of conflict triggers. In regards to developments in Northern Ireland, the Council of Europe is influencing the United Kingdom's developing policy through encouragement and expertise. Especially on the topic of devolution, the Council of Europe is clearly being informed by grounded theory from the experiences of the United Kingdom.

In the Netherlands, the Committee of Ministers addressed the situation of the Frysâns, not by altering any national legal statutes, but rather by increasing the scope of its practical applicability in coordination with Council of European obligations. In contrast, in the United Kingdom the Committee of Ministers gave definite prescriptions that the UK should re-conceive of how it accords minority status in respect of the Cornish, and Irish speakers and speakers of Ulster Scots in Northern Ireland. A more subtle and toned down version of this could also be detected in the recommendation arising out of the report on Finland.

The minority groups in Germany and Finland are less vocal than those in the UK, and they were less specific in their needs and concerns. Even official minority representatives in Germany and Finland dealt with the Advisory Group less directly than unofficial representatives of unofficial minority groups in the UK. For instance, immigrant minorities and Travellers in Northern Ireland gave detailed and vocal representations, whereas the German Sorbs, who are facing a critical situation, did not enter into direct dialogue with the Advisory Committee. There were representations from official and unofficial minority language speakers in the Netherlands, such as Frysâns. However, in comparing with the UK, these were also less vocal in content and directness than those minority language speakers in the United Kingdom. The monitoring reports also revealed vigorous dialogue between the state and various forms of the sub-state units on issues in the United Kingdom, as well as a range of proactive

initiatives from the state and its devolved entities. It would appear that in Finland and Germany official minority representatives do engage with the state, though not with bodies from the supra-state; whereas UK minorities, whether in a formalised capacity or not, petition the state, neighbouring kin states, European supra-state institutions and anyone else who will listen. Overall these differences in dialogue and representations to the Advisory Committee were consistent whether the group was connected to an ethno-nation or not. Regarding the minorities of the Netherlands, there is a gap in communication between the citizenry and the government. Combined with the observations from Finland and Germany, this could indicate a more general European trend that the Council of Europe is trying to address. It could be that these detections are indicative of a democratic deficit situation that more acutely affects continental minority groups. Alternatively, perhaps minority groups from the Netherlands, Germany and Finland are less eager to capitalise on any notions of the consumer state, or, like many minorities, less able to conceive of the state as something that they own in conjunction with other minorities and majority populations alike. Overall, this indicates both the validity and worth of the monitoring visits and recommendations. It indicates in detail the challenges the Council of Europe faces in engaging with and responding to minority groups and the wider European citizenry.

The Council of Europe and the Case Studies

The following Table 10 provides a summary of the interaction between the Council of Europe's institutions and the case studies. This summary is solely quantitative and shows in this way the priorities of the Council of Europe. For instance the number of reports, resolutions and statements on Northern Ireland greatly outnumbers the other case studies. However, it is far more revealing to examine here in a comparative and qualitative manner, the content and form of these interactions between the institutions in regards to sub-state issues and in particular the case studies.

Table 10 The Council of Europe and the Case Studies

Case	CLRAE	ECHR	PA	COM	Special
Åland	1 report 1 recommendation	1		1 opinion 1 resolution	Commissioner Visit (invite) 1 report
Fryslân	1 report 1 recommendation	1	Study reference	2 reports 1 resolution 1 opinion,	
Northern Ireland	2 reports, 1 resolution 2 recommendations 2 statements	31	1 resolution 2 motions 1 declaration 4 statements 1 debate 1 recommendation	5 statements 2 reports 1 resolution 1 opinion	2 Commissioner Opinions
Euzkadi	1 report 2 recommendations, 2 statements	3	Study reference 2 statements	7 statements	Commissioner Visit (initiative) 1 report

Both Northern Ireland and Euskal Herria in Spain were subjects of special CLRAE statements, but where the CLRAE expressed its support of the Good Friday Peace Process in the first instance, in the second instance it issued statements concerning particular acts of political violence in Euskal Herria. Only in the Euzkadi case did the CLRAE venture away from its theme of local and self-government.

By contrast the Parliamentary Assembly issued statements concerning particular acts of political violence both in Northern Ireland and in Euskal Herria in Spain. The PA also saw fit to issue resolutions on political prisoners, and human rights, as well as democratic and peace developments in Northern Ireland. Uniquely, France became the centre of positive attention from the Parliamentary Assembly when its Select Committee of Experts on Transfrontier Cooperation cited as good practice the initiatives between France and Aquitaine to promote Euskera culture and language. The same study conducted in Germany omitted any reference to Fryslân and transfrontier cooperation. The Assembly can include sub-state entities in initiatives but it does so inconsistently. Even with similar geo-political situations of similar types, results from their Committee are vastly different.

By contrast the Committee of Ministers was more even handed in its attentions. Incidents of political violence and terrorism in Euskal Herria and in Northern Ireland garnered nearly equal attention in its statements. However, there were more statements concerning the Peace Process in Northern Ireland. Neither Spain nor France have been visited or monitored. In contrast, the UK has had monitoring done by the Committee for Prevention of Torture and Inhuman or Degrading Treatment, as well as the Committee for the Protection of National Minorities. The Committee for the Protection of National Minorities also reported on Finland and Germany, wherein Åland and North and Sater Frysâns were discussed. The report on Finland was particularly notable for its sharp perception in the needs of Finnish speakers in Åland. Finally, the Committee of Experts for the Protection of Regional and Minority Languages also visited both Germany and the Netherlands, although the status of Frysâns was addressed in more depth in the Netherlands report.

The two violent conflict cases, Northern Ireland and the Euskal Herria, were the subject of attention from the Commissioner for Human Rights. In the case of Northern Ireland, one report concerned the UK derogation from the European Convention on Human Rights and so was a necessary corollary to the notice from the UK, whilst the second was an opinion at the request notably of the Northern Ireland Human Rights Commission. In contrast, the Commissioner on his own initiative visited the BAC in Spain to produce an impartial report on the impact of violence on democracy, political freedom and human rights. This was the only occurrence when Euzkadi takes priority attention for the Council of Europe. In the case of the two violent conflicts, the Commissioner's work focuses on aspects directly related to those conflicts. The Commissioner was also invited to report on Finland concerning new laws for ethnic minorities and this report was more positive and constructive in character. Over ten times the cases concerning human rights violations in Northern Ireland are brought before the European Court of Human Rights in comparison to those concerning the conflict in the Euskal Herria.

The aforementioned documentation shows that calls for self-government and territorial autonomy are firstly linked to ethnic tensions. The interplay between the Council of Europe bodies may be seen as thinly veiled and politically neutralised ethno-nationalism. One acute observation in this dialogue is the lack of discussion on ethnicity and the ethnic collective consciousness that so obsesses academics. Also lacking is the

principle of self- determination so beloved by nationalists. The Council of Europe, though undeniably engaged in values and standard setting, chooses to deal with minority issues and ethnic conflict based on observable empiricism. Aspirations of ethnic groups, often the sources of ethnic tensions, are incorporated in a positivist way into the subtle processes of the Council of Europe.

In its address of any sub-state issue the Committee of Ministers maintains its subtlety, preferring a course that can be described as studied, educational, facilitative and influential as opposed to directive. The manner in which the Committee of Ministers engages with the Parliamentary Assembly, the CLRAE, member states and minorities demonstrates that the Council of Europe has risen above the terminological issues and normative debates that dog ethno-politics and has instead dealt with this in the context of effective governance and responsive democracy. Reports and recommendations from the CLRAE and the Parliamentary Assembly on minorities and subsidiarity indicate increasing demands from sub-state units for effective participation, representation and protection; demonstrating the interwoven thematic dialogue in process right now, between regional issues and minority issues and their wider application in conflict prevention and management. The continuous deferment to state rights and priorities is disappointing, and yet these reports indicate scope for change, and progress in legal instruments and jurisprudence. The Council of Europe walks a fine line to maintain democratic stability but it does not overtly side with member states, thereby leaving some space for sub-state units.

CHAPTER ELEVEN

THE EUROPEAN UNION

Structures and Processes

The European Union (EU) is but one of several organisations which have evolved to meet common European needs and create common goals. It is however the most rapidly growing and dynamic of the regional organisations with an impact on everyday citizenry as well as states and even other international organisations. The EU is a radical, ambitious departure from hitherto traditional inter-governmental organisations. Member states delegate sovereignty to independent institutions which represent the interests of the union as a whole, its member countries and its citizens. This neutral delicate language ensures neither federalists nor inter-governmentalists can claim the union.

As can be seen simply from Tables 11 and 12 the EU is more than a massive international organisation with a complex structure undertaking many roles, but is a supranational polity. As some of its roles arguably transcend traditional intergovernmental processes undertaking an identity and mandate beyond member states, so to does the EU as a concept transcend traditional paradigms to be categorised as the rare polity, the supra-state. To re-iterate the research question, *how does a supra-state such as the EU deal with sub national units, such as ethnic nations, linguistic communities, cultural and religious minorities, regions, municipalities, cities?* Firstly, the frameworks and foundations of the EU namely its constitutional basis through its treaties are examined. Next those institutions of the EU, with particular supra-state qualities and relevance to the sub-state unit are reviewed. The EU engages with and affects sub-state units in a plethora of ways covering a wide range of objectives; its impact can be at the micro or macro level and may be either indirect or direct. It is therefore appropriate to begin with broad strokes that cover our paradigm and are congruent with the broader foundation of the European Union and then to focus on how the EU addresses sub-state and minority issues in particular. Finally this chapter concludes by examining the relationship between the EU and the case studies.

The Treaties

The treaties themselves bind the Member States more firmly than any conventional agreement between sovereign states. In this manner, the treaties are a novel direction in

international relations, with the EU generating applicable legislation and conferring specific rights upon which EU citizens can rely. The creation of the European Coal and Steel Community by the Treaty of Paris, (1951) was a means of securing peace although its major features were economic. Table 11 summarises the preamble which did set out as an aim for the signatories, ‘to substitute for age-old rivalries the merging of their essential interests’ and ‘to create...the basis for a broader and deeper community among peoples long divided by bloody conflicts.’ There were indications that economic progress would have a conflict preventative effect, an outcome of increased security, and that the Community was, in a deeper way, building a community of peoples not states.

Table 11 EU Treaties

Treaty Establishing the European Coal and Steel Community (ECSC)	<i>Paris, 18 April 1951</i>	<i>Common market, economic objectives and institutions, ‘to substitute for age-old rivalries the merging of their essential interests’ and ‘to create...the basis for a broader and deeper community among peoples long divided by bloody conflicts.’</i>
Treaty Establishing the European Economic Community (EEC) and Treaty Establishing the European Atomic Energy Community (Euratom)	<i>Rome, 25 March 1957</i>	
Merger Treaty	<i>Brussels, 8 April, 1965</i>	<i>Provided a single Commission and Council</i>
Single European Act	<i>Luxembourg and De Hague, 1 July 1987</i>	<i>Adaptations for internal market</i>
Treaty on European Union	<i>Maastricht, 7 February 1992</i>	<i>Created political union, CFSP, incorporation of the principle of subsidiarity, union citizenship, fundamental rights and freedoms</i>
Treaty of Amsterdam	<i>2 October 1997</i>	<i>‘principles of liberty, democracy, respect for human rights and fundamental freedoms and the rule of law.’</i>
Treaty of Nice	<i>26 February 2001</i>	<i>Improvements to institutional framework</i>

As Table 11 illustrates four more treaties would follow until the Treaty on European Union, Maastricht, (1993) would create the political union, the European Union. The

most significant feature of which is the incorporation of the principle of subsidiarity introducing ‘... a new stage in the process of creating an ever closer union among the peoples of Europe where decisions are taken as closely as possible to the citizens.’ (*Art A, Common Provisions*). Article B, defines subsidiarity more precisely; ‘the Community shall act within the limit of the powers conferred upon it by this Treaty and of the objectives assigned to it therein. In areas which do not fall within its exclusive jurisdiction, the Community shall take action in accordance with the principle of subsidiarity...’. In addition to the principle of subsidiarity Table 11 illustrates that Maastricht also introduced the concept of union citizenship.

The Treaty of Amsterdam entered into force in 1999, and clarified that the Union is founded on ‘principles of liberty, democracy, respect for human rights and fundamental freedoms and the rule of law.’ The Treaty of Amsterdam includes a protocol which holds that both aspects of the application of the principles of subsidiarity and proportionality are required to be met before Community action can be justified. Table 11 highlights the most important feature of the Treaty of Amsterdam; the Charter of Fundamental Rights of the European Union (2000) which enunciates the protections so vital to minority peoples. The Charter includes equality before the law and non - discrimination as well as respect for cultural, religious and linguistic diversity and protection for freedom of association and assembly.

These foundations are important landmarks in the process of European integration but the Treaties do not offer specific direction on how the EU and member states will engage in areas that relate to the sub state. From its constitutional basis, it can be concluded that the Union is built using broad strokes and, more importantly cautious, even vague language in these areas. Creditably there is no doubt that factors such as human rights, non-discrimination and subsidiarity are necessary foundations for the progress of the Union and the citizenry but the Treaties indicate reticence to include and refine these new agendas for the Union. The interdependence of economic integration and social integration is hesitantly indicated, and steps to secure a framework for this are cautious and overdue. Despite this wary progress evidenced in the Treaties, there are also strong indications that this can and will increasingly be a Union with teeth particularly notable in the development of the Charter and the provisions in the Treaty of Amsterdam.

Notably, Table 11 presents a picture of how, through the constitutional buildings, the Community is creating new legislation, new types of legislation and hence a new legal order. It is enshrining rights that do not come from the almighty states, whilst paradoxically placing a great deal of responsibility on the states to respect, and implement these factors. The most intense indicator of this is the enshrinement of the principle of subsidiarity, not because states are bypassed as yet in the legislative process, but because of the increasing devolution of responsibilities to sub-state entities and the sense from the supra-state of the rightness of this directional flow. The resulting trend is the increasing demand for more rights and responsibilities from the sub-state unit, arising from their claims for the application of the subsidiarity.

In addition to its constitutional and legislative capacities the European Union has broad regional economic policies and social initiatives that characterise the EU's approach to sub-state issues. The following sub-section outlines some of the programmes through which sub-state issues are addressed by the EU. This forms a useful introduction to the EU response as a whole before moving on to a specific analysis of its political institutions. To some extent these regional economic and social policies also found particular targets in the case studies.

Economic Action

Regional policies indicate the EU interacts with sub-state units primarily in economic ways. If the large common market is to benefit every sector and every region, it has to be attached to effective structural policies. Stronger economic and social cohesion was a *sine qua non* for solidarity between member states and hence the introduction of a regional and social policy. Aspirations of the Community to continue the integration process was marked by concern that structural regional economic imbalances and backwardness could possibly hamper any benefits. The general concerns involved rural regions and those with declining industry. The European Regional Development Fund (ERDF, 1975), was a pragmatic response to these concerns. Through this policy, the political and economic importance of regional well-being is recognised at community level, but the EU has little or no discretion in influencing the identification of regions or priorities: this too remains in the remit of national governments and may differ markedly from one member state to another. Thus, sometimes regions are defined by degrees of cultural, political or legal autonomy whilst others are the result of national

economic planning priorities. The 1984 reforms of the regional policy recognised the essential socio-economic differences and inequalities with the result of more flexible shares of the ERDF for each member state according to the severity of each member state's particular regional problem. The single market's regional policy initiatives are attempting to reduce differentials and promote the positive initiative required of regions to become somewhat self-sufficient and capable of taking their place in the wider EU market without becoming an economic drain.

Guidelines were also laid down in 2000 for a Community initiative, INTERREG, concerning trans-European cooperation. INTERREG is intended to encourage harmonious and balanced development of the European territory. The INTERREG aim is that national borders should not be a barrier to the balanced development and integration of European territory. The isolation of border areas and border communities cut off from each other economically, socially and culturally also hinders the coherent management of ecosystems. Border areas have also often been neglected under national policy with resulting peripheral economies. The single market, the EMU and INTERREG guidelines are strong catalysts for changing this situation.

This report included proposals such as better links between various territorial levels and effective dialogue, as well as a more effective and involved Committee of the Regions. Later in October 2001, the Madeira Declaration was produced at a Conference of European Regional Assemblies resolving to ensure the correct allocation of responsibilities at the European, national and regional levels. The conference called for special treaty attention for regions with legislating power, which should be entitled to act before the European Court of Justice.

For the purpose of this research the most significant development is the strengthening of the relationship between Community institutions and political and economic regional representatives. Local government, development agencies, and business groups have increasingly been encouraged to play a greater role in the determination of regional programmes. In 1988 the Consultative Council of Local and Regional Authorities, which liaises with the Commission and Directorate-Generals, was set up. In response to this direct Commission action, representatives of regions have increasingly set up consulates in Brussels to lobby Community institutions. Specific to the case studies, the EU developed economic and regional development projects such as the Pleiades project,

part of the European Regional Development fund. The Pleiades project included Fryslân and Fryslân also benefited from structural funds administered to Schleswig Holstein, as well as a Rural Development Programme running from 2000-2006. Similar Rural Development Programmes (2000-2006) running in Åland targeted specifically farming.

Conferences and working documents indicate sub-state bodies taking a pro-active role in engaging with the European Union. When examining the case studies further, some evidence is revealed of regions applying this newly found confidence in economic and development matters, though this remains largely the remit of member states. The political confidence of the sub-state unit is rising: regional or local authorities acting en bloc and with a high degree of consensus as evidenced by the unanimously approved Madeira declaration. Even so, the relationship between the EU and the sub-state regarding, for example, the EU regional policy framework and national regional policies, remains interdependent.

Social Action

If the treaties, and regional policies of the EU are overwhelmingly market driven and market responsive, the Union does balance its economic motivations with policies and activities that can roughly be deemed 'social' in character. Policies and activities with a social component that the EU engages in at the sub-state level target in some form, minority and regional languages and cultures. In the fields of human rights, equality and anti-discrimination, the EU provides objectives, but is less directly involved. Non-Governmental Organisations, agencies and projects in member states are the recipients of funds marked for these objectives.

Most of the EU programmes were to support the teaching and awareness of human rights, democracy, peace and development, as well as training for activists. In 1989 the EU established the Forward Studies Unit to monitor and evaluate European integration. More specific EU offices include the European Initiative for Democracy and Human Rights which undertakes projects on civil society, conflict prevention, racism, xenophobia and minorities. Meanwhile The European Monitoring Centre on Racism and Xenophobia analyses projects in member states and monitors racism in the EU. The EU has two noteworthy offices for protecting language and culture: Euromosaic established in 1992 promotes the interests of regional and minority languages and cultures and The

European Bureau for Lesser Used Languages helps these languages and cultures survive.

Amongst the projects co-funded by the EU for Regional and Minority Languages and Cultures, there are eight with specific relevance to our case studies. Fryske benefited from a conference on teaching methods and materials, internet resources and pre school education resources. Irish benefited from CDrom development and projects to develop bilingual services. The creation of local television and children's magazine in Euskera was co-funded, as well as an analysis report on the Euskera language situation.

Institutions

The EU, initially a small community with a primarily economic role is now, as can be seen in Table 12, an expansive organisation, with an array of institutions to handle the complex web of affairs. These include the range of matters of European affairs and integration and also the institutional functioning of the EU itself.

Of the ten institutions and supplementary bodies of the EU, outlined in Table 12, five are key to ensuring that democracy and the rule of law are the foundations of the Union's architecture. Of these, two in particular take the EU beyond the framework of intergovernmental organisations, and arguably involve some transfer of state sovereignty, creating a supra-state authority. The first, the European Commission, is the executive body and driving force of the EU. Traditionally the Commission upholds the general interests of the Union. As the table summarises, the Commission has independence in exercising its prerogatives, taking no instruction from individual member states, and has both a legislative and executive function. Through the Commission, the EU directs its own identity.

Table 12 Institutions and Supplementary Bodies of the European Union

Council of the Union	<i>Composed of member state governments</i>	<i>Main decision making body, coordinates governments at ministerial level, legislative body,</i>
European Commission	<i>Appointed by member states with Parliamentary approval</i>	<i>Driving force and executive body, initiates draft legislation, implements legislation, guardian of the treaties, EU international representation, does not take instruction from Council of member states</i>
Court of Justice	<i>Independent judges appointed by member states</i>	<i>Compliance with the law, community law superior to domestic law</i>
Court of Auditors	<i>15 members appointed by member states</i>	<i>Sound and lawful management of EU budget</i>
European Parliament	<i>elected by universal suffrage, every five years</i>	<i>Shares legislative and budget responsibility, democratic supervision of Commission</i>
European Economic and Social Committee	<i>Representatives of civil society, 222 members</i>	<i>Expresses opinions of organised civil society, consulted on economic and social policy</i>
Committee of the Regions	<i>Regional and local authority representatives, 222 members</i>	<i>Articulates regional interests, consulted on regional policy, environment and education, electoral mandate (Nice)</i>
European Ombudsman		<i>Deals with complaints concerning maladministration</i>
European Investment Bank		<i>Finances public and private investments</i>
European Central Bank		<i>Responsible for monetary policy and foreign exchange</i>

The Court of Justice is the second institution whose authority transcends traditional state sovereignty and contributes to the EU as a supra-state organisation. Table 12 outlines the Court's primary functions; to monitor compliance and ensure EU law is uniformly interpreted and effectively applied. The jurisdiction of the Court covers disputes involving member states, EU institutions, businesses and individuals. To expand on the information in the table, the European Community has created its own legal order, the Treaties being a precursor to a Community constitution. Community law supercedes domestic law and this principle is ensured by the ECJ. The Community's central

objective, the common market, presupposed that the Treaty must be interpreted and applied uniformly and centrally.

To amplify the contents of Table 12, jurisprudence in the EU is policy oriented with basic legal principles such as proportionality. This principle became the companion to the principle of subsidiarity, which holds that decisions should be taken at the level of authority that can act most effectively. The rights and obligations of the contracting parties and the rights that citizens can invoke cannot be left to the mutual trust of the member states governments or judiciaries to interpret and endorse. In ensuring that the law is interpreted and implemented in line with the Treaties, the Court's actions may include checking for fulfilment of obligation, compatibility of Community instruments and censuring the Parliament, the Council or the Commission for failure to act. In addition, to refer back to Table 11 the Treaty of Amsterdam explicitly gives the Court jurisdiction over the compliance of Community instruments with fundamental rights affecting the freedom and security of people. The Court rules on the nature and supremacy of EU law in relation to direct effect, so that individuals can rely upon it in legal action, and in situations of conflict between national and community law. Thus, the Court becomes not only the authority of the EU and its member states, but is also an authoritative body of direct relevance to the individual citizenry.

Five further supplemental agencies are described briefly in Table 12. In an overview of how the institutions of the EU interact are mandated to interact with sub-state entities, it is the role of the European Economic and Social Committee and the Committee of the Regions that are most noteworthy.

In summarising its composition Table 12 outlines how the European Economic and Social Committee (ESC) expresses the opinions of organised civil society on economic and social issues, *vis a vis* the Commission, the Council and the European Parliament. The ESC must be consulted on economic and social policy and may issue its own (non-binding) opinions. Its members represent various sectors including farmers, small and medium sized businesses, consumer groups, family associations and ecological movements. The ESC acts as both a mechanism to represent the general viewpoint and as a link between national and supra-national forums.

The more significant institution in dealing with sub-states is the Committee for the Regions (CoR). Table 12 summarises the composition of the Committee of the Regions and its function to express the opinions of regional and local authorities on regional policy, the environment and education. The CoR is strongly supported by the European sub-state units, and its expanded role and capacities are vigorously advocated. The CoR was set up by the Treaty of Maastricht, partly as a response to the demands of sub-national units to be involved in the Community decision-making process, and partly to ensure more consultations on EU legislation would take place with member states. In countries with a federal structure, autonomous sub-national bodies wanted to have direct opportunities to express their viewpoints and protect their rights. (Nicol and Salmon, 2001: 160) The CoR is a consultative body, like the ESC, but with subsidiarity and decentralisation in the ascendancy, plus regional and national assertiveness, the Committee of the Regions may evolve into a stronger institution.

In the search for evidence of the EU's engagement with sub-state units, the contents of the Official Journal of the European Union, the catalogue of written questions to the Commission, EU Treaties, Resolutions, and Legislation and Case Law from the European Court of Justice were examined. Also sought were specific EU studies, conferences, and projects. These were cross-referenced for similar evidence from the CoR and the ESC publications. The search paradigm for documentary evidence was limited to the period from 1992- 2002, as this covers the period from the formal signing of the Treaty on European Union (Maastricht, 1992) to the 'present', and the period when all states in the case studies were also full members. Search terms were cross-referenced for contents that related to our case studies. These terms were first introduced in Chapter Four and are now familiar as being: conflict, minority, region, subsidiarity, Åland, Basque/ Euzkadi, Fryslân, Northern Ireland.

This research revealed that the EU, through its institutions and consultative bodies as well as programme is busily engaged in many issues and endeavours at the sub-state levels, such as minorities, ethnic conflict, human rights and conflict resolution. However, these initiatives deal overwhelmingly with situations existing outside of the EU. The European Parliament, the ESC and the CoR generated some notable resolutions on sub-state issues and this institutional response is briefly outlined in the following sub-section. The Council and the Commission also have particular policies and programmes targeting areas of sub-state concern, and an analysis of this institutional

response follows. More revealing of the Council of Europe's policies towards sub-state entities and their concerns could be seen in by way of an examination of the Council and Commission responses to questions from the European Parliament. This Chapter concludes by focusing the interplay of the institutions on the case studies themselves.

The European Parliament

Resolutions and questions from the European Parliament are specifically applicable to ethnic and national minorities as groups, as political entities, and so the EP frequently demands EU intervention. For instance, the EP raised concerns in 1994 on human rights violations in member states, despite existing legal protections, and reminded member states that the freedom of association was indeed applicable to ethnic minorities, independent of any official recognition. From its onset, the EP has been a strong advocate of the principle of subsidiarity especially for the regions, both for their economic well-being and political status. A 1992 EP resolution on the regions, ('The Regions in the 1990's- fourth periodic report on the social and economic situation and development of the regions of the Community', 1992) noted that regional disparities remained as wide as ever and regretted the lack of detailed statistical evidence from the Commission. In addition to the questions specific to the case studies, MEP questions indicate that other ethnic groups in the European Union were experiencing similar problems and were also, through the EP, bringing them to the attention of the EU.

Many MEP's were representing the claims and concerns of their ethno-nationalist constituents, such as Brittany, as well as civic identity claims, which included Sicily, Venice and South Tyrol. The bias of some MEPs was very clear and there was cause to suspect the motivations of some MEP's questions, particularly those seeking financial information. EP questions demonstrate MEPS prepared to act on behalf on minority rights, in the EU and elsewhere. Most questions concerned language rights, but some included administrative and legislative charges. Also included were matters of economic well being, i.e. holiday home purchases.

The ESC

A large amount of ESC activity centred on regions, for instance, its own initiated opinion which suggested improvements to the Community Regional Policy, and a second on problems with regional economic indicators. Other ESC concerns include

uniform cohesion, application of subsidiarity to territorial development, and the underdevelopment and disparity across remote regions and islands. The ESC has a unique subsidiarity perspective treating regions as sub-state units and this extends to socio-economic organisations. In this manner, the ESC is drawing EU attention to the underlying social composition of regions and their capacities and needs. It is worthwhile to note that the ESC like the EP does not meekly tow the line for EU policies. In accordance with its mandate, the ESC guards sub-state interests, bringing to the attention of the EU, particular needs and interests. Most revealing is ESC criticism of the EU's detrimental perception of its sub-state units.

The Committee of the Regions

The Committee of the Regions has, as evidenced in their opinions, extended its role from representing regional and local authority interests to advocating a new type of union, where the social and economic interests of sub-state entities are paramount. Material from the CoR consisted nearly entirely of opinions. Some of the themes it holds in common with the Committee, the Council and the EP. For instance, there are five opinions covering culture and linguistic diversity. Later opinions become more critical of community policies.

The CoR, like the ESC, also covered issues on racism and democracy and put itself forward to be institutionalised as the defender and promoter of minority and regional languages in the community.

The bulk of the CoR opinions advocate a stronger role for local and regional authorities. The CoR in 1995 accused the Commission of circumscribing the scope of cultural units and perceiving them through purely economic policies. In this research, only one CoR opinion was devoted to the matter of the principle of subsidiarity. This was a rich piece of material which covered the role of subsidiarity in cherishing cultural identities and heritage as well as being a strategic principle.

A pervasive thread of discontent is evident in CoR opinions from softer social issues, such as linguistic diversity, through to high-level legislative reform. Underlying this are two central values; that of the intrinsic value of cultural diversity found in the unique regions which is dependant on the second value; the intrinsic logic and value found in a strengthened and extended principle of subsidiarity. These values translate into an

increased regional role in the EU through the CoR and increased autonomy and devolved responsibilities from the EU to regions and local authorities. There are decidedly fewer indications of support for the supranational character of the EU: the CoR perspective is inter-governmentalist but at the sub-state level.

The Commission and the European Council

In softer policy areas the Commission and the European Council focused on issues concerning culture and language. Between 1995 and 2000, four documents from the Commission called for proposals for programmes that would safeguard the autochthonous languages. Support of the European Day of Languages in 2002 by the European Council was equalled by support for an EU Programme for the Prevention of Violent Conflicts in 2001 and a Charter of Fundamental Rights in 2000. Human rights and democracy were a third theme touched on by the Council in regards to minorities and sub-state entities. However, this was admittedly largely in the context of EU external relations. (The Annual Human Rights Report of 1999, p3) (Human Rights Report of 2001) Unlike the Commission, which focused on regional and minority languages, the Council addressed ways in which the EU could facilitate and develop cultural identity in a more general sense.

Despite a range of detailed programmes and policy responses in both economic and social spheres this in no way can be taken as a weakening of the member states. A Working Group Document, 'Multi- Level Governance, Linking and Networking the Various Regional and Local Levels (May 2001), indicated that Europe is held together by and must remain a 'union of states' (p12). The report acknowledges that, although the regions are gaining an ever- higher profile,

'... the growing importance of multi level governance and of the sub national level does not herald the decline of the nation-state. Important powers in redistribution and macro economic policy have remained firmly at the national level in all member states... The growing numbers of elected leaders at regional and local level offer a source of democratic legitimacy...the widely accepted view that decision making processes in the Union should be organised hierarchically must be dramatically revised.' (p7)

It is a clear statement that however many policies aimed at regional issues and affecting sub-state entities, the foundation of the EU is its member states. The Council and the Commission reflected this stance in response to many questions from the European Parliament. The Commission acknowledged that although Maastricht does not incorporate a principle of minority protection, Article 126 does require in the field of education, full respect for the cultural and linguistic diversity of Member States. Article 128 stipulates that the Community shall contribute to the flowering of the cultures and respect diversity. The Commission took further refuge by stating that it would not be considering the question of incorporating a basic provision in the Community Treaties concerning the rights of minority ethnic and language groups because any problems relating to minorities are largely a problem for the Member States concerned. In 1997, the Commission again replied to the EP that it had no direct responsibility to protect ethnic minorities. In 2000 the Council admitted to an MEP question that even where member state's applications to preserve linguistic diversity leave a lot to be desired, the Council can really only endorse human rights, not linguistic or minority rights.

In specific detail the research revealed Commission and Council individual responses to critical ethnic minority and sub-state issues, brought to their attention by the EP. Universally this response was dismissal; the matter was not community jurisdiction. For example, the refusal of the Greek state to allow Pomak and Roma to be taught was designated by the Council as the responsibility of the member state and community involvement was limited to support. The threat of the disappearance of the Breton language was not an infringement of community law, nor was the protection of the Sicilian language a matter that the Commission could enforce upon Italy. In three cases regarding Sorbian speakers and Sorbian language education, the Commission was unaware of any infringement. Similarly, the query regarding recognition of the Veneto language was firmly enunciated as the responsibility of a member state. In all these cases, the actual rights of minority language speakers were not part of EU mandate.

Inter-ethnic relations were also not within Community jurisdiction. In 1998 an MEP claimed that nothing had been done in South Tyrol after the removal of Italian signs, and that this was discriminatory against the Italian citizens. The Commission replied it had no jurisdiction; the matter was solely for the national authorities concerned. The subject of South Tyrol was earlier brought to the attention of the Commission in 1996, concerning a case where Italian public prosecutors were investigating the activities of a

Brussels office representing the European region of Tyrol for alleged '*...assaults upon the inviolability of the state*'. The MEP wanted the Council to intervene as the proceedings ran counter to Maastricht and stood in the way of cross border and cross-cultural cooperation. In addition to having no knowledge of this matter, the case was also not within the Council's sphere of competence.

In marked contrast, individuals were of concern to the Commission. The case of an imprisoned member of the Society for Aromania sentenced for distributing literature at a language festival was considered to be of major importance. The Commission was in direct communication with the Greek authorities on this matter until finally the individual concerned was acquitted of all charges. However, when the EP brought to Council attention charges against a group of patriotic citizens of Veneto, the Council stated this was a matter of maintenance of law and order and internal security that was incumbent upon the Member state.

Indirect means of harming minorities did come to the Commission's attention and in a roundabout way the Community way can be a source of protection in these areas. So for instance in 2000, concern for large numbers of travelling population groups living outside the existing social framework was addressed by community and member states social inclusion objectives in the Amsterdam Treaty. Practical proposals to eliminate both direct and indirect discrimination were outlined in its document, 'Building an Inclusive Europe'. Likewise the Commission replied on a 1999 decision of Sweden to scrap restrictions on purchase of second holiday homes by foreign nationals. The Commission recognised that there was a Community prohibition on restricting the movement of capital, but it also saw valid concerns that this may erode regional distinctive cultures and create social problems for indigenous inhabitants. The Commission then pointed to Article 58, which allows member states to take measures which are justified on grounds of public policy or public security so long as these shall not constitute a means of arbitrary discrimination or a disguised restriction. The Commission provided details on the precedence of Case No. 17/92 from the Court of Justice which indicated that economic grounds, such as the unaffordable cost of homes for local residents, are not exemptible but if a large demand for secondary homes leads to undesirable social consequences certain restrictions may be justified and could be accomplished by town and country planning guidelines proportionately.

It was a very encouraging sign that both MEPs and the Commission demonstrated concern and action regarding the education and social well-being of travelling peoples, including specifically those within the EU. It was less encouraging that in the case of the Vlach activist, the Commission was more concerned with his violation of legal rights, than with his minority rights and appeared not to take into considerations his minority status and its implications. Similarly consistent, yet disheartening, the general attitude of the EU was that it had no remit in most of these matters; responsibility was with the member state and its local authority bodies. Indirectly the EP calls for a more effective EU; not a strengthening of member states. The Commission and the Council have a contrary approach in that subsidiarity should strengthen national members, though they hope meanwhile to tackle common problems and promote cooperation by paradoxically promoting a borderless strategy. The EP tries to force the Council and the Commission to accord sub-state issues more EU attention, but the Council and Commission are, in EP's eyes, tepid towards the sub-state, hiding behind subsidiarity principles, reluctant to challenge the status quo. The MEPs, like the CoR and the ESC, were not satisfied with the status quo and these constitutionally based limitations. Further observations will show that the demands for a more representative democracy and extended subsidiarity are loud and pervasive. The questions in particular indicate that the visions of EU-sub-state interaction vary markedly from the EP to the Council and the Commission.

Overwhelmingly these specific cases demonstrate that the EU, despite democratic demands from the MEP, actually upholds member state's sovereignty. Even in critical matters, the Commission and the Council are non-interventionist and in no way interact meaningfully with sub-states or with their interests in mind. The regional policy has no scope for altering the political status or territorial divisions of regions or other sub-state entities. The rights of ethnic minorities as groups is not within EU mandates to provide although there are some indications that as individuals certain ethnic rights may be defended. The EU does provide a voice for a plethora of sub-state units, through its roguish institutions; the European Parliament, the Economic and Social Committee and the Committee of the Regions. It is through these bodies that we see the alternative forces upon the EU that vie against the hegemonic preserve of its member states.

The European Union and the Case Studies

To complete this picture on how the EU interacts with sub-state entities is the following research and observations on the experiences of the individual case studies. This section examines how the Commission, the Council, the ESC and the CoR have acted directly with Åland, Northern Ireland, Fryslân, and Euskal Herria, and analyses case-specific content of the written questions from the European Parliament. Table 13, below presents a sketch of the types of interaction each case study has with the different EU institutions.

Table 13 The EU and The Case Studies

Case	Court of Justice	Commission	European Parliament	Committee of Regions	Special
Åland		<i>1</i>	<i>6 questions</i>		<i>Treaty, Rural Development Programme</i>
Fryslân	<i>1 case being assessed</i>	<i>4</i>	<i>4 questions</i>		<i>Pleiades Research, Rural Development Programme, language projects</i>
Northern Ireland		<i>12</i>	<i>6 resolutions 12 questions</i>	<i>1</i>	<i>Special Funds for IFI (discont'd), PEACE programmes, Objective 1 region, Youth for Europe, language projects</i>
Euzkadi	<i>1</i>	<i>3</i>	<i>3 resolutions, 11 questions</i>		<i>Regional Innovation Strategy, Youth for Europe, Ombudsmen Report, language projects</i>

From Table 13 it is palpably evident that the majority of interaction between the case studies and the EU is through the European Parliament. It is also evident that Northern

Ireland and Euzkadi receive more attention from MEPs than the other two cases. Northern Ireland also dominates concern from the Commission. This table shows that only Åland benefits from special treaty protection and only Northern Ireland is the recipient of a special PEACE project. However all the case studies bar Åland do receive support for language projects. There are, from even a cursory glance at the table some remarkable oddities. For instance, Fryslân, which is not even a political entity in the EU, has a case before the Court of Justice, but Åland with its Treaty issues does not. Similarly the Euzkadi case also has one case before the Court of Justice but even Northern Ireland, distinctly more dominant in the other institutions does not. Furthermore none of these regions, bar Northern Ireland despite their especial attributes as case studies is specifically attended to by the Committee of the Regions. This warrants a more detailed inspection case by case.

Northern Ireland

The EU has a special interest in Northern Ireland. Between 1995 and 1999, the EU PEACE I Programme formed the institutional response to Northern Ireland. The objectives were;

'... to reinforce progress towards a peaceful and stable society and to promote reconciliation by increasing economic development and employment, promoting urban and rural regeneration, developing cross border co operation and extending social inclusion...' (PEACE 1 Programme)

and intended to focus on those areas and sections of the population most adversely affected by the violence. Compared to the earlier structural funds, this programme had an explicit social inclusion focus. When this programme ended, a New EU Programme for Peace and Reconciliation in Northern Ireland and the Border Countries of Eire, 2000-2001, (PEACE II) was implemented. It is a joint Northern Ireland/ Eire programme and its proposals are set out in the Structural Funds Plan for Northern Ireland (2000-2006) and the National Development Plan for Ireland. PEACE II is part of the Community Support Framework and will receive 531 million Euros, of which 80 per cent is allocated to Northern Ireland and the remaining 20 per cent to the borders. Its aims are to, *'... achieve a transition to a more peaceful, prosperous, and fair and outward looking society, sustained by a better physical environment.'* (PEACE II)

The ESC was cautiously supportive of the PEACE programmes pointing out the need for balanced actions and long term structural improvements while emphasising the social inclusion measures. It was boldly suggested that the Framework Agreement of 1995 could include guaranties of self-determination and minority protection. Both the supplementary bodies backed a strengthening of representative rights for Northern Ireland.

In structural assistance matters Commission decisions are preferentially for Northern Ireland when in 1994 and again in 2000, it qualified for Objective One support where priorities would include peace and reconciliation and social inclusion. However, not everything in regards to Northern Ireland is blanketed with approval. In 1998, the UK notified the Commission of a state aid scheme for Northern Ireland to provide payment and aid to pig producers, at a time when this sector in Northern Ireland was in crisis. The Commission perceived this as a unilateral decision which would threaten competition.

The 1993 resolution on emergency aid for potato farmers shows the EP as an early and vocal advocate in Northern Ireland. EP resolutions on Northern Ireland were also constructively critical. The 1994 EP Resolution on Discrimination in the Field of Employment in Northern Ireland demonstrated detailed knowledge of the lack of improvement in the employment circumstances of Northern Ireland's Irish Catholics in the past twenty years. MEPs, like the EP were vocal about specific Northern Ireland issues, though the themes were broad. In 1991, there were requests for the Commission to indicate the EU position regarding EC funding for the Irish language, essential transport and primary investment for services to the mainland. There were also questions regarding regional development funds, the PEACE programmes and the International Fund for Ireland.

The longstanding concern over the violence in Northern Ireland and its wider repercussions was evidenced in MEP questions. One MEP in 1992, creatively suggested that the Council consider adopting the region as a European Protectorate. In its reply the President reiterated the deep concern of the EU, but indicated that the political and security problems of Northern Ireland do not come under Council authority and therefore the Council cannot taken any decisions, but was prepared to support initiatives

which help promote peace and stability. Similarly in 1995, an MEP suggested that as the difficulties in the peace process in Northern Ireland were due to unresolved judicial and criminal questions, perhaps the Commission could appoint a working party. Said party could check on the number of political prisoners, prison conditions, as well as the possibility of superseding emergency terrorism legislation and alternative detentions. Despite this thoughtful and concerned request, the Commission could only respond that it would not be appropriate for the Commission to set up a working party, as the issues raised do not fall within Community competence.

Fryslân

Fryslân was only indirectly included in Commission directives, all of which were responses to initiatives from the member states of either Germany or The Netherlands. Fryslân was neither specifically nor wholly addressed and the directives centred on regional development matters, such as qualifying for structural assistance and the priorities of the Regional Development Fund. A Council Directive of 1992 amended an earlier directive concerning the Community list of less favoured farming areas, Fryslân would now be included as a less favoured area. The region simultaneously qualified for a Rural Development Programme running from 2000 to 2006.

In contrast, MEP questions on Fryslân centred on environmental concerns. One MEP question was concerned about a sewage sludge incineration plant to be built in East Fryslân, one kilometre from a national park. The Commission responded that since the plant was partly financed by structural funds it must respect all national and Community legislation, particularly environmental. The Ministry of the Environment in Lower Saxony had conducted an environmental impact assessment and the Commission was satisfied with its conclusions that the incineration plant would not cause major problems for the park.

In the Netherlands, the Commission became aware of the practice of collecting plover's eggs in Fryslân and are currently investigating the case, as the matter falls under the Council directive 79/ 409/EEC, 2 April 1979, of which Article 5 forbids the taking of eggs from the wild. An infringement procedure has been opened and a reasoned opinion issued, after which, having received no response, the Commission brought the matter

before the European Court of Justice. The Netherlands did respond; the answer is currently under assessment.

Although there was one question concerning the closure of the Frysân language programme and another concerning teaching Fryske to immigrants, the next strongest set of MEP questions concerned neither cultural, nor environmental matters, but again conformities with Community law and practices. There were a series of questions between 2000 and 2002 regarding the confidentiality rule and the principle of granting subsidies. The Netherlands province of Fryslân had introduced confidentiality rules, stipulating that politicians and officials will be liable to penalties if they help to bring confidential information to the attention of third parties, including the Commission. The Commission was investigating this and had insufficient information to deliver a detailed opinion. In the matter related to the state aid granted, the Commission stated it was insufficiently informed on the internal procedures of the Province of Fryslân; it is within the competence of the member state to determine which authority within that member state is responsible. In the case of Fryslân, there is little evidence of projected ethno-nationalist identity but there is strong evidence of proactive measures from the community to ensure conformity even at the micro level.

Euskal Herria

Commission decisions affecting the Euskal Herria were in response to submissions from Spain and similarly approved structural assistance. Areas addressed included improving competitiveness, employment, technical assistance, water resources and a knowledge society. Unlike Northern Ireland no references are to issues of violence and conflict. The EU, through the Commission, did affect one aspect of Euzkadi autonomy in Spain. A scheme on tax concession for investment in the Basque Autonomous Community was found by the Commission (1993) to be contrary to Article 52 of the EEC Treaty. Basque firms would receive preferential treatment and this was likely to distort competition and effect trade. Both economically and politically the Basque Autonomous Community is not advantaged by the EU, although in 2001 it was part of the EU Regional Innovation Strategy, running from 2001-2004, which primarily focused on strategic research programmes. By contrast, the EP was more strongly engaged in the political and human rights issues affecting Euskal Herria. There were three resolutions concerning assassinations and terrorist attacks with specific references.

Euskal Herria was the only one of the sub-state case studies to find itself part of a Court of Justice proceeding. The case, no. C-100/01, involved a Spanish national of Basque origin, Mr. Oteiza Olazabel, who left Spain in July 1986 to enter France, claiming asylum. On 8 July 1991, the Regional Court sentenced Mr. Olazabel to 18 months imprisonment and a four-year ban on residence for conspiracy to disturb public order in connection with the ETA kidnapping of a Bilbao industrialist. Mr. Olazabel applied for a residence card relying on his status as a Community national but was given provisional residence with a special supervision order forbidding him from residing in nine frontier departments. A further order of June 1996 prohibited him from residing in thirty-one departments, accessing the Spanish frontier and from leaving the department without authorisation. Upholding member-state sovereignty, the Court of Justice ruled neither Article 48 of the EC Treaty, nor the provisions of secondary legislation preclude a member state from imposing measures limiting a worker's right of residence to a part of the national territory, if such action is justified by reasons of public order and security. This is another revealed instance where an individual with certain ethnic attributes can rely upon EU protections.

Euskal Herria was also the only case study to feature in the report of The European Ombudsman (Annual Report 1999 (2000/C 260/01)). In June 1998 the regional ombudsman of the Basque Autonomous Community in Spain transferred to the European Ombudsman a complaint lodged by the complainant on behalf of an NGO. This complaint concerned the allegedly unjustified refusal by the Commission to extend the timescale for the completion of project 96/018. This project was granted 50 000 ECUs in 1996 to pay for psychological assistance to victims of political violence in Euskal Herria under the European Community's Human Rights and Democratisation Programme. This was the only evidence of special EU programmes directed at the socio-political problems in the Euskal Herria. The Commission asked the NGO to return the unspent funding, whilst the NGO was asking for reimbursement and the association lodged a complaint on the grounds that the decision was unjustified and without a proper consideration of the effects on the citizens of the Basque Autonomous Community. The Commission in 1998 reconsidered its position whereby the NGO could spend the outstanding amount on further activities in conformity with the initial agreements. The Ombudsman was informed that a bank transfer has already taken place

to facilitate this and thus concluded that the Commission had settled the matter to the full satisfaction of the complainant.

An MEP brought to Commission attention the description of ETA as a separatist organisation by the Euro News channel. Though the Commission was committed against terrorism, the full editorial freedom of media companies must be respected, especially as Euro News was not in receipt of budget funding. However, the Commission felt strongly enough to raise the issue with Euro News.

The earliest MEP question addressing Euzkadi concerns was also the only one to advocate positively. A question dated 14 April 1993, expressed concern for the welfare and human rights of some 600 Euzkadi prisoners dispersed in over one hundred prisons throughout Spain, many in remote areas, thus creating difficulties for family visits and support. The MEP had also on record clear cases of violations of basic human rights but the Council response was standard; the matter did not come within Council powers and was a matter for the authorities of the Member State.

There was only one question pertaining to the Euzkadi language rights in Navarre and one question regarding the INTERREG project between France and Spain, centring on the Basque Autonomous Community, Aquitaine and Navarre, but these questions did not disclose awareness or concern of issues of violence, culture or language. MEP questions were far more concerned with matters of regional development and aid to the Basque Autonomous Community as seen in a series of requests for information on ESF investment and ERDF investment in the BAC. There were also concerns about tax relief, and boycotts of French and Irish tuna by Basque canneries.

Åland

Åland benefited from structural assistance plans submitted on its behalf by Finland in 2000. Priorities included economic development, the environment and technical assistance. Like Euskal Herria, the extensive autonomy Åland enjoys both economically and politically was infringed by the Commission application of Community law. In this instance, the decision in 2002 concerned an aid scheme for captive insurance companies. Finland stressed the autonomous status of the Åland Islands, laid down in the constitutions, recognised under international law, and

specifically dealt with by Protocol 2 to the Accession Treaty. The self-governing Åland Islands are empowered to legislate in areas concerning their entitlement, for example to levy supplementary income tax. Finland stressed that Åland must be regarded as separate jurisdiction since legislative powers lie exclusively with the Åland Parliament. The power to set tax rate is therefore not a selective measure. In conclusion, the Commission found that Finland has unlawfully implemented Åland's captive insurance companies' tax scheme because the measure does not satisfy any criteria laid down in Article 87 of the EC Treaty, and is therefore incompatible with the competitive market. Finland was required to withdraw the scheme.

The unique status of Åland, though referred to in the accession treaties, was not always clear in application. Hence an MEP question in 1993 for information over action and precautions proposed by the Commission to safeguard Åland's demilitarised and neutral status, in light of the accession negotiations with Finland. The Commission replied that it was fully aware of the 1921 League of Nations decision to award sovereignty of Åland to Finland in exchange for guarantees concerning cultural and linguistic autonomy. Certain member states are also party to the treaties and conventions of Åland's demilitarised and neutral status. Concerning the accession, the Finnish government was working in full cooperation with the provincial government of Åland and recently had presented, to the conference, a position paper clarifying the issues to be analysed in the negotiations.

Inevitably the special status of Åland generated economic concerns. There was a long series of MEP questions during 1997 regarding the tax-free sales on ferries. The Commission reported there was a concession granted by the Council, requested by Finland to consider the Åland islands as a third territory for indirect taxation purposes. A 2001 question concerned evidence that the self governing islands of Åland are not complying with the EU ban on chewing tobacco, and have not obtained special authorisation from the Commission to continue selling it. The Commission recently informed of the lack of compliance in Åland will ask Finland to clarify whether the necessary legislation is in force in Åland to comply with the ban. It will simultaneously ask Sweden to ensure that the tobacco for oral use as legally marketed in Sweden is not put on the market in other member states.

The political status of Åland received only succinct attention when a 2002 question asked if the Council would consider special forms of representation for Åland and other autonomous regions that currently have no representation under existing electoral systems for elections to the EP. It was not in the Council's competence to speak on the issue of special forms of representation and the member was reminded that a projected electoral procedure is being prepared.

Uniquely, Åland features its own special take on language matters. In 1998 the Commission received the case of an Åland provincial government official being refused official authorisation to learn Finnish, though the official would have been allowed to learn other languages. The reason given was that Åland is monolingual. The MEP thought the decision to be inconsistent with Åland's status in the EU. Consistent with similar questions in other cases, the Commission succinctly replied that it had no jurisdiction and it was a matter solely for the national authorities concerned.

While table 13 provides a useful sketch of the types and quantity of interaction between the sub-state and the various EU institutions, it is the content of the questions, court cases and resolutions that are more fully revealing of this relationship. Only the two multi-border cases, with no kin state, reached the European Court of Justice (ECJ). The Euzkadi case centred on the right of residence for citizens in the EU, a right which crucially protected a suspected terrorist. Even though Åland is an unusual accession, the Commission has paid the least amount of attention to it despite the high number of questions relating to it coming from the EP. Åland has no cases before the ECJ. In contrast, EP resolutions and questions focused on aspects of the conflict in Northern Ireland and only limited economic matters. EP activity on Åland focused on economic consequences related to markets, with only one question concerning discrimination. Much of the attention from the EP on Fryslân was also devoted to subsidies and economic administrations, although Fryslân was uniquely the only case study to have its environmental concerns represented and to have its attitudes towards immigrants praised by the EP. The Committee of the Regions (CoR) is virtually silent on specific sub-state cases; only Northern Ireland can attract CoR attention and the most amount of attention from the Commission.

Åland has its special place preserved in the Treaty of Accession and has some distinctive economic administrative adjustments, but these are in line with similar

adjustments made to other regions, including the case studies. Otherwise, Åland has no particular support from the EU in minority language or cultural input. In complete contrast is the support for Northern Ireland, which includes special economic and social programmes, special structural support, social, linguistic and cultural programmes and conflict resolution project support. Northern Ireland's projects are the only case study to receive attention from the Auditors. Fryslân and Euskal Herria again share moderate support on structural and economic matters and support for minority languages and culture. Democracy projects in Euskal Herria are supported and Euskal Herria was the only case study to be the subject of an Ombudsmen report directly related to the conflict.

As conflict zones, Northern Ireland and the BAC receive nearly equal amounts of questions from the EP but the BAC, despite increasing violence, attracts only half the amount of resolutions. Most of the resolutions from the EP are normative, expressing solidarity with victims of violence, but most of the questions concerned economic matters not related to conflict or status in Euskal Herria. In sub-states with lesser autonomy, the Commission decisions can be beneficial to regional development and the Commission is capable of addressing conflict. There are, however, discrepancies and inconsistencies. Ironically, this analysis shows that entities with high autonomy, such as the Basque Autonomous Community and Åland are disadvantaged by Commission decisions, even though their host states have vigorously advocated for their special needs and rights. Small ethnic nations with comparatively less amounts of violence are quickly pulled into conformity with community law, for example, Fryslân's environmental situations and Åland's sales of chewing tobacco. By contrast, the minute activities in Northern Ireland that would fail to comply with Community standards have not been raised through the executive, the supplementary bodies, or the MEP's.

This reflects a lack of flexibility on the part of the Commission in dealing with the special circumstances. This is particularly notable in the demonization of ETA, compared with the silence towards the IRA. Violence in Euskal Herria is perceived as terrorism, but this is not the case in dealing with Northern Ireland. There is also some unwillingness to treat Euskal Herria as a special cultural and ethnic entity needing special economic consideration. As with Fryslân, the Commission is wholly concerned with the strict compliance of Community law and standards. The only evidence of a special programme to target violence in Euskal Herria was one indirectly supported

through the Human Rights directorate. Similarly at the level of the ECJ, Northern Ireland is more favourably treated.

When examining how the EU responds to questions specific to the case studies a consistent approach of leaving language rights to the member state is seen. This is even the case when the possible oppressor of language rights appears to be the minority ethnic community, such as in Åland. This trend turns up again in the indiscriminate funding of projects in France in 2001, discussing compulsory bilingualism. Two further instances indicate the Commission should be concerned about sub-state issues: One relates to Fryslân, described by an MEP as a region and Fryske as a ‘so called minority language’; while the second highlights the portrayal of ETA as a separatist organisation by EuroNews. This is evidence of bias in the relations between state and sub-state.

The Commission deals with sub-state units only through the member state - no exceptions- even where the member state argues for the sub-state entity’s particular status or particular needs. It is source of concern that where a sub-state, such as Åland, has its status protected not only by constitutional law, but EU Treaties and international law as well, that, in regards to particular market matters, this holds no weight with the Commission. The goals of a common market, including free and equal trade are held as paramount. Subsidiarity, is reinforced as a principle that means decisions taken as close to the citizen as possible, *only in accordance with EU law*. It is not the right to run one’s own affairs indiscriminately. In spite of this, there is encouraging evidence that states do take their constitutional responsibilities seriously in regards to ensuring the well-being and integrity of their devolved polities. The advocacy practiced by states such as the UK, Finland and Spain indicated thoughtful concerns and original economic initiatives. If the state willingly and persistently goes to bat for its sub-state units, it begs the question then, where is the real source of ethno-nationalist dissatisfaction?

This is not to say that the needs of the sub-state unit are ignored by the EU- a variety of economic programmes, including research into potential markets for the regions, involved long term and costly strategies. Neither are cultural needs ignored, as evidenced by co-funded projects. Despite earlier evidence that EU initiatives are not intended to alter the status of minority and regional cultures, new actions, such as the unification of Germany and its internal reorganisation, show the EU can be very accommodating to changing geo-political realities, even within its own borders.

Particularly in regards to external countries, the EU is aware that ethnic and minority tension affects security, but when examining the specific case studies we see the inadequacy of the Common Foreign and Security Policy in dealing with real EU concerns. Although sectarian violence, including kidnappings and bombings, are a concern of MEPs, the EP, the CoR and the ESC, these are expressed by both the Council and Commission as being clearly out of community competence. No Community documents actually address specific cases of EU ethno-nationalist terrorism or political violence. This raises serious questions: Does this Union have teeth when it really counts? Can the EU be an organisation of peace and prosperity if it ignores potential violence originating at the sub-state level within its own borders? Can the lack of adequate responses be defended by appeals to subsidiarity or has the Commission and the Council got their heads in the sand?

The number and variance in concerns from ethno-nations and ethnic communities directed through democratic organ, the EP, as well as the fact that they are invoking EU Treaties and principles should set off some warning bells that all is not well with the status and well-being of the EU's minority and regional communities. Relations between the state and the sub-state to address such problems are not being employed. The EU is unable to investigate these specific concerns, and has, over the course of this research, demonstrated little activity in improving the state- sub-state dialogue in spite of evidence of increasing dissatisfaction and tension. In some circumstances the EU has been able to intervene on behalf of an individual. The interests of the sub-state, the collective rights of ethnies and ethno-nations, are dealt with principally through the state.

Some of the specific cases illustrated that human rights and minority rights violations are happening in the EU. A number of specific cases, including this thesis' case studies, have their unique status and needs protected by constitutional law and international agreements and yet these mechanisms are failing to deliver the goods. A high proportion of cases stem from concerns for education in minority and regional language, which in some instances is a right guaranteed by specific treaties and international instruments. Because education is a matter for member states, when such provisions are inadequately made or discontinued the EU says it is not allowed to intervene, which further frustrates the affected peoples. If these mechanisms cannot be constructively utilised, even in a

soft sector such as education, and the EU indicates that such matters are not within its competence, then the only path available to ethno-linguistic communities and possibly other sub-state units, will be to secure their rights, needs and status for themselves.

SECTION FOUR

COMPARING ETHNONATIONS AND THE SUPRASTATE

CHAPTER TWELVE: COMPARISONS AND OBSERVATIONS

Ethno-nationalism and Conflict

Each of the case studies presents an ethnic movement that has a high level of ethnic assertion at the political level, namely in nationalist parties or parties which include an ethno-nationalist agenda. As well, each case study has strong historic traditions of independence and autonomy. Ålanders and Frysâns occupy their territory due to ancient migration, whereas Irish Catholics and Euzkadi are relatively more indigenous, contending with immigrant groups. Language, though part of the composition of identity, is also a feature of ethno-nationalist political projects in varying degrees. It includes protection and promotion but also the use of language in strategic places, such as courts, in government and also in topographical markings. In all the case studies, ethno-nationalism is leaving behind historic political formations, concentrating instead on developing modern state-like capacities, which have included the supra-state dimension.

Language for Irish Catholics and Ålanders is a less pressing issue, but is central to the Frysân movement and remains a focal point for Euzkadi nationalism. Irish Catholics have no indications of using Irish in political spheres, such as in court or parliament, but there are subtle assertions topographically and in media. Protection and promotion of Swedish is a feature of Ålandic ethno-nationalism, though not a particularly strong or contentious one. Frysân ethno-nationalism posits on language, but today this is most obvious in the province of West Fryslân. Likewise, Euzkadi ethno-nationalism during the worst of its repression clung to the core of culture and language. Euskera continues to be a key priority, appearing in education, topography and media but takes a back seat to the priority issues of conflict and violence.

In modern nationalist conceptions, Åland's ethnic assertion appeared relatively late, 1917, but it has made up for this as virtually every Ålandic political party prioritises the Ålandic identity, culture and language with the exception of the Social Democrats. Nationalism is on the increase and includes goals of full, independent statehood, but no indications of revanchism or reunification with Sweden. Apart from its representation on the Nordic Council, Åland has no links with Sweden. Borne out of conflict, Åland

benefited from international sponsorship, securing its near full independence and stability. Åland is immersed in a unique regional security situation. Like Fryslân, militancy, demonstrations and physical confrontations with the state are negligible, only detectable in the pre-settlement period. Åland was a late bloomer in ethno-nationalist movements but, as the most independent of the sub-state entities, it gained the most out of its circumstances. Although initially reactive in character, it is crucial to note that Ålandic ethno-nationalism changed course from its traditional irredentist objectives of reunification with Sweden, to cultivating its own organic cultural and political identity.

Irish nationalism has served as an example to other ethno-nationalist movements, but the assertion of Irish Catholics in Northern Ireland still lagged behind, emerging most markedly in the second half of the twentieth century. The Northern Ireland conflict needs to be contextualised in the colonialism of Eire, and Irish national independence. Like Åland, the situation was reactive, but to oppression rather than to an existing regional security conflict. Being Irish was as much based on socio-economic demands as political ones. In Northern Ireland, Irish Catholics are an artificially created minority, though through the socio-economic dominance of Protestants, marginalisation was not unfamiliar to them. Thus Irish ethno-nationalism retained a reactive character.

Resolution in Northern Ireland has benefited extensively from international sponsorship and attention. Though Northern Ireland may obtain a high degree of autonomy for its own affairs, ethno-nationalism amongst Irish Catholics in Northern Ireland remains predominantly fixated on the ultimate goal of national completeness, in contrast to the goals of Ålandic ethno-nationalists. Kin state Sweden can be likened to an absentee parent in Åland's contemporary politics; where Finland, as adoptive parent without ethnic bonds, has assumed the aggregate of the responsibility. Likewise, Eire as kin state has not fought as vigorously for its partitioned kin, and has recently, as part of the Good Friday process, relinquished all claims to the North. Contemporary Irish politics express a tepid reception to ideas of reunification and resolution initiatives are not a highly publicised political priority. Northern Ireland did have autonomy, though power was disproportionately withheld from Irish Catholics, and self-governance was (until very recently: 2007) rescinded. The United Kingdom (UK), as host state, has since assumed responsibility, not only for administering the territory, but also for resolving the conflict as well. Recently integrated cross border links have been developed in contrast to the disconnection to the kin state exhibited by Åland. These cross border initiatives have

included the Forum and the North South bodies, but also business and cultural initiatives as well. There are indications that Irish Catholic ethno-nationalism may pursue the Ålandic option of abandoning ties with the kin state and pursuing its own destiny as an autonomous and sovereign politically polity.

In contrast to Ålandic ethno-nationalism, the political assertions of ethno-nationalism in Northern Ireland are extremely diverse, with Sinn Fein/ IRA occupying the radical end, tied inextricably to leftist politics. Irish Catholic militancy is characterised by factionalisation and fragmentation. All except Sinn Fein fail to acquire a presence in political spheres. The SDLP are also nationalist, aiming for unification with Eire, but their rejection of militancy and violence marks them as less radical. A new, but increasing a-sectarian trend, most clearly represented by the Alliance Party, casts Northern Ireland as its own diverse, distinct regional identity.

Frysân ethno-nationalism emerged classically in the late nineteenth century, but a detectable political presence in the form of nationalist parties was not evident until the 1960's. World War Two and its aftermath dampened the late rise of Frysân ethno-nationalism, but, unlike the assertions of Irish Catholics, there does not appear to be any socio-economic catalyst for its arrival. In light of this and Fryslân's geographical divisions, the course of ethno-nationalism was unlikely to develop into confrontation, obstinacy and militancy. Furthermore, an absence of a kin state or international attention assures that the Frysâns have the lowest audible and least intractable demands, which explains the absence of secessionism. Fryslân does share some common elements with those facets of Irish Catholic and Ålandic ethno-nationalism that are tentatively reconceptualising their cultural and political identities into novel and dynamic entities.

Frysâns have initiated and maintained their own joint, non-governmental, council and cooperative bodies as part of its earliest ethno-nationalist initiatives. Though less politicised, cross border and cross community links are forming around language, culture, economy and environment. There are no indications of German-Dutch inter-state dialogue concerning the Frysâns. From the political parties, there are no indications that Frysân ethno-nationalism means genuine separatism. Neither is there any sign of militancy at the political level. In North Fryslân, ethnic assertion at the political level uniquely means cooperation with other ethnic minorities in gaining rights from the Land or the state. In West Fryslân, the Frysân National Party is representative

of a true ethno-nationalist party in which all policies are wholly and inextricably linked to a vision of autonomous Fryslân. What the FNP and other parties in Fryslân all have in common is their commitment to an increase in genuine democracy, which means varying forms of decentralisation, devolution and federalism, advocated to favour ethnically based sub-state units, which marks it as unique amongst European ethno-nationalist movements.

Ethno-nationalism amongst the Euzkadi followed the classical pattern of emergence in the late nineteenth century, but its political appearance was far earlier than the other three case studies, and far more sophisticated. Euzkadi ethno-nationalism was in part a response to conflict, and in part a product of a politicised nationalist imagination, with both civic and ethnic elements, seeking to restore the *fors*. A security rationale was not present until the Euskal Herria was repressed by fascism. Contemporary ethno-nationalism with its Marxist, militant trajectory and absolute sovereignty goals is undoubtedly the product of war and repression in every sphere, a nearly predictable cycle of a dictatorship's attack on a minority ethnic community and its ethno-political mobilisation in response. With democratisation, a political framework that was sensitive to minority communities was formulated, but with Euzkadi ethno-nationalist demands committed to full independence and on the offensive, Spain has been less able to assume any responsibility for resolution. Furthermore, the division of Euzkadi between two states necessarily requires the participation of France and Spain to resolve this; France has been disinterested and Euzkadi militancy has focused most of its attentions on Spain. Like the Fryslân case, dialogue between France and Spain concerning Euzkadi is limited, focusing on the security aspects. Also like the Fryslân case, the mainstay of the ethno-nationalist action has been in one part of the dispersed community. Ethnic assertions from East and North Fryslân and Iparralde (France) are fewer, and less intense; more likely to be characterised by cooperation with co-ethnic communities and accommodation within the state. Like Fryslân but in complete contrast to Åland and Northern Ireland, the Euzkadi conflict has had a trifling amount of international attention, thereby eliminating space for mediation and entrenching a political course resolutely fixed on unification and full sovereignty. Despite some party variations, Euzkadi ethno-nationalism is intent on separatism and unification.

Politically, Euzkadi ethno-nationalism is reactive to repression and socio-economic discrimination, but is more diverse than the political movements of Irish Catholics in

Northern Ireland. The diversity of contemporary Euzkadi militancy is not because of fractionalisation, but rather the increasing sophistication of its militancy. Although the main ethno-nationalist representative is the conservative PNV, socialism and Marxist interpretations dominate Euzkadi ethno-nationalism. An interesting development in the Euzkadi movement is the emergence of Eusko Alkartasuna, the first French Euzkadi regionalist assertion that is neither militant nor separatist but seeks socio-economic equality. Ethno-nationalism amongst the French Euzkadi has not developed the intensity and penetrative character as in Hegoalde, but developments indicate change: most interesting are their attempts to assert themselves independently of their southern kin. Despite this high level of attachment to the homeland ideal, there is far less cross border, cross community organisation, than what Frysâns and Northern Irish Catholics exhibit.

Åland, the most peaceful and most autonomous of the case studies, has only a psychological and ethnic attachment to Sweden and the Swedish minority in mainland Finland, with no agencies, bodies or structures. It has emerged as its own unique political expression of ethnic identity and ethno-nationalists in the political sphere defend this as absolute. Amongst the West Frysâns there are some similar stirrings for a unique political expression of ethnic identity found amongst the demands for increased autonomy and regionalisation. There is great scope for negotiation and creative development of these goals. The absolutist, non-negotiatory stance dominates Irish Catholic ethno-nationalism, similar to that found in Åland; Irish Catholic ethno-nationalism also shares with the Euzkadi the fixed and resolutely defended goals of reunification. That was until the recent emergence of an autonomous regionalist goal formed by younger political parties in Northern Ireland and in Iparralde; competing political visions can mould these. Particularly noteworthy to the discourse on types of nationalism is the complete absence in the case studies of conservative, right wing, blood and soil nationalism and anti-foreigner sentiment, even amongst the two most violent political conflicts in Western Europe. Only the two violent cases exhibited Marxism and militancy linked to ethno-nationalism, and are the only two cases with human rights violations and to be classified by the Minorities at Risk project as such. A Minority at Risk is classed as such by the Minorities at Risk Project on the basis of high levels of group concentration and organisation, experience of repression, ongoing, active and violent opposition, major unresolved problems, under-representation or deliberate exclusion in politics, security forces and the economy as well as violence

from contending communities. Northern Ireland and the Euzkadi also exhibited discernible socialism, allied to ethno-nationalist political movements. The political movements of all the cases are re-conceptualising themselves. Åland has mostly achieved this, though this was not an indigenous initiative. Frysân ethno-nationalism, rather than focusing on obvious goals of outright secession and sovereignty, demonstrates its own organic capacity to pursue its ethno-nationalist goals in an unconventional manner. French Euzkadi and certain factions of Northern Ireland emulate this trend. Key ideas in this new ethno-nationalist agenda include not only autonomy and devolution, but also decentralisation, regionalism and subsidiarity.

Conflict and Violence

Each case study is of course an example of ethnic conflict but more importantly with particular features and variations of ethnic conflict. The conflicts occur in environments with differentiated contending groups and may be either managed with political-legal systems of interchange or protracted and entrenched in systems of violence and counter-violence. Included in Table 14 below is a quick reference to manifestation of conflict such as demonstrations, terrorism and ethnic assertion at the political level. As well Table 14 notes the types of violence present in the conflicts as discussed in the Introduction. As discussed earlier in Chapter One, this thesis utilized the classifications developed by The Interdisciplinary Research Programme on Causes of Human Rights Violation in the Netherlands (PIOOM) which identifies Violent Political Conflicts as those with less than 100 recorded fatalities. From the Minorities at Risk project ethnic groups with serious disadvantages are also identified as such. Similarly, Table 14 highlights those cases where Human Rights Watch concluded that the status of these minority groups was found to be incongruent with basic and international standards and where state practices violated human rights.

Table 14 Conflict and Violence

Case	Conflict Type	Status	Manifestations	Violence
Åland	ethnic-strategic, reciprocative	low, managed	high poli/ ethnic assertion	N/D
Fryslân	ethnic-reciprocative, cooperative	low, managed	high poli/ ethnic assertion	N/D, structural/cultural
Irish Catholics (NI)	ethnic-contending	protracted, critical, MR, HR	terrorism, civil demo, civil war, irredentism, high poli/ ethnic Assertion	structural, physical, cultural, VPC
Euzkadi	ethnic-contending	protracted, entrapment MR, HR	terrorism, irredentism, secessionist, civil demo, high poli/ ethnic assertion	structural, physical, cultural, VPC

(N/D- no demonstrations of violence, MR- Minority at Risk, HR- Human Rights violations, VPC- Violent Political Conflict, * Northern Ireland)

Parity of esteem has featured in each of our case studies and this includes socio-cultural matters as well as political spheres. Åland's early concerns about parity and protection in a new political arrangement formed the rationale of its extensive autonomy. Hence structures at the political level include representation in the Finnish Diet, and a system of veto and consultation on key political matters. Finland further bolsters the internationally recognised legal guarantees for language and culture in Åland with support for the mainland Swedish minority. For Åland, achieving parity of esteem at all levels has been such a successful endeavour that there is now some scope for debate that the language and cultural guarantees in Åland may constitute a form of structural repression directed against Finnish-speakers. Conflict in Åland was redirected into a framework which not only took into account democratic and security concerns, but also concerns arising from the social psychological level, such as language, and it is this complementary package which accounts for Åland's success. As such Table 14 demonstrates once again, Åland's uniqueness.

In contrast, parity of esteem has been a long-standing complaint in Fryslân social and cultural matters. As well, under the heading Violence in Table 14 there are some low level indications of structural and cultural violence against the Fryslâns by the state

illustrated in acts such as failing to officially recognise the minority, or provide political-legal guarantees for the Frysâns who have engaged in civil demonstrations and even riots in order to achieve parity of esteem at the political-legal level. The failure to gain parity of esteem in language, culture and ethnicity from their Dutch and German co-patriots may explain the political mobilisation of Frysâns. It may also explain the emphasis in the nationalist movement seeking to transform the political system to conform to more universal democratic standards.

Likewise, Irish Catholics in Northern Ireland suffer from extreme lack of parity of esteem, though their cultural and linguistic degradation has profound social and material effects. In contrast to Frysâns, Irish Catholics were recognised as a minority. The struggle for parity of esteem and civil equality has been a major aspect of Irish Catholic political mobilisation and aspirations. The route from socio-cultural accommodation to overhaul of the political system has been more rapid and direct than what is observed in Fryslân. Efforts to address equality in socio-economic, linguistic and cultural affairs exist in plurality in Northern Ireland: Table 14 demonstrates a complementary interconnection of political-legal measures, cultural promotions and redistribution of socio-economic resources. Yet in contrast to the Frysâns, with their weak guarantees and near absence of special measures, a violent conflict remains in Northern Ireland. One reason is that Irish Catholic assertion is perceived as threatening by the hegemonic Protestant community, who in turn reassert their own defensive cultural and linguistic claims. A Frysân ethno-nationalist movement is, in contrast, not perceived as threatening to the state or to other ethnic groups as is experienced in Northern Ireland.

Euzkadi, which in Table 14 share with Northern Ireland, the characteristic of a contending violent conflict, is the only case study which suffered from very real attempts at cultural and physical genocide, directly from Spain's Franco regime, but also indirectly from the aggressive centralising and unitary aims of France. For Euzkadi in France their unremitting democratic oppression affects their material well-being. The policy of Franco's government could be construed as a reaction against perceived threats, but the genocidal campaigns early in the regime, along with the removal of Euskera from public places, indicates anti-Euzkadi sentiment with a racial basis. Ethno-nationalists have taken great advantage of their new autonomy to reverse the damage done to their language and culture, but the rise of neo Spanish-Castilian nationalism indicates that parity of esteem remains a salient issue. Euzkadi ethno-nationalism,

focused as it is on increasing autonomy and achieving a unified, sovereign and socialist state, does not explicitly devote itself to 'soft' issues, such as parity of esteem. Only Euzkadi ethno-nationalism features unique civic, not ethno-linguistic, parity of esteem. Like the Northern Ireland case, Table 14 illustrates that extensive democratic arrangements providing political and cultural parity are not sufficient to overcome damage in the collective social psychology. Even maximum autonomy cannot divert the ethno-nationalist quest for reunification, nor transform this violent conflict.

Only Fryslân does not exhibit antithetic expressions towards the state. Although Åland is the most peaceful case study, having no contending ethnic groups, its relations to Finland, while not hostile, are conducted by a managed interplay of two determinedly distinct entities. Conflict here, as shown in Table 14, is managed by reciprocative rules and strategy, whereas relations between Fryslân and the state are less systematised and more in the spirit of cooperation and mutual attachment. The intense security factors in the Åland case further add a coercive character to state-sub-state relations, indications that this form of resolution is a zero sum game; if at any point it is unsatisfactory, Åland could pursue full independence. In contrast, Fryslân lacks the political weight, inclination and framework to push relations with the state into coercive or diametrically opposed directions.

The fact that Fryslân and Åland have highly developed systems for political interaction with the state may go some way to explaining the near absence of violence. However, the BAC in Spain also has a high degree of autonomy and a prospering system of interaction with the state, whilst (as can be seen clearly from Table 14) remaining at the epicentre of ethno-nationalist violence as one of only two Violent Political Conflicts in Europe (VPC). Likewise, though Stormont is only recently reinstated, Northern Ireland has the framework and ancillary bodies for the Irish Catholic minority to obtain a high degree of autonomous representation and expression: yet as shown in Table 14 it is the location of the second VPC in Europe. These are protracted conflicts with a high degree of antithetical expression towards the state, and, as Table 14 illustrates, both the Irish Catholics and Euzkadi are classed as Minorities at Risk and subject to human rights violations.

Both Irish Catholics and Euzkadi contend with other ethnic groups but only in Northern Ireland is fierce inter-community violence the result. Ethno-nationalism in the Euskal

Herria, whilst having a violent expression, is circumscribed to the state/sub-state interplay. The targets of Euzkadi national violence were, until recently, political ones. Violence in Northern Ireland has resulted in more deaths, but there are marginally fewer attacks against the state than against the contending Protestant community and its ethno-nationalist mobilisation. Whilst Euzkadi have faced extermination attempts by a past regime, Irish Catholics are the only case study to have faced ethnic cleansing by their co-community, although evidence exists that some incidents may have received the encouragement of complicit state authorities.

In both cases, militancy was expressed initially against the state. Euzkadi violence, which began with a train derailment, has a more symbolic aim, whereas the IRA activity, which began with bombings in Britain, was strategic. ETA continued with key political assassinations, increasing through the 1970s. Northern Ireland, in contrast, has very high levels of civilian casualties, especially during the 1970s'. In 1973, 170 out of 253 conflict-related casualties were civilians and in 1975, 215 out of 260 casualties were civilians. It can tentatively be concluded that ethno-nationalist militancy amongst the Euzkadi, whilst violent, has had a symbolic quality; whereas in Irish Catholic militancy, violent strategies reflect their perceptions of the level of threat presented by the state and the Protestant community. Overall in Northern Ireland the level of violence is decreasing, most notable in a rapidly falling death toll. In contrast, deaths and violence in Euskal Herria have been on the rapid increase, and since the late 1980s a rise in civilian targets can be seen which has included tourists, random indiscriminate violence and property destruction. Both case studies show a rise in violence committed by actors with spurious political agendas.

Crucially both Northern Ireland and the Euskal Herria were also sites of repression, structural and cultural violence. The dominant Protestant majority in Northern Ireland, supported by successive British governments, discriminated against the Catholic minority by social, economic and political means as well as the coercive resources of the state. Similarly, the socio-political elite in the Basque Autonomous Community were allied to the repressive Castilian state which targeted Euzkadi nationalists, excluding them from both material and political resources. Both conflicts eventually turned into destructive cycles of spiralling terrorism and counter terrorism. Northern Irish Catholics faced a direct physical threat of force from both the Protestant community and the state organisations; the RUC, the B specials and later the British

Army. In contrast, Euzkadi have only been in physical conflict with agents of the state, which have included the military, police and secret paramilitary counter terrorism groups. Inter community violence is a recent phenomenon, whose ethno-nationalist significance remains largely indeterminate. In both conflicts complicating issues secondary to ethno-nationalist political aims have emerged, such as the status and treatment of prisoners. The militant factions of Irish ethno-nationalism are marginally more divided than the militancy exhibited by Euzkadi ethno-nationalism. In each case, ethno-nationalist terrorism and counter terrorism has occurred beyond state borders, extending the security equation internationally.

Despite the higher levels of violence and deaths in Northern Ireland, Irish Catholics have been more involved with resolution than the Euzkadi. The recent increase in Euzkadi militant violence, though not yet approaching the levels found in Northern Ireland, have at this time obliterated any possible dialogue with the state, isolating and polarising Euzkadi ethno-nationalism. Recent militant targets have included co-nationalists, as well as pro-democracy supporters and this facet of the conflict, while demonstrating that the militants are out of touch, has assisted in criminalizing and demonising them, thereby legitimating support for efforts to exclude them from any resolution process. Inflamed by the hard line stance of Madrid, ethno-nationalist parties have also coalesced to entrench a gulf between the Euskera Autonomous Community Parliament (Lehendakanitza) and Madrid, freezing out genuine democracy and mutual dialogue. Although the Good Friday Process may have stalled and be in need of revival, no similar process will be considered in Euskal Herria. In both cases, (Northern Ireland and Euskal Herria) states have been reluctant to accord any legitimacy to militants, at times branding them as terrorists and criminalizing aspects of militant ethno-nationalism, such as the political wings. In a comparative framework we can see that this has inhibited resolution because the change in tactics that accorded Sinn Fein and the IRA a place in political dialogue has transformed this conflict. In Spain the brief moment of hope occurred when Madrid and ETA entered into dialogue. The recent rise in violence has also coincided with Madrid's efforts to criminalize ethno-nationalism, and the coalescing of Euzkadi political parties polarised against Madrid.

Resolution and Special Measures

In political organisation and resolution, the cases exhibit similarities, but with distinctions of outcome and effect even amongst the minority itself. Table 15 below represents the maximum level of self-governance and representation available, with some indications of the differences within the cases studies themselves.

Table 15 State Responses and Governance

Case	State Response	Status	Governance (maximum)	Resolution
Åland	recognition,	equality, autonomy,	parliament, representatives, constitutional	international, constitutional, deep- ongoing
Fryslân	recognition,	protection	parliament, constitutional guarantees	N/R, cultural, constitutional, ongoing
Irish Catholics *(NI)	counter mobilisation, recognition	devolution, protections	parliament, constitution under negotiation	N/R, deep, ongoing
Euzkadi	assimilation, counter mobilisation, autonomy,	autonomy, indifference,	parliament, constitutional guarantees	N/R, constitutional, deep-ongoing

(N/R-no resolution, *Northern Ireland)

Table 15 illustrates that all case studies have had some degree of state recognition and protections, but highlights that only Fryslân has no political autonomy. Politically equal and the same as other provinces it is reliant on protective guarantees alone. Each minority case does have an elected parliament indicating a high level of democratic opportunity. In relying on the case studies as entities Table 15 cannot show crucial internal differences; Euzkadi in France, and East and North Frysâns are without parliaments or particular electoral arrangements for representation and do not share the same level of democratic opportunity as their kin. Furthermore, in the case of Northern Ireland, the parliament was until recently shut down, and hence democracy for Northern Irish Catholics as well as Protestants has an unstable quality. Likewise, the constitutional basis for degrees of protection and self-governance is not extended to French Euzkadi, nor North and East Frysâns and is neither wholly effective nor operational in the case of Northern Ireland. All the case studies exhibit methods of deep resolution procedures but in varying degrees; three of the cases have no resolution.

Although there is international input to resolve Northern Ireland, Table 15 displays that Åland has had its resolution internationally recognised and guaranteed. Fryslân is the only case where resolution is largely focused on cultural matters, but there are indications that this is changing to include issues of democracy and restructured autonomy.

States in three cases have officially recognised their unique minorities, and in the case of West Fryslân and Åland, direct physical conflict has been avoided by responding to minority concerns. The partition of Eire lacked reciprocal minority rights provisions and the existence and status of an Irish Catholic minority in the North was met with a negative state response. In the Euzkadi case, France has not made an official attempt to address and interact with Iparralde, even denying its existence. With democratisation, Spain has recognised an Euzkadi nation as part of the multi-national state, but without acknowledging that Euzkadi are a divided nation or the existence of Euskal Herria. Paradoxically, Spain has mobilised against expressions of Euzkadi nationalism while France has knowingly harboured activists. In contrast, Britain and the Northern Irish Protestants have mobilised against Irish Catholic ethno-nationalism, but there is considerable evidence that Eire also does not tolerate terrorism, extremism or militancy.

Euzkadi in France, unlike Northern Irish Catholics, do not have any particular protections, their situation met largely by indifference. Yet violence here is less than both Northern Ireland and Hegoalde. Fryslân and Åland would seem to indicate that having a legislature or parliament would remove the need for violence, but in contrast the establishment of the Lehendakantza and Stormont have not been completely successful. Likewise, political-legal protections, sufficient in many minority conflicts, are losing appeal in Fryslân, and in Northern Ireland are clearly inadequate. Efforts from the state to resolve tensions in Fryslân have not been as intensive as in the other cases, confined to cultural matters and usually responding to demands rather than initiating resolution. Although Euzkadi in France face even more indifference, Spain has responded with extensive devolution and a framework for continuous efforts at resolution. Resolution in Northern Ireland and in Euskal Herria has not yet been affected despite political and constitutional arrangements, as well as legal and socio-economic ones. Until their stalling, these were continuing processes of resolution characterised by their depth and complementarity. In contrast, international and mutual-constitutional

guarantees, autonomy and representation have led to a high degree of satisfaction in Åland.

Supra-state Intervention

The occasions when sub-state conflicts garner attention from the European Union (EU) are few because of the respect for national sovereignty. Moreover, the means by which the supra-state influences minority situations are indirect and often ambiguous, varying according to institution. Operating in the realms of values, through dialogue and frequently with low key and long relationship processes, the work of the Council of Europe is decidedly non-economic and thus is more difficult to evaluate.

The Commission, as the executive of the EU, and the ECJ respond to critical situations, such as violations of European law. Similarly crises generate interest from the EP and the consultative bodies of the EU. Although EU institutions do address severe conflicts as well as longstanding socio-economic issues, it is rare to see these institutions make a conscientious link between the two. Often the interest is superficial and incident-specific, such as the Auditor's report on Northern Ireland funding projects. Furthermore, the extensive funding and support targeted at minority languages and cultures demonstrates the long term, deep and preventative ethnic conflict resolution capacities of the EU in general. Fulfilling key economic and social needs demonstrates a functionalist approach to ethnic conflict prevention, if not resolution. In this manner the EU could be an Alternative Dispute Settlement vehicle because of the range of options that groups can pursue, the accommodation of non-state actors and the complementary agendas of ethnic identity expression and material disparities. The subtle yet particular capacity of the EU is to de-escalate conflicts. Many conflict management processes aim straight for the security, identity and other high profile aspects, whilst the economic aspects and similar complications are set aside. Economic development is part of social justice and a stage of conflict resolution, and when monies are invested in excluded communities or marginalized cultures, such measures can serve as a reductive element in identity anxieties.

The Committee of the Regions (CoR), a key institution of the Council of Europe also is a key model of conflict prevention mechanism in relation to this research because some groups, without a state of their own or even an institutional avenue, may find a place

where they can participate, be heard and secure resources. The functions of the CoR ensure meaningful participation and consultation, assuaging the grievances of these regions. This process is both proactive and preventive, providing an outlet for cultural identity and a political forum for sub-states, addressing their economic and welfare needs.

The Council of Europe aims prevention efforts at small developments, as well as high profile crises. The Commissioner for Human Rights in particular demonstrates a degree of responsiveness that was also witnessed from the European Parliament, but this too is cautious and thoughtful in response. The European Court of Human Rights understandably deals more with issues that have already reached crisis proportions and is of necessity a receptive organ. Moreover, it cannot channel or resolve matters in an enterprising manner. The Court also deals with matters of legal applications of the ECHR which, while nevertheless important, do not have the same urgent imperative as, for instance, the aggregate of the cases concerning Northern Ireland. The Court can prevent escalation by settling issues, but resolution may also be effected by reparative actions, such as awarding compensation, but more importantly, through the creation of precedents and the correction of national laws and practices.

Studies from the consultative bodies reflect the Council of Europe's thorough capability of re-conceptualising issues as processes. However, its attention, whether on issues or states, is inconsistent in scope and application. The Council of Europe, then, has a preventative role, but in its capacity as a forum for European human rights law, the Council also has a protective role. Political-legal processes, such as the Court and standard bearing, reflect the Council's interventionist role. With regard to the case studies, the action of the Council of Europe falls below its considerable potential: its action is less preventive and significant than that taken by the EU.

Ethno-nations and the Supra-state

Describing ethno-nationalist representation at the supra-state level can be confusing. It is the result of both democratic elections, as well as political appointments, and different member states have different internal governance systems for allocating representation. A further complicating factor is that two of the case studies occupy more than one state. Table 16 below only indicates the presence of specific ethno-nationalist representation.

Table 16 Ethno-national Presence in the EU and the Council of Europe (2005)

Case	MEP (EU)	PA (CoE)	CoR (EU)	CLRAE (CoE)
Åland	0	0	0	0
Fryslân	0	0	1	2
Northern Ireland	1	0	1	0
Euzkadi	2	1	5	1

Table 16 highlights Åland as unique amongst the case studies once again. Åland has no individual representation at either the EU or the Council of Europe levels, nor is there any democratic presence from Åland in any of the institutional bodies. The most independent and well protected of the case studies, Åland strangely has neither status nor influence democratic or otherwise at the level of the supra-state.

Fryslân, as a divided nation, is not represented. However, there are MEPs chosen from the Land Lower Saxony and the Land Schleswig Holstein, but these members are part of mainstream national parties such as the Christian Democratic Union. There are, for instance, no MEPs from the ethno-national Danish- Frysân party, the SSV. There is no MEP elected from West Fryslân in the Netherlands, so while Frysâns in Germany have no sub-state unit to call their own, they could hypothetically gain representation in the EU via an ethno-nationalist party. In contrast, Frysâns in the Netherlands do have their own sub-state unit, but this has no representation at the EU. The only representation for West Frysâns would be in the unlikely course of a Frysân ethno-national party running in a non- Frysân region. Political geography has disadvantaged and diluted the most likely source of Frysân influence at the supra-state level. However, at the consultative level West Fryslân does have one appointed member to the CoR from the Executive Council of Fryslân, and there are representatives to the two German Länder from mainstream national parties. Notably the Kreis of Schleswig-Flensburg sends a representative to the CLRAE, as does the Province of Fryslân. Table 16 illustrates clearly that the most influence gained for Frysâns at the supra-state level is through the consultative bodies. Lacking recognition and representation as a territorial unit and with no specifically ethno-nationalist political presence at this level, Frysâns cannot make direct and democratic influence through the standard parliamentary organs.

Both Euzkadi and Northern Ireland have greater success in being democratically represented at the supra-state level, which includes their presence as sub-state territorial units. The BAC in Spain elects two MEPs, both from ethno-nationalist parties; the Euskal Herriarrok and the PNV. From Northern Ireland, three MEPs are elected, but only one is from the SDLP, representing the Irish Catholic minority. This is a unique situation because, though violence in Northern Ireland is relatively worse than in the Euskal Herria, it is the militant wing of ETA that gains representation in the EP, as does the more conservative but ruling nationalists, the PNV. Yet it is the moderate voice of Irish Catholic ethno-nationalism, the SDLP, which is represented in the EP, and not Sinn Fein. The remaining MEPs for Northern Ireland come from polarised, pro Ulster-Scots unionist parties. Euzkadi ethno-nationalism continues to gain a democratic supra-state presence in the PA with its single BAC representative from the PNV. Irish Catholics have no representation, as the only Northern Ireland representative to the PA is from the Ulster Unionist Party (UUP). On regional consultative bodies there is a striking parallel for both case studies; representatives to the CoR from the BAC include the President and Minister for the Economy (both PNV) and a third representative from the party Eusko Alkaratasuna. The only Irish Catholic representative to the CoR is one member from the SDLP; the other two Northern Ireland representatives are again from polarised unionist parties. The CoR also includes the President of Navarre from the Union of Navareese People. As can be seen from Table 16, Euzkadi ethno-nationalism in the form of the PNV continues to maintain a stronghold through the CLRAE, but Northern Ireland is represented by members from the UUP and the Alliance Party.

Euzkadi in France have no presence through the parliamentary organs of the supra-state, neither through parties nor via a territorial unit. The region of Languedoc-Rousillion is represented in the CoR, but like Frysâns in Germany, this is by mainstream national parties. Similarly members from the sub-state units of the Midi- Pyrenees, as well as Aquitaine, are represented in the CLRAE but this is not an ethnically distinctive or even regionally distinctive presence. Sater Frysâns and North Frysâns, like Euzkadi in France, have no representation at the supra-state level democratically. However, there is a small possibility that Euzkadi in France could, in future gain, some territorial representation if the regionalisation process in France concludes. Both the Frysâns in Germany and the Euzkadi in France are the smallest of minority groups in their regions, and both populations are somewhat dispersed. The Euzkadi are marginally more politically sophisticated; the articulation of their aims to be a distinct region would

necessarily ensure some manner of representation in the supra-state organisations, which is one strategy Frysâns could employ to gain influence at this level.

There is evidence of ethnic intolerance in representation at the supra-state level. Comparative research shows that autonomy does not guarantee supra-state representation. West Fryslân as a province has no representation, and Åland, self-governing and autonomous, also has no distinct representation. Comparisons reveal evidence of ethnic insensitivity in the creation of territorial/ regional units, which negatively affects democratic representation and access to supra-state resources and services. The supra-state, rather than being a form of resolution, is in some manner an extension of conflict. This was suggested earlier in Chapter Ten when examining the cases sent to the European Court of Human Rights. The court is adversarial in nature and may be used, or perceived, as a vehicle through which to embarrass or win redress. In comparing how ethno-nationalists interact in the supra-state parliamentary and consultative bodies, the conflict extension theory is more definitive.

In the EP the militant wing of Euzkadi ethno-nationalism is represented alongside the PNV, reflecting the two dominant polarities of Euzkadi ethno-nationalism and its own internal conflicts. A second strand of the Euzkadi conflict weaves through the CoR appointments. From the BAC, the CoR representatives include the President of the BAC, but also notably the President of Navarre is the CoR representative for that autonomous community, reflecting the importance accorded to this institution and the high priority of the sub-state dynamic. However, the BAC representatives are from the ruling ethno-nationalist parties, and the President of Navarre is also from a new, but ruling counter-Euzkadi nationalist party, the Union of the People of Navarre, extending this tension between Euzkadi and Navareese identity into the supra-state forum. Euzkadi ethno-nationalists were the last group to include EU aspirations in their mandates, but made the most gains at the EU and Council of Europe.

Although the representative of Irish Catholics in the CoR is from the more moderate, nationalist party, the other two representatives are from hard line unionist parties. In the CoR, hard line unionist parties again take the majority, continuing the same political divisions and disparities that exist in Northern Ireland. In the PA and the CLRAE, the exclusion of Irish Catholic political representation is replicated.

For Åland, the void of any presence in the supra-state, becomes the heart of Åland's drive for autonomy; at this level it is completely dependent on Finland. The demands for its own voice and self-governance have been articulated by contemporary political parties in Åland, but this now relates specifically to representation and participation at the supra-state level.

The lack of a voice for West Fryslân in the EP has been criticised by ethno-nationalist parties, as well as mainstream national parties operating in the province. In advocating a more democratic society and decentralisation, Fryslân's aim is for its place in the parliament of Europe. Representation from Fryslân to the CoR is heavily criticised by ethno-nationalists as non-democratic; it is a political appointment from Den Haag, to serve in the provincial council and the CoR. The identity frustration and political conflicts inherent at the national level are further extended and exacerbated at the level of the supra-state. Similarly, the character of state/ sub-state relations in Fryslân has relied traditionally on mutual good will and informality, with very few official channels. Only recently has this changed in the Land Schleswig-Holstein, with particular ministerial responsibilities for Frysâns and a systematised dialogue, consultation process. Overall relations are informal, ad hoc and indirect: opportunities for representation are described as cavalier, unprofessional and have been undertaken with a lassitude that belittles Frysân identity and rights in the sphere of the supra-state.

It is clear that sub-state ethno-nationalism can capitalise on direct democratic opportunities to gain for themselves recognition and representation at the supra-state level and secure material and political resources. It is also clear from the case studies that they can capitalise on loopholes in the apportioning of seats, especially in the consultative bodies in order to gain, maintain or even extend hegemonic influence. These processes are the result of a blend of elections and appointments. Structures and capabilities for autonomy do not provide any consistent guarantee of recognition and representation at the supra-state level. Though there are varying degrees of representation and recognition, consistently ethno-nationalist parties use the supra-state to amplify democracy and increase the participation of sub-state units.

International support and sponsorship does spur resolution of ethnic conflict. International institutions can guarantee, if not peace, than an absence of physical violence, and political stability, even prosperity. However, in practice, although the

supra-state verbally protests against violence it is not proactive in managing such conflicts. Those international legal instruments without authority or sanctioning power, in addition to being applied inconsistently, are of little practical use to minorities and may entrench the centrality of the nation-state. The supra-state also affords different treatment and opportunities for different ethno-nations; there is no consistency, even in cases with similar geo-political qualities, of representation, programmes and addresses from the supra-state.

One consistent and obvious trend, despite the differences in the case studies, has been the waning of a historical focus by ethno-nationalist movements, replaced by concentrated efforts at the European level. Ethno-nations reconceptualise what kind of political unit they are and want to be; they are no longer sandwiched between the options of secession and full statehood or living as a minority. They have a myriad of options, and this is especially so with the emergence of transcendent political identities that depart from a choice of union with the ethnic kin state or union with the host state. Also cross border initiatives, though at an infant stage are demonstrating an alternative to unification and may be perceived as a step towards integration in non-security related realms. Consistent among all parties, ethno-nationalist and others, is the emphasis on Europe and the demands for increased democracy and devolution of power.

Within the ethno-nationalist movements there are two trends. First is an increasing polarisation between militants and those now drawn into normalised political processes. Secondly, the differences in well-being and democratic opportunity in ethno-nations divided by state borders has increased so much, the ethno-nation so acutely bifurcated, that each side is beginning to conceive of itself separately, and so pursue its relations with authorities and its political objectives independently.

In summary, a focus on geo-political and economic characteristics is not an adequate explanation for ethnic conflict or predictor for resolution. One consistent feature is the response and responsiveness of the state. Where ethnic violence has erupted there has been repression of language and culture, and direct physical violence and threat of force against the minority group. Interestingly enough, once violated, the restoration of language and cultural rights and protections is insufficient as a resolution. Only some form of political self-determination will suffice. It would also appear that political-legal arrangements, such as peace processes, settlements, protections and autonomy are only a

portion of the resolution. Even where the conflict has been locked into extensively developed political institutions this is not sufficient. Underlying any political resolution are subjective matters of parity of esteem, a secure identity, and healing of the collective consciousness. So behind the political-legal framework for resolution is the necessity for metaphysical and psycho-social addresses of the conflict.

CHAPTER THIRTEEN:
THE SUPRA-STATE AND ITS IMPACT ON STATE CENTRISM
AND CONFLICT MANAGEMENT

This thesis is a pragmatic and analytical work, focusing on empirical results. Scholarly responsibility deems this necessary- the management of ethnic conflict has been unattainable as much due to good will which lacked expertise as it has been due to deliberate oversights, particularly in the area of definitions. Subjective and objective factors clouded definitions and obscured what is real from what are ambitions, dreams, imaginings, propaganda and projected interpretations. Equally culpable in the delusion are those who would deny an ethnies' distinctiveness and those nationalists, who in seeking to lead a community to a particular destination must first imagine that place, and promote it as an achievable reality; they may confuse this with the existent situation. So this thesis devoted itself to detailed case study analysis which took pains to decipher factual attributes of the communities and their existent political situation, from rhetoric, myths and historically contingent interpretations. At some point, however even the hardest, most absolute of realities must depart from such rigid boundaries and consider theoretical implications. As such, this chapter nods to theory, diverting its attention to the conceptual before re-orientating to its origins in empirical actualities.

Beyond State Centrism

This thesis has included the legal, ethical and logical basis for national self-determination, within the realist assumption of a world of independent sovereign nation-states. It stems from the emergent trend from a focus on minority relations with other communities to their political recognition and relations with states. The analyses show that in many ways the protection of minorities remains almost exclusively in the hands of the government, their domestic laws, political and legal structures. However, an equally dynamic shift from intercommunity relations to state-sub-state interplay is the emerging supra-state dimension- the sub-state *vis a vis* the supra-state.

Is it possible for the sub-state to bypass the state and achieve its aims via the supra-state? Possibilities to achieve sub-state ambitions at the level of the supra-state are firstly apparent where supra-state organisations and international human rights groups

work for some limited protection and engage member states in obligations to develop minority cultures and promote a political role for their ethnic minority peoples. The second emerging trend is where national self-determination has the option of being pursued at the level of the supra-state, which facilitates international recognition of identity. Both these dimensions can be examined for their practical utility in resolving ethnic conflict, which will be addressed further on in this chapter.

Both the nation-state and the international system are in a period of profound change, namely, the emergence of the supra-state. The supra-state, like so many terms, is fraught with conceptual difficulties. As an evolving body, it has no template or pattern, and so it prompts us to re-examine and reappraise our core concepts critical to political discussions. There are three key elements to distinguish the supra-state; first, that its activities include economic, social, political and security policies- comprehensively state-like responsibilities; secondly, that it transfers, appropriates or diminishes the sovereignty of its competent states; and, thirdly, that its aims are further integration. A supra-state is a dialogic community that transcends the national and prioritises community and common interests. It has an autonomous life and authority of its own, penetrating the sovereignty of its member states by setting standards and processes beyond even common national domestic ones. In so doing the supra-state develops the identity and organisation of a state-like machine and also opens ways in which sub-states may project their aims onto the international stage and bypass relations with their state.

This thesis cannot entertain lengthy debates on the nature of the supra-state and whether or not the European Union (EU) and the Council of Europe qualify as such. The EU and the Council of Europe are not purely intergovernmental bodies and cannot be interpreted so narrowly. As the EU and the Council of Europe are continuing to grow in size and influence they cannot be confined to conventional terminology as federations, intergovernmental forums or supra-states. Much of contemporary debate centres on opposition to the term supra-state because of negative connotations.

A resilient federal philosophy adheres particularly to the EU; a strong executive authority balanced by the accommodation of distinctive sub-state units and

parliamentary accountability. Early plans for European integration imagined an EU that was an overarching federation of federations, and, although there is no pure model of a federation, the EU does combine features of shared rule with self rule in a single polity. However it is not a federation primarily because it is not a state. The model of a confederation, composed of pre-existing polities joined for common but limited purposes, fits the EU to some degree, but its direct electoral and fiscal base stand out in contrast. Watts (1999) classes the EU post Maastricht as a hybrid, or quasi federation, as it increasingly combines both the character of a confederation and a federation, while Burgess (2000) terms it as neo-confederal. The EU continues to defy standard models of political organisation.

In contrast, the Council of Europe defines itself as an intergovernmental forum having an electoral base and sub-state representation of sorts. Its most unique and supra-state feature is the European Court of Human Rights (the Court). The Council of Europe shares with the EU degrees of legislative and judicial primacy and independence that impinge upon the traditionally sovereign remits of member states. This is the cardinal capacity in which the supra-state reduces the hegemony of the nation state and promotes sub-state interests.

In addition to judicial primacy, are instruments of international law. There are a number of standard setting instruments, principally the remit of the Council of Europe, that are used to protect and promote minorities, the most obvious being the European Convention on Human Rights and the Framework Convention for National Minorities. However, the European Charter for Regional and Minority languages and the Convention on Self Government not only promote and protect cultures, but facilitate recognition and representation as well.

As briefly depicted earlier, the EU and the Council of Europe directly affect a state's legislative control and coercion over its territory and population through the law courts. EU legislation takes precedence over domestic legislation and domestic legislation must align with the European Convention on Human Rights (ECHR). In these supra-state judicial processes, states can be taken to court, not just by the EU and by other states.

but by sub-state units as well as individuals. Thereby the state is no longer its own final unquestionable authority and the legitimacy of its actions can be challenged. Through monitoring and the Commissioner of Human Rights, the Council of Europe can initiate visits and action. This is another means by which the Council of Europe penetrates state sovereignty.

In addition to facets of legislative and judicial supremacy, these organizations have some notable supra-state characteristics. These features centre largely on the effect these organisations have on the characteristics of state sovereignty. The first is the effects on the principle of territoriality. Both the EU and the Council of Europe promote a softening of borders within the community and most relevant to this research is the development of cross border cooperation. These policies blur the physical boundaries of states.

A second effect on territoriality is the promotion of sub-state interests. Within the EU and the Council of Europe, the sub-state entities, like regions and cities, are more than just a level of administration; they are non-sovereign, but territorially and often ethnically based units of government. The principle of subsidiarity, emphasised by the EU, turns the notion of sovereignty on its head by advocating that decisions should be made as close to the citizen as possible; policies defined and decided by those whom it affects. Subsidiarity further supports the devolution and decentralisation of state power to sub-state units and challenges the legitimacy of national government, for under this principle arguably only citizens are sovereign.

Most notable to this research is the representative and consultative space afforded to sub-state units in the EU and the Council of Europe, further diffusing state sovereignty. Processes of representation in devolved or federal states do result in sub-state representation; where devolved on ethno-national territorial lines it gives ethno-nations recognition and representation. Through the Committee of the Regions (CoR) and the Congress of Local and Regional Authorities (CLRAE), sub-state representation is assured to operate at the level of the supra-state. The supra-state is uniquely placed to reassess methods of territorial governance without the threat of national disintegration.

which dogged past discussions. (Hopkins, 2002: 11) The supra-state does offer more to minorities, (particularly sub-state units like ethno-nations) because it challenges state centrality, and sovereignty, thus offering minorities a higher authority and an alternative platform on which to project their aspirations.

Judicial primacy, effects on territoriality through cross-border initiatives, representational space for sub-state entities and instruments of international law are all ways in which the EU and the Council of Europe can, in theory and frequently do in practice, erode sovereignty and the dominant paradigm of the nation-state. However, in practice the nation state asserts its primacy and the capacity of sub-state entities to make gains at the level of the supra-state are curtailed.

Protection by international law is often the first recourse of minorities dissatisfied with their relations with the state. However, critics note that of both the European and the international system for protecting human and minority rights, these rights and standards are frequently honoured more in the breach than in the observance. The conferring of rights and standards for minority promotion and protection can be effectively diminished by the state, through invoking national security, bureaucratically enmeshing processes or simply through half-hearted, superficial implementation. Additionally, international legal protection of minorities has been dogged by vague objectives and principles, particularly with regard to the Framework Convention. (Parliamentary Assembly recommendation 1255, 1995 in Troebst 1999: 22) The acknowledgement of minority existence is also in the national governments' hands. As with all international legal instruments the risks of non-compliance and double standards for newly independent states also remains. Minority rights become a process of testing and re-testing the premises and as a consequence, the ability for sub-state units to make gains directly and autonomously in the supra-state is limited in this respect. But there remains both the hope and evidence that the law and states do work towards enhancing human dignity in its diversity, rather than undermining it. In the meantime, although the analyses uncovered the existence of sub-state presence at the level of the supra-state in so doing it simultaneously uncovered the pervasiveness and tenacity of the nation-state.

Transforming the Milieu

From the research there is clear indication of the abiding hegemony of the nation state and its capacity to curtail sub-state aspirations, but changes to this hegemony are, as illustrated occurring in key remits of judicial primacy, territoriality and representation. Additionally the permutations of state centrism also need to be considered in less obvious ways. Criticism of international law and of international and European organisations in particular may not take into account actions taken on a micro level by the supra-state; such as return of historic or cultural property, family reunification efforts or subjectively important actions, such as recognition. There is an increasing body of worthy research and evaluation on the institutional, legal and socio-economic efforts initiated by the EU and the Council of Europe, which are to be borne in mind as for the management of sub-state conflict as well. It is in the political-legal apparatus that we observed the primary transformative effect of the supra-state on ethnic-conflict, but this is not the sole means of evaluation. Subtle ways in which the supra-state may manage conflict and simultaneously assist sub-state entities are; by transforming the dominant paradigms which guide the interaction between states and sub-state entities; changing perceptions of conflict; and addressing subjective and objective factors.

The Council of Europe provides political space for the sub-state entities but its particular niche is the political-legal apparatus, namely the European Court of Human Rights. The Council of Europe describes itself as intergovernmental but the rapid developments in the use of the Court have demonstrated that legislative sovereignty has been in gradations appropriated by the supra-state. The courts of the supra-state bodies, namely the European Court of Justice (ECJ) and the European Court of Human Rights, do act as indirect coercion because states' failings and discriminations will be publicly exposed and their commitments quoted against them. In cases of violations, compensation may be awarded and member states must adjust their legislation and practices. The Court of Justice does not have the explicitly human rights mandate of the ECHR, although its mandate upholds entitlements to European citizenship, which may be linked to minority justice. Member states of the EU are expected to keep up with the progression of standards in human rights and tailor their legislation so that it is in congruence with the ECHR. The domestic jurisdiction principle does not protect them from inaction. Monitoring procedures for conventions and treaties, despite their criticisms, are in place and are utilised. Without a police force, army or compulsory

jurisdiction, the international legal system cannot adequately defend the vital interests of the diverse minorities, nor can it intervene, but it still has some substantial leverage.

All these factors place the courts of the supra-state as an anomaly in conflict management. There is authority, ability to sanction and a formal process therefore linking it to track one, but without direct intervention. The courts have mediative aspects, such as an opportunity to confer and discuss key issues. The courts objectively manage this process, but each also has its own interest: that of upholding and interpreting human rights law or community law so the courts are not wholly detached and neutral. Although the ECJ and the European Court of Human Rights are active third parties, each, because it defends its own interests can actually be a low level conflict agent. The European Court of Human Rights in particular falls within the category of alternative dispute settlement mechanism because of its radical ability to provide recognition, so conferring legitimacy to both conflictants. The courts are adversarial, but their role in conflict management is also a transformative one; from situations of violence, non-communication and non-recognition to a formal agreement without arms.

The EU and the Council of Europe are working to make states' attitudes towards their minorities more accommodating, whilst simultaneously moderating minority demands, which in itself may alleviate tension and conflict. There are, however, some other unique means and mechanisms by which the EU and the Council of Europe can be utilised to manage ethno-national conflict. The EU and the Council of Europe are a source of commonality for all its participants and common interests may be an appropriate device to promote inter-ethnic contact. Similar to the promotion of religion as a unifying and cross polity communication vessel, a common interest can provide more than a means to communicate, but a reason. The supra-state can be the focus and source of the superordinate goal that can only be reached by the cooperation of conflicting groups, providing the reason for political intercourse. (Ryan, 1990:67-69) The obvious and desired benefits are only achieved by the transcendence of differences.

There is a field of social and political data that places culpability for the escalation of conflicts on the intervention of outside elements. Others, however, draw inspiration

from external elements as sources for cooperation. They hold as a pinnacle of this, the European Union, which has introduced superordinate goals across a multitude of conflict situations and has helped to ease ethnic antagonisms. It has done this by taking on the responsibility of fulfilling key economic and social needs, and processes which functionalist perspectives such as Monnet (1978) and Mitrany (1975) hope will gradually bring about a transfer of loyalty from the narrow cultural group to the supra-state bodies. (Ryan, 1990:67-69)

The very creation of the EU is grounded in a problem solving approach based on recognition of common biological needs, identified by Burton, common social processes translated by Kelma, while not ignoring Doob's identification of shared needs of self awareness. (Burton, 1969, Kelma, 1972, 1992 and Doob 1970 from Varyrynen 1998:69) The Council of Europe is likewise the product of the solution seeking approach to problems facing European society, as well as working to promote democracy and the rule of law. For both organizations the implicit starting point is that cultural diversity does not necessarily lead to cleavages, and that low levels of functional cooperation pave the way for more comprehensive policies and institutions. (Zetterholm, 1994:1) The European Union, the Council of Europe and other supra-state organizations create a web of mutual dependence, fulfill common needs and dissolve particular parochial antagonisms.

The management of conflicts may be stimulated in part by subversion, whereby conflicting parties, including sub-states and states, are encouraged to cooperate and improve their relationships. The technical requirements of membership and the monitoring conditions of conventions make conciliatory moves more necessary. Potentially, the technical and functional requirements of membership of the EU and the Council of Europe may be both a carrot and a stick for member states and sub-state actors to overcome their differences.

One particularly unique manner in which the European supra-states address ethnic conflict hinges on policies which soften state borders. The cross border policies of the EU and the Council of Europe facilitate conflict management particularly pertinent in

situations of multi-border minorities. These policies and mechanisms support cooperation and expose common interests. In conflict zones, this provides an alternative means of the political expression of their territorial identity and is a less conflictual and violent expression of their identities and allegiances. This is in addition to the optimism to end economic isolation and underdevelopment of such regions. Some particularly conflictual areas also receive special treatment and financial assistance. Facilitating cross border cooperation provides some important symbolic and material gains, and may address key issues related to territorial and environmental controls, so as to assuage ethno-national conflict.

Economic inequality may already be a root of some ethnic conflict, but as a by-product of conflict economic underdevelopment does invariably deepen antagonisms. Whereas many conflict management processes aim straight for identity understanding, promoting peaceful communication and understanding, or focus on political settlements, the economic aspects both as complications and underlying tensions are marginally considered. Economic development and justice, whilst different concepts, are part of all stages of conflict management and the EU has a powerful role in addressing these aspects of conflict. In considering conflict prevention, these mandates are understood to be integral components of socio-political stability, and a reductive element in identity anxieties. Sometimes the issues of economic disparity, though part of ethnic conflict, may obscure the true causes of identity tensions. In Northern Ireland, for example often ethno-religious identity coincides with socio-economic marginalisation and political disenfranchisement. The removal of such disparity trends as factors that prohibit stable relations may relieve some tensions, but more importantly the obscured core elements of conflict can be revealed and addressed.

The objectives of the European Union are not to resolve conflicts, but to establish economic security as part of the European security equation. It includes the identification of regional disparities as part of ethnic tensions and an underlying cause of conflict and instability. There is no sure evidence that the common goal of economic development will change cultural orientations or political beliefs in the short run. (Ryan 1990: 67) Neither superordinate goals nor common goals are primarily intended to transform antagonistic perceptions overnight into cooperative relations. It is also true

that ethnic groups may achieve economic development on their own by some means. However, superordinate goals and common goals, especially under the broader auspices of a multi-state organization, the supra-state, do create the circumstance and procedures by which both economic development and economic justice can be achieved. It provides the opportunity to remove economic stagnation, regression and disparity whether causes, consequences or complications of ethnic conflicts.

Research in ethnic conflict observes consistently that management depends on addressing both objective and subjective factors. Reducing economic disparities, promoting regional development and community prosperity provide the auspices to achieve human physical needs. Identity needs, like worth, protection, recognition and autonomy, being subjective and metaphysical, are also crucial in resolving ethnic conflicts. Hence the protection of minority rights and the opportunity for group based justice is critical, both to their physical and cultural survival. The judicial systems present in the supra-state can transform some elements of conflict away from destructive violence. Representation in parliaments, the Committee of the Regions and the CLRAE are concrete means by which the supra-state helps address conflict issues of recognition and autonomy. To some extent these also address issues of worth; sub-state actors do get recognition in the esteemed international arena with material benefits arising from their influence.

Conceptually, the European Union and the Council of Europe can be used as a mechanism for conflict management, rather than being an organization with a specific conflict resolution mandate (although there are conventions for the peaceful settlement of disputes as well as arbitration). The EU and the Council of Europe are not traditional dispute settlement organizations to which minority conflicts can be referred like the OSCE's High Commissioner for National Minorities, but they do develop the preconditions to conducive and mediative relations and are capable of addressing subjective and objective elements. This may be the strength of these supra-states because traditional dispute settlement mechanisms work within established frameworks of institutional legitimacy, whereas alternative dispute settlement vehicles can recognize the importance of identity and accommodate it even if such an ethnic group may be unrecognized or deemed illegitimate by existing power structures. (Ryan 1990: 76-78)

Alternative dispute settlement mechanisms address a broader range of conflict factors. Many European Union and Council of Europe bodies can be seen as alternative dispute resolution processes, partly for the multitude of options that groups in conflict can pursue, the accommodation of non-state actors, standard setting, and the addressing of physical and human needs. Conceptually, the supra-state has elements of track one conflict resolution mechanisms- formal process of official dialogue- but also track two, which includes indirect support of conflict resolution and the inclusion of unofficial actors. Within each organization there are elements of third party mediation, such as the Commissioner for Human Rights, the courts, monitoring bodies, as well as established processes of arbitration not directly linked to intra or inter state conflict. The EU possesses an agenda that is not specifically ethnic conflict-oriented in any of its mandates, but rather is complementary in its approach of addressing social and economic exclusion issues that accompany identity frustration. In contrast, the Council of Europe has a strongly explicit mandate to address sources of ethnic conflict, namely protection of national minorities and the promotion of the rule of law, although like the EU its abilities for direct intervention are limited.

New Political Space

The economic and political-legal contributions have been covered in the research to examine how the supra-state includes sub-state entities and issues, but the focus of the research now returns to the demands from the sub-state, particularly ethno-nations, for recognition, representation, and self-determination in whatever form that may take. Supra-state provisions for stateless nations to project their identities within a wider political space give them wider access to power and resources. Through the supra-state, some sub-states are able to operate within the international arena without becoming or being states whilst possessing specific apparatus to influence policy. For instance, they can cooperate across state frontiers and have multiple channels of access to Brussels, and most importantly have their identity or status officially recognised through the Committee of the Regions and the Congress for Local and Regional Authorities, and in some cases through the parliamentary bodies. A critique of the nation-state and hard borders seen in the developments of regionalisation, decentralisation and devolution also shows the supra-state coming into its own. All these may be conceived of in terms

of managing sub-state conflict and how the supra-state is transforming the political milieu.

Focus must be given to the capabilities of the supra-state to: recognize sub-state actors; to resolve conflict by allowing groups to bypass their state; and to create new political space for sub-state identities and needs. The most direct route the supra-states provide is through the CLRAE and the Committee of the Regions, where the most pointed attempts to resolve and prevent identity conflicts are observed. Conceptually, the CoR and the CLRAE refute the idea of ethnicity as conflict but rather view diversity and distinctiveness as a resource and strength. These institutions represent local and regional viewpoints so their focus is more directly located on identity and cultural issues. The CoR and the CLRAE are alternative tracks to ensure that democracy is fully integrative and the principle of subsidiarity fully respected. Authorities closest to the citizen are consulted, for instance mayors and city councilors, especially when they are responsible for implementing EU adopted policies. The CoR defends the subsidiarity principle which states that decisions should be taken at the level of authority that can act most effectively. The defense of this principle prohibits the attempt of the EU to take actions that member states themselves can carry out and encourages member states to similarly devolve their authority to regional and local levels when they can act more effectively. CoR is a two way vehicle for informing other European institutions about the local and regional points of view and for informing citizens of the community policies that are administered by the EU.

The Congress for Local and Regional Authorities is a forum for the recognition and participation of sub-state entities at the international level, but amongst its principle roles is the pooling of experience and views of European regions and municipalities. It becomes an intergovernmental organisation in its own right, where sub-state units can co-operate on common issues and promote their common interests. In addition to being a consultative body, the CLRAE assists localities and regions with effective self-government, which is a noteworthy achievement. The achievements of the CLRAE in minority protections and self-government have been unique; bringing into the Council of Europe discourse concepts such as territorial autonomy, which had previously been controversial when raised by the Parliamentary Assembly and taboo in other intergovernmental bodies. (Thornberry and Estebanez, 2002: 664) The CLRAE, particularly through its support of relevant conventions, such as the Framework

Convention, the European Convention on Minority Languages and Cultures and the European Convention on Self Government, is legally entrenching the legitimacy and autonomy of the sub-states as competencies are transferred. The CLRAE empowers sub-state units by integrating, defending and advancing their fundamental legal constitutional powers. Through the CoR and the CLRAE, the supra-state champions new governance, constituting regional governments as more legitimate European policy actors and administrators. These are largely problem solving approaches, but because of the increasing emphasis on sub-state self-governance the CLRAE is transforming from a track two resolution process to a track one, where the increasing status of participants supports their official legitimacy and the formality of the processes.

Such cooperative organisations are often categorised as problem solving processes in the field of conflict management but the CoR and the CLRAE are more conflict prevention mechanisms. Ethnic identity in Europe usually takes the form of territorial based identity. For those groups without states of their own or significant autonomy, cultural identity may express itself politically as ethno-nationalism or regionalism. If overlooked or exploited these stateless national or regional identities do grow into stronger movements and move from tensions to conflict, threatening social and state cohesion. Nationalism is still a potent force in Europe, yet it can be subverted by economic and ethnic factors that may lay closer to the regional identity; regionalism can become the doppelganger of nationalism. The promoted concept of a 'Europe of the Regions' expresses Europe's diversity, but also provides a platform where sub-state entities can influence policies and have a recognised international identity- though this is not on par with states.

The CoR and the CLRAE ensures participation and consultation, preventing the oversights and aggrievements of these regions. Because of the subsidiarity principle, locales and regions gain more autonomy, responsibility and attention for their roles in the supra-state and their place in wider European affairs. It is a proactive and preventative process. The extraction of regional and local participation combined with the establishment of yet another layer of democracy upon regions from both the EU and the state, encourages positive peaceful relations and discourages frustration and extremism. It provides an outlet for the expression of political identity with social and

economic welfare needs. This is an accomplishment without upset to the system; an enrichment of the system's democracy and accountability. Through the CoR and the CLRAE regional identities and polities are meaningfully incorporated into the process of European unification, while identifying common regional problems. These institutions have the opportunity to prevent some conflict with states by according the joint cooperative space in their own remits for sub-state entities.

The supra-state has provided legal protections to sub-state entities, access to material benefits, recognition and representation for their identities and opportunities for cooperation; not just in formal bodies such as the CoR and the CLRAE, but also by softening state borders through promotion of Euro regions and transfrontier cooperation. In so doing the supra-state has transferred aspects of sovereignty away from the state, strengthening the status and power of the sub-state. It is necessary to examine in what ways sub-state units, particularly those with an ethno-national basis, take advantage of the political space and protections afforded at the level of the supra-state.

The EU, with its economic prerogatives, finds sub-state participation of practical, material importance. Where sub-state entities have representation in the Parliamentary Assembly, MEPs have effectively gained material benefits for their constituency, as in the cases of special structural allowances in Northern Ireland. Sub-state units, like Northern Ireland have used their access to become beneficiaries of cohesion and structural funds, and, in some cases, special economic and development programmes. European competition policies help their capacity as regional economies and MEP's, as well as representatives to the CoR, can defend their vital economic interests, having access to potential solutions. Namely in the CoR and the CLRAE sub-state entities can defend their fiscal rights and independence especially in matters of their taxation powers and obligations to consult on spending priorities and distribution of structural adjustment funds. The work of the EU and the Council of Europe in softening borders for economic development purposes has an immense impact on sub-state units. Transfrontier cooperation and Euro regions means exposing mutual sub-state problems, creating opportunities to initiate cooperation, sharing costs, and securing joint investment for such projects. Through this, regions and ethno-nations, especially those that are politically divided and economically peripheral, may establish alternative

economic centers. The new tier of access outside of the state's remit facilitates sub-state entities to transform their economies, material well-being and developmental processes. Chiefly ethno-nations and other sub-state units have made political gains in the supra-state by some recognition and representation measures. However, regionalist and ethno-nationalist movements have utilised the supra-state in its organizational capacity, to make gains as political movements in competition with the state. For instance, because the EU is less hierarchical and has multi-level governance, this has transformed traditional power politics away from the absolutes of a zero-sum game. Asserting their independence in Europe, ethno-nationalists, such as seen in the Basque Autonomous Communities, network and use the overlapping competencies. The supra-state facilitates subtle systems of bargaining, and, with overlapping notions of legitimacy, sub-states and states may be forced to work together even if indirectly.

Ethno-nations in the supra-state invoke their right to self-determination, sometimes overtly, but more often through inverting meaningful principles like subsidiarity, transfrontier cooperation and self governance. For ethno-nations, their independence in Europe may seem less radical than straightforward separatism and dissipate fears of economic costs of such a course of action. (Nagel, 2004:61) Hence promoting their identity and self-governance in Europe is politically appealing in its stability and cosmopolitanism. Political parties in Fryslân, for example omitted references to separatism and secession in favour of promoting a common northern region. Slogans such as, 'Independence in Europe' or a 'Europe of Regions' is far less menacing to both the electorate and the state than outright secession and full independence. Promoting identity and political aspirations becomes a choice for greater security and prosperity; the benefits of statehood such as economic prosperity, international influence and protection of language culture and identity are maintained within a framework of economic interdependence, mutual security and cultural diversity. Though the EU and the Council of Europe promote the superordinate goals of states and sub-states alike, ethno-nationalists and regionalists may use the ongoing European integration to cultivate anti-statist sentiments and undermine state centrality.

Ethno-national movements may also use the supra-state as a source of external support—a focus for the disparate demands of identity politics. By projecting them on to the

European supra-state, with its ideals of stability and unity through diversity, the polarities within identity movements may be blurred. Certain ideological divisions within ethno-nationalist and regionalist movements find common ground when focusing on the supra-state. For example, unionist representatives in the European Parliament push for economic assistance that benefits the whole of Northern Ireland and so the polarities of the communities are dampened in this environment. By projecting their disparate demands on to the EU or the Council of Europe there may be some softening towards a middle ground of accepting greater recognition and autonomy within the EU. In this way, the supra-state may assist with moderating radical and violent ethno-nationalism. Other movements may overcome contending identities by utilizing the supra-state to project a third, united, alternative conception of the ethno polity that transcends a bifurcated community. Again, Northern Ireland provides the example in the form of The Alliance Party but so too do some of the political parties in Fryslân who have recast their nationalism as democratic and regionalist. The potential for this post-modern political identity in the supra-state is heartening especially in areas of intense divisions. For stateless nations there may be greater success in the supra-state by de-escalating conflict with the state and pursuing objectives in the supra-state.

There are also direct political gains to be made at the level of the supra-state. For instance, some regions and ethno-nations lobby for more institutional representation such as in the Council of Ministers, and for inclusion in the treaties. The loudest of these is arguably from Åland. Many sub-state entities now have offices in Brussels representing their region through pseudo consulates, working to channel funds and information to their constituencies. Northern Ireland has a pseudo-consul in Brussels, and Tyrol has had such in the past. Sub-state units have benefited by the collectivized strength of the regions in Europe, not only through the CoR and the CLRAE, but also the European Free Alliance, promoting inter-region networking and solidarity for their increased self-governance and autonomy aspirations. Resolutions on language and culture, programme development and securing funds for these important identity markers are all ways in which ethno-nationalists and sub-state units have excelled in utilizing the supra-state. The most attractive economic and political possibilities are where nationalists coincide with territory and have electoral majorities and their member states accord them representation in the supra-states, and this is seen principally in the case studies of Northern Ireland and the Euzkadi of the BAC.

Although stateless nations and regions may have greater success in pursuing some of their political and economic objectives in the Council of Europe and the EU, the supra-state is also an extension of domestic political battles, and so sub-state entities may utilise new tiers of authority to continue zero-sum games or attack the state. Whilst this research uncovered competition for resources and access between the state and the sub-state, and the advancement of further recognition and representation by ethno-nationalists, such as rights to sit in the Council of Ministers, the extension of the conflict between state and sub-state is especially noticeable in the European Court of Human Rights. Politically ethno-nations and regions have scored points, even if sometimes only on legal technicalities in the Court. Known ETA activists have utilized this opportunity as observed in the case study research. The effect is one of equalizing the state and the sub-state, embarrassing the state, forcing policy and legislative changes when affecting their human rights, obtaining compensation and drawing attention to their plights. This dynamic was observed in several ethnic minority groups but in this research paradigm principally in regards to Irish Catholics in Northern Ireland. A succession of violations not only embarrasses the state, but may prove politically and economically costly if it undermines its membership in international organizations. This may also affect state sovereignty as it provokes the international community into some form of intervention, such as economic sanctions or a monitoring visit. When successfully proven in the Court, violations strengthen the ethno-nationalist position and sharpen divisive perceptions between state and sub-state. Appeals to the court draw attention to minority grievances and the inability of the majority to adequately represent the minority. It underscores ethical arguments that the state is not the neutral distributor of goods and in a minority situation cannot distribute resources fairly. The Council of Europe becomes a source of external emotional and psychological support for democracy, human rights, minority rights, language and identity. The Court is a powerful symbolic and political leverage tool for ethno-nationalists and other sub-state political movements.

Return to the Impact on Theory

This research has shown a plethora of ways that the supra-state has opened up space for sub-state units and strengthened their position on the international stage. This has included legal instruments, conventions and representation in the ECJ and the European

Court of Human Rights and parliaments, but especially recognition in the Committee of the Regions and the Congress of Local and Regional authorities. It is in the CoR and the CLRAE where sub-state entities have influence on a broad range of policies and European activity; a micro forum for solving their own common problems. In this, the supra- state has unique efficacy in managing ethnic conflict. It does however raise a new research question: why is this new tier of governance important, practically, ethically and conceptually? The answer requires influence from both liberal ethical arguments and conflict management and returns to consider the impact on state centrism, but also ethno-nationalism.

Rationales for New Political Space

This new political space has both pragmatic and ethical importance because it gains support for European integration from the wider citizenry, addressing both individual and group dimensions of the democratic deficit. The new space also has the practical and ethical component of improving democracy, so that it is more transparent, more accessible, more fluid and more informed. It promotes democracy that is not dependant wholly on the ballot box and traditional majoritarian politics, but is also influenced by people in their communal settings. Within the new tiers of governance, groups are able to offer consultative functions, whether these are ethno-nations, regions or other group interests, such as trade unions. Input from these collective agents ensures better informed democracy.

The principles of subsidiarity and territorial self-governance reflect aspirations for better governance, and more effective distribution of resources. There is in this an inherent ethical basis; that people are rational actors and are the best informed and most capable of deciding their future and controlling their resources. The new political spaces offer both alternative and additional means of achieving this. Alternative political access gives some credence to the fact that the majority cannot always adequately represent the minority. This new political space protects and promotes sub-state interests and makes states more accountable. This in turn supports a more liberal democracy and expression of human rights. The inclusion of multiple actors, through democratic and consultative forums, maintains subsidiarity and the benefits of interdependence and solidarity.

Differing tiers of influence and government also strengthen the EU and the Council of Europe by including different types of social and political actors. These new spaces for communal identities help bring the ideals of the supra-state to diverse peoples living far away or outside of the traditional political remits. Sub-state entities are more likely to reap the benefits of a larger community and be supportive when they have a voice of influence in the community. For the supra-state, additional tiers of government diffuse power from the centre, namely from member states and this too enhances the balance and stability of the organisation because it prevents hegemony. Conceptually, it challenges the presupposition that ethno-nations and cultures are eternal or have a permanent character, static in time and space. They are not: they have always changed and adapted and can be diffused, amalgamated and diluted. Multiple tiers of recognition and governances are more capable of responding to these fluxes than a rigid hierarchal system dominated by states.

As well as gains in economic and material benefits, this new political space offers to sub-state entities identity gains, which include not just the status accorded to them to be represented, but also the protection and promotion of their vital identity interests, such as language, and their rights to express and associate as collective identities. Through monitoring responsibilities, consultation and practical programmes, sub-state forums can defend identities- vital for human dignity, peace and justice. New and alternative political spaces help provide expression for identities, but also support the natural fluidity of identities and loyalties. This extra layer of democratic representation which enmeshes the security and expression of sub-state identities may also become an extra tier of identity representation and solidarity; developing the local or regional identity, a national identity and a European identity. In this way too sub-state tiers support the supra-state as an organisation and ideal. These processes are suitable to the realities of modern Europe because people do not live in the neat boxes prescribed by the national paradigm.(Hopkins, 2002:3) The essence of the federal ideal is to reconcile diversity and unity within a single political system and there is sufficient evidence that decentralisation and devolutionary processes may accommodate diversity and enhance administrative efficiency. However, this is not sufficient to hold a polity together- there is a need for a central focus of loyalty as well as efficiency (Watts. 1999: 80) and when sub-states are included, the supra-state may provide this identity focus.

Alternative spaces for political influence have practical importance in promoting diversity of peoples in the ethno-linguistic sense but also diversity of ideas and opinions, which provides a space to enrich the European polity. This is not just diversity for its ideal but diversity as a real and beneficial resource. Exposure to options results in improvements being made to standards of living and conduct. Decentralised, devolved and alternative tiers of governance maintain unity through diversity with all the benefits of interdependence and mutual stability. This is a conceptual challenge to dominant notions that 'cosmopolitanism tends to undermine ethnicity' (Kaufman, 2000:1097) because, in a supra-state organisation, the markers of ethnic identity, their practices and values can all be preserved and recognised. Political space for sub-state entities resonates then with the liberal ethnic ideal. This liberal ethno-nationalism does not demand the entrenchment of borders or the universalisation of ideal types of ethnies but promotes instead the freedom for members to create their own individual identities whilst acknowledging that these are multiple. The flexibility of the sub-state forums encourages members to constitute their self identity selecting from the multiplicity rather than from an archived symbolic idea. (Kaufman, 2000:1110) The opportunity to acquire varying levels and types of identities increases the number of meaningful choices and enhances the meaning of identity.

New tiers and space for political intercourse are conduits of conflict management especially when their remits address certain exacerbating factors like economic peripheralism. The new space identifies common problems of the sub-state level, particularly those mutual problems experienced by divided minorities and regions, which states may be disinclined or unable to solve. Such alternative political spaces allow sub-states to cooperate and solve their mutual problems. New tiers also particularly assuage identity concerns, by providing for their expression and alternative political spaces diffuse centres of conflict. The diversity the space promotes is also a diversity of options to manage conflict. Most sub-state relations have been characterised by a single track, political interface, often with an intense security agenda- all of which entrenches and polarises positions. In the new milieu, goals and perceptions can be changed, new actors introduced and fresh approaches to relationships pursued. A distraction and diffusion of conflict between state and sub-state is one major way in which alternative tiers mediate conflict, but equally noteworthy is the possibility of creating a third identity and an alternative to polarised communal identities.

The lack of direct intervention from the supra-state may be critiqued, but can also be defended because both the EU and the Council of Europe are also dialogic communities, promoting common values but also diversity. Hence all their ideals; democracy, rule of law, economic prosperity, community interest and even subsidiarity and sub-state inclusion, are in accordance with the *true* spirit of liberalism. Directives and authority are likely to be resisted especially when related to core identity values; hence it is better to introduce language, concepts and ideas tied to tangible benefits and avenues of access to power. Through a more organic process these values and aspirations gradually and peacefully take root, are accepted and matured further. Building on the resources of diversity, the ideals of European integration can be capitalized on and even exported. Ethnic conflict management should take the form of formal conversation where there is willingness to reason from another's point of view. This is not to create consensus but to produce shared understanding or enlarged thinking. (Benhabib, 1992:9 as cited in Varyrynen, 1998:70) However, where there is reticence to hear the other's voice, then a liberal and flexible approach is necessary. Such a process is not to impose dialogue, but to promote differing approaches and forums, as well as creating standards that address the multiple aspects of identity and physical well-being. These processes work gradually to undo entrapment, and reduce intensity as complicating factors in identity conflicts.

This space for the sub-state to influence and act in the supra-state and gain measures of self-determination may moderate conflict by providing an alternative way of confronting the state, particularly in the courts. This radically reshapes our notions of sovereignty but also our legal notions on identity. The supra-state institutions have ensured that identity has an assumed legal persona. The new space recognizes and accords de facto group rights and confers upon groups certain rights such as their representation and their identity rights. This is an important development because, by not getting bogged down in definitions on minority rights, society can progress onwards to improving the lives and status of minorities. Institutionalising sub-state identities liberates us from the discussions in the abstract to concentrate on emancipation and democratization. It also underscores the importance of human identity as the next dimension of human rights, and promotes this third generation of human right; the rights of solidarity and the collective rights of minorities. Particularly in the European Court of Human Rights, these equalizing rights balance the conditions for those who are in unchosen positions of inequality.

A New Course and Discourse in State Centrism and Ethno-nationalism

If multi-tier governance does not actually displace the nation-state it does nevertheless affect the nation-state's self-determination and sovereignty. A place for the sub-state in the supra-state organisation directly challenges theoretical notions upholding the dominance of the nation-state and underpinning practices that defend the nation-state's sovereignty. Watts observes that we appear to be in the middle of a paradigm shift from a world of sovereign nation-states to a world of divided state sovereignty. (Watts, 1999: preface) Critiques of the nation-centric state focus on the inadequacy of the paradigm and gain validity as sovereignty in the post modern supra-state is shared amongst many different types of political actors. The supra-state, by opening up new tiers, reassesses territorial governance and exposes the inherent weaknesses in the nation-state paradigm. However, these changing norms in state sovereignty whether ushered in by the supra-state or merely exploited, facilitate sovereignty pooling and intergovernmental cooperation. Crucially, by unpacking sovereignty, the supra-state tiers may assist in mediating conflicting sovereignty claims in conflict areas that the traditional state system cannot manage. The supra-state pays attention to communal politics in the sub-state forums, provides institutional spaces and affords legal protections to minorities. This enmeshes security and stability as well as signalling the end of concepts of absolute sovereignty.

In according representation and recognition to sub-state entities at the international levels the rigidity of the nation-state has eased. In so doing the edges of conflict, hard borders and fixed identities have also been softened. Similarly, the hierarchal structures of the international systems and nation-state politics have been transformed. The supra-state brings together players of unequal status reducing the functional inequalities of access, opportunity, development and esteem. The supra-state is a new multilevel polity where transnational linkages develop; adjusting borders from a territorial basis to ones based also on mutual needs and identities. Because of the multiple layers of influence and the inclusion of multiple identities, the supra-state coincides with more flexible, open and less exclusive remits of power and influence. Sub-state recognition and representation introduces flexibility, detracts from hierarchal and rigid relations towards emancipatory, adjustable relationships.

Hopkins speaks of the hypocritical attitudes found in dominant discourses of sovereignty and self-determination, in particular those that are firmly attached to nation-states which have denigrated their own internal minorities and citizens. (Hopkins 2002) These same nationalists use sovereignty and self-determination values to oppose European unity, but will not extend the rights of nationalism to the nations within their own borders. It is a contradictory and convenient position. Alternative access to justice and power remedies this in degrees. If the nation-state actually does not reflect the existence of any normative divisions, both its legitimacy and efficacy as a method of territorial government are in question. (Hopkins, 2002:10-11) However spurious and diffuse their origins and character, there is a need to look for alternative expressions of sovereignty and to recognize alternative forms of territorial governance on the basis that these sub-state units can be assisted to function more effectively, as well as more legitimately by reflecting the identity of the majority of its citizens. The nation-state, critiques Hopkins, fails to cope with both global society and its own internal divisions and economic realities. (Hopkins, 2002: 12-13) It is valid to examine alternative interpretations of sovereignty and self-determination as the traditional nation-state is transformed and may even be in crisis.

Major transformations to state sovereignty by the supra-state include the premises of hard borders. Hopkins observes that we are less experiencing decentralisation and devolution so much as we are nearing the end of the territorial paradigm of governance and the end of a concept of hard borders. (Hopkins, 2002: 12-13) This is a fair observation and one with a judicial imperative, firstly because the distribution of some population groups has been bifurcated by hard nation-state borders. Facilitating representation for sub-state units is a more fair distribution of justice and democracy because it can provide a measure of their entitled self-determination. In most international organizations, the absoluteness of nation-state sovereignty has meant that, regardless of size and population, some nation-states have had a voice, often at the expense of other territorially-based entities with specific demands and requirements, but lacking the status of a nation. A sub-state tier and multiple forms of political representation address some of these imbalances created by nation-state centrality. A sub-state tier, as noted earlier, is also a more pragmatic means of addressing transborder problems.

Most importantly, this new tier responds to the demands both for smaller more responsive governance and for expression of primary group attachments such as language, religion, history and culture. These provide the distinctive basis for a communal sense of identity and the desire for self-determination. (Watts, 1999: 4) There is a moral imperative that where the people have defined themselves as such they have the right to self-determination, and individual and group well-being is dependent on the liberty of expressing these primary group attachments in the public sphere. Self-determination does not imply automatic statehood, nor is it suitable or desirable for all communities, and therefore a sub-state tier offers the flexibility to encompass their representation while achieving their varying needs. The trend is 'glocalization'; (Courchene, 1995 in Watts, 1999:5) to be global consumers and local citizens at the same time because the nation-state is both too small and too large to serve our expanded sense of self.

By their action within the supra-state organisations ethno-nationalist movements have changed the discourse of international relations in regards to the legitimacy of the subjective issues of identity, for instance in human rights and the discourse of liberation. Including the supra-state in the realm of ethno-national aspirations has also changed the discourse of nationalism, widened the possibilities and neutralized some of the attendant negative imagery that goes with national self-determination; that it is violent, parochial, costly, illegitimate and will not be recognized or tolerated and will result in small ethnations being isolated and vulnerable. The emotive nationalism has been neutralized, as has its perception, because in the supra-state (but particularly in the EU) the beneficial material and economic realities become apparent. This is a window that is seen as the field of fair play and efficacious subsidiarity. As the supra-state continues to facilitate ever further integration and interdependence, more direct and transparent democracy and increased diversity, these processes become empirical and inescapable realities which now contradict the more negative associations of national self-determination. Similarly post modern ethno-nationalism, allied to the supra-state, challenges the dominant notions that ethnicity and demands for identity are incompatible with modern notions of freedom and tolerance. In this way the supra-state offers inclusion to ethnations, proving that nationalism does indeed contribute to liberalism and cosmopolitanism.

Conceptually, these trends have also affected ideals of self-determination as a pre-existing destination in itself. It is far more apparent within the supra-state that this has changed to a process with no pre-defined institutional outcome and with ideals of justice and equality, rather than solely statehood. Furthermore, because of the weakening of nation-state sovereignty, the desirability of the end goals has also changed. The nation-state itself is in crises, it is fast losing its hegemony and status, sandwiched between the sub-state and the supra-state (sandwich thesis, Eser, 1991 in Nagel, 2004:59) and 'pincerred' into corners by cooperation between sub-state entities and Brussels and Strasbourg. (Nagel, 2004: 59). Consequently, in light of the erosion and transference of sovereignty, for functionality in an increasingly integrated Europe, statehood is not as desirable as it used to be.

Both the EU and the Council of Europe can be credited for going conceptually where it was difficult to go, for admitting non-state actors to the international arena and eroding the doctrine of hard borders. As well, the broad and long term security agenda is unique in targeting sub-state actors, reflecting the adaptability and timeliness of recognising the causes of small local conflicts and their potential for vertical and horizontal escalations. The development of a multi-tiered democracy has great potential to reduce conflict because of its comprehensive and inclusive capabilities, but also its institutionalization reduces knee jerk reactions. The EU and Council of Europe provide alternative and comprehensive routes to democratic identity fulfillment that re-enforces the whole of Europe's common security. Although with a relatively small sample of case studies, when thoroughly researched and empirically examined it is evident that the sub-state and supra-state interplay has important repercussions on key political concepts, foundations and ethics.

CHAPTER FOURTEEN:

CONCLUSIONS

Undoubtedly the supra-state has advanced minority rights by providing new political space for sub-state entities as well as being the source of practical and material benefits. In so doing ethnic conflicts are, even if indirectly, transformed. So too, dominant conceptions based on state centrism have shifted and the activity of the supra-state has given the field of conflict resolution much to consider and re-consider. The central locus of these transformations is arguably in the European Court of Human Rights, while the source of sub-state aspirations comes from the parliaments and consultative bodies. However, the rigorous attention to empirical detail in the analysis exposed as misconceptions the hopes that the supra-state, the EU and the Council of Europe, now firmly entrenched as directors of European integration, would somehow render the nation state obsolete and that this would then be an opportunity for sub-state entities. Such focused research also laid bare the empty hopes of the supra-state and its supporters that somehow these new political forums and spaces would be all that was required to protect minorities and so advance human dignity, democracy and promote the necessary cooperation to end ethnic conflicts. Grounded as it is in actualities, this research uncovered some particular inadequacies of relevance to member states, sub-state entities and the supra-state organizations themselves. In so doing it makes a hard hitting comment about the real state of play in European ethnic minority affairs.

In addition to the longstanding and expected problem of member states stalling in the observations and fulfillment of their convention responsibilities, the supra-state courts are perhaps not utilized effectively. It appears that knowledge of the European Court of Justice (ECJ) and the European Court of Human Rights, for individual citizens and social groups, is poorly publicized and understood. The longstanding tension between the safeguarding of group rights and the protection of individual rights has simply given way to confusion and unpredictability.

At the level of the supra-state there is no inclusive forum for local and regional authorities and also for national minorities or ethnic and linguistic nations. Furthermore, in the apportioning of representation in parliamentary bodies and consultative

institutions unfair access and distribution is quite noticeable even in sensitive situations, which the supra-state does not interfere with. There are no provisions, for instance for representatives from autonomous entities to be present in the Council of Ministers when pertinent. Such representations are left to the discretion and initiative of the member states. In some instances at the level of the supra-state the political autonomy of sub-state entities is not ensured. There are therefore hidden strategies of delegitimization that are evident in member states and practices, and this alienates some of the very groups the supra-state seeks to include.

For all its softening of borders and assistance to new democracies, the supra-state is poorly prepared for the realities of territorial changes that result from self-determination principles, for instance recognition of seceded entities. Both the EU and the Council of Europe have great potential through their 'carrot and stick' capacity to ensure secession is peaceful. Both organisations have vast resources for technical expertise in such matters, but the experience is largely applied outside of the European Union. From the newly independent and democratising nations in Central and Eastern Europe to Western states in the processes of decentralizing and devolving, neither organisation realises its potential and full responsibility.

Support for some sub-state needs and rights are clearly evident. The supra-state employs a range of complementary strategies to address contemporary minority issues, but these are not only inconsistently addressed but also unequally apportioned. The pattern of ethnic conflict may be repeating and extending itself at the supra-national level. Sources of discrimination and marginalisation are applicable to their own institutions. As was observed, inter community conflict, biases and state oversights do replicate in the European parliaments as well as the consultative bodies.

In conflict zones, there is some evidence that the EU in particular is biased especially in its criteria for special economic treatment. Inequalities also persist as to the definition of ethnic and ethno-nationalist communities in national and international law; this crucial matter is left up to each member state. The supra-state does not consider developing its own terminology and criteria. Most EU and Council of Europe members are actually

multi-national or multi-ethnic states, but refer to nationality, instead of citizenship. These political terms and concepts have profound effects on the attitude of a sovereign government and on the recognition of minorities.

The supra-state is not politically pragmatic in ignoring the obvious and overt support some ethno-nationalists give the supra-state. Certain committees and consultative bodies with relevance do not enter into political exchange, dialogue and bargaining with such parties. In particular, those ethno-nationalist parties which promote a third way, projecting a unified, transcendent identity are not stimulated. Moderate nationalists are not given support in participation and development, such as could be provided by sponsoring forums or conferences of moderate European nationalists and representatives of smaller, ethno-linguistic communities.

Cost and effort in conserving cultures and languages remains a common complaint. However supra-states show little evidence of exploring sharing of resources for cost-effectiveness or garnering investment from private spheres. The role of private enterprise in supporting minority languages and cultures is not investigated. Research into support for cultural initiatives and minority languages in economic development remains focused on micro-analysis. The supra-state does not address the production of knowledge in relation to minorities in the fields of higher education and issues of cultural imperialism. The supra-state seems oblivious to the impact of the ownership of education and the production of knowledge in the minority policies. Education and language policies may be as important as cultural values to the electorate; who runs the policy and for whom are substantive issues. (Hopkins, 2002: 1)

The supra-state is unclear about its specific conflict management capacities. The full and successful inclusion of minorities in international policies and the address of sources of disparity and conflict is not fully and consistently committed. Mediative capacities, such as providing safe offices and arbitrators, as well as negotiating engagements and agreements exploring dialogue, sponsoring ceasefires, and facilitating bargaining are not seized and effectively applied. The supra-state is poised to make a niche to establish a panel of experts on ethnic identity, nationalism and conflict. It has

accomplished this in part through organisations to address racism and xenophobia which were rapidly established, but has not carried this further. Simultaneously, the superordinate goals of the EU and its plethora of subsidiarity initiatives have not reduced conflict as imagined, but added a new dimension and further entanglements. There remains identity issues that are bypassed, ignored or not within the capabilities of either institution.

Very little direct action is seen in Europe's two most violent political conflicts, the case studies of Northern Ireland and the Euzkadi, where the aid or initiative of either supra-state is crucial. Despite being key institutions with comprehensively developed mechanisms, the Council of Europe and the EU are unable to deal, as of yet, with the violent recourse still taken by some groups. A second gap of multi-border minorities is treaty application and community representation at the supra-state level. The supra-state does little to facilitate joint ethnic cooperation councils, although it makes moves to facilitate in the areas of cross-border and cross community collaboration.

The EU and the Council of Europe have a range of complementary strategies to include sub-state entities, foster democracy, address economic disparity and promote and protect those issues of importance to minorities. In Europe there are a range of intergovernmental forums and organizations that support cooperation. The EU and the Council of Europe are the oldest and perhaps most comprehensive, but there are other high profile bodies such as NATO and OSCE, as well as more regionally concentrated forums like the Nordic Council. Yet there is little evidence of coordinated efforts to address sub-state conflicts and focused consultations on minority issues.

Standard setting is perhaps the most important institutional foundation, yet in some member states some peoples continue to live without the protection of social, economic and humanitarian commitments. While the EU and the Council of Europe protects diversity, it avoids inclusive dialogue with those excluded groups for whom no one will undertake responsibility. Are the EU and Council of Europe brave enough to tackle the state apparatus, which represents the people who do not officially exist? Are they politically astute enough to confront the shrewd policies aimed at subverting

distinctiveness and autonomy, to the point where some minorities do not exist under basic human rights? It is a difficult negotiation to promote subsidiarity processes to these levels, enforce standards, draw into dialogue sub-state actors on par with sovereign entities and still maintain the cohesion and support of their member states.

The supra-state does encourage subsidiarity and levels of autonomy closer to the people, despite difficulties in defining regions and distributing economic justice. The salience and intensity of ethnic ties continues to impact the system in separatist, autonomous movements, which often become sites of violence. In addition to self-awareness and physical needs, there may be unrevealed aspects of ethnic conflict that need unpacking before management commences. Is there space in the European supra-state to accommodate not formed states, but also budding states, and independent state-like polities? The supra-states rely upon the member states as foundations and so do not encourage separatism, but evidence suggests that some tenacious groups will not be satisfied by any other formula, except statehood. It is unclear if the boundaries of support for subsidiarity and self-determination end at separation.

Some groups have had their autonomy impinged upon, having a degree of self-determination that is diminished. Many of these situations constitute international law infringements in terms of territorial integrity, constitutional agreements, self-determination, and human and minority rights guarantees. The Council of Europe and the EU must assess their capabilities in addressing the semantic, subtle and labyrinthine areas of minority law.

Both organizations, the European Union and the Council of Europe, promote peace and stability, but neither carries the specific conflict management mandate. When examining EU initiatives in managing identity conflicts, it can be seen that they aim at changing the context of the tension. The Council of Europe also aims to change systems that produce and exacerbate conflict. Neither organisation was engendered as instruments of early warning and dispute settlement. Both may assist change from within societies, bringing appropriate and long lasting solutions.

The EU and the Council of Europe can be utilised as an alternative dispute settlement mechanism, applying problem-solving techniques, and adeptly dealing with sub-state

actors. Both institutions can transcend existing power structures and incorporate non-state parties. The supra-state level creates the opportunity for groups to develop more autonomy, and in this way the EU and the Council of Europe may be seen as preventative. The EU contains mechanisms that facilitate identity expression by soft means, such as promotion of diversity, and complementary means, such as economic justice. It is the task of the Council of Europe to make early assessments and direct provisions for preventing and resolving identity insecurity; and to provide a neutral ground for polarised groups to meet. It may seem that the EU then is action-oriented in drawing people together, but without specific mechanisms to overcome polarisation. The Council of Europe, being a less aggressive communication vessel, possesses the radical mandates and functions to directly address, though not intervene in serious conflicts. The goal of the EU was not the regulation of conflict but the promotion of a cooperative and prosperous union. It happens, in some cases that this may assist in the de-escalation of identity conflicts.

For the purposes of theory and practice, the case studies do not demonstrate that the nation-state is in decline or that sovereignty is being eroded. There are indications that sovereignty is being shared and in fact, the nation-state may, in its treatment of minorities, be gaining and appropriating power from the sub-state entities at the supra-state level. The evidence from our case studies indicates that hard borders remain the dominant norm, as does the territorial integrity of the state, although there are some permutations to this. The sub-state does have a place at the level of the supra-state but it is at little expense to the sovereignty of member states.

For conflict research, the analysis demonstrates that alternative and auxiliary political bodies do not in themselves end conflict. If we accept that the European Union and the Council of Europe are not just forums nor organisations but also players internationally with agendas of their own, then we also accept the potential they have to act as conflictants, capable of antagonizing and exacerbating tensions. Because the evidence from the case studies suggests that the supra-state does not overcome state bias towards minorities and may even support it, this research may help re-examine the value of national self-determination for ethnic nations. Surprisingly, not all the case studies confirmed academic assumptions that human dignity and civil equality presuppose

independence and so there remains further research as to what more can be done to prevent and manage ethnic conflict. This thesis also reveals a need to reappraise notions of national self-determination, from a logical goal to a process.

In summary, the supra-state policies and activities towards the sub-state entities are inconsistently applied and unequally apportioned. Some of this reflects not only bias against minorities and sub-state entities, but against particular ethno-nations and their conflicts too. Similar research suggests that the approach to sub-states and sub-state conflict is inconsistent and piecemeal, exacerbating conflict in economic, political and judicial spheres. Further research may consider if member states' bias towards other minorities continues, and whether prejudice and oppression are entrenched at the supra-state.

Both the EU and the Council of Europe are keenly aware of the importance of minorities, attending to this issue both as cultural matter and indirectly as a security issue. Both can be credited with tackling aspects of security that are difficult, for instance the arms trade, terrorism, fundamentalism, xenophobia and transnational minorities. Attention to ethnic issues in the EU operate on contributing factors like economic injustice, where the ethnic issue plays no less a central role. Each organisation places importance on diverse cultural identities as a resource to be protected, promoted, included and understood. The resources and energy dedicated to this area by the EU and the Council of Europe are of real practical and conceptual importance. The needs of minorities are recognised as common challenges and the shared membership values and standards are utilised in addressing identity conflicts. The plurality of identities requires a multidimensional interaction for a peaceful continental community. The impact these programmes, policies and conventions have can only be evaluated over the long term, but they are certainly amongst the greatest contributions to progress in minority rights and well-being. Inevitably, ethnic conflict management becomes a core activity of an institution, whether explicitly mandated or not, as it is a component of prevention, early warning, resolution and peace and justice development.

In fairness, the EU and the Council of Europe are not entirely state-like, they are the product of member states, and remain dependent on their member states and the wider

citizenry. To charge them with a host of failings may be an ineffective transfer of blame, when the key responsibility for minority protections and justice for ethno-nations remains directly and predominantly with member states and their collective efforts. Ethno-nations and other sub-state entities cannot depend upon the EU or the Council of Europe to advance their rights to self-determination. As long as the state exists uncomfortably with its internal minorities, there will be exclusion from official access. Therefore, as long as the state exists in such a form, redress for inequalities can only be properly affected at the level of the nation-state.

Both the EU and the Council of Europe have made courageous steps in addressing sub-state issues, but the full understanding of these in terms of geo-politics is not always demonstrated; nor is a full commitment evident to the successful inclusion of all minorities in the polity. Despite supra-state goals of unity, multidimensional security networks and conflict resolution, European institutions will continue to be focused on the complications of sub-state diversity.

APPENDIX

IDENTITY	SOURCE	GEO-POLITICS	POLITICAL STATUS	SOCIO-ECON STATUS	CONFLICT/VIOLENCE	MANIFESTATIONS	STATE RESPONSE/RESOLUTION
Åland Islanders	Lang., Ethn., Inher.	Num. Min., Nat. Peoples.	Equality, Autonomy, EU	Lang/Cult Rights	Reciprocatve, Low, Managed N/D	High Poli/Cult Assert.	Recognition, Econ Develop. Constitutional, Institutional Mutual, Deep, Ongoing
Albanians (Italy)	Lang., Ethn., Cult., Inheri.,	Num. Min., Nat. Peoples	Equality, EU/extra EU	Lang. Protection	Reciprocatve, Low, Managed N/D	Low Poli/Cult Assert.	Recognition Social- Ongoing
Aldernay Islanders	Lang., Cult., Hist., Indig.	Homogenous,	Equality, Protectorate, EU	Econ. Protection	Co-operative, Managed N/D	High Cult Assert, Low Poli Assert.	Recognition, Poli. Accommodation, Protection, Econ .Develop. Constitutional Mutual, Deep
Alastians (Germany)	Lang., Cult.	Multi-border,	Autonomous Region, EU	Equality	Reciprocatve Low, Managed N/D	High Poli Assert.	Econ. Develop. Constitutional
Alsations (France)	Lang., Cult., Relig., Inher.	Multi-border, Shared Territory,	Autonomous Region, EU	Lang/Cult Protection	Reciprocatve Low, Managed Cultural Violence Hate Crime	High Poli/Cult Assert.	Poli. Accommodation Legal/Treaty, Constitutional, Institutional Ongoing
Andalusians	Lang. Cult.,	Multi-Ethnic, Regional	Autonomous Region, EU	Equality	Reciprocatve Low, Vert. Esc N/D	Low Poli Assert.	Semi-Denial Constitutional
Aostans (Italy)	Lang., Ethn., Inher.	Multi-border, Shared Territory	Autonomous Region, EU	Lang. Rights	Reciprocatve Low, Managed Cultural Violence	High Poli/Cult Assert., Irredentist	Recognition, Protection, Poli. Accommodation Constitutional, Legal/Treaty Deep, Ongoing

APPENDIX

IDENTITY	SOURCE	GEO-POLITICS	POLITICAL STATUS	SOCIO-ECON STATUS	CONFLICT/ VIOLENCE	MANIFESTATIONS	STATE RESPONSE/ RESOLUTION
Aragonese	Cult.	Multi-Ethnic, Regional	Autonomous Region, EU	Equality	Reciprocalive Managed N/D	Low Cult Assert.	Cult. Recognition Constitutional
Arvanites	Lang., Ethn., Relig.	Num. Min., Ethno-class	Not recognized, EU/extra EU	N/A	Pragmatic Low, Escalation Hate Crime, Direct, Psychological	Low Cult Assert.	Denial N/R
Asturians	Lang., Cult.	Multi-ethnic dominant	Autonomous Region, EU	Cult. Protection	Reciprocalive Managed N/D	Low Poli/Cult Assert.	Recognition, Protection Constitutional, Institutional
Azoreans	Lang., Cult., Indig., Inher.	Ethno-class,	Semi-Autonomous, EU	Econ. Denied	Pragmatic Protracted, Vert.Esc. Structural	Low Poli/Cult Assert.	Recognition Constitutional Ongoing
Balearic Islanders	Indig., Inher.	Ethno-class,	Autonomous Region, EU	Equality	Reciprocalive Managed N/D	Low Poli/Cult Assert.	Econ.Develop Constitutional
Basques/ Euskadi (France)	Lang., Ethn., Inher., Indig.	Min. Peoples, Ethno-nationalist, Multi-ethnic	Equality, Centralized, EU	Low Econ Discrimination	Reciprocalive Low, Horiz.Esc. Structural, Cultural	Irredentist, Civil Demonstrations, Low Poli/Cult Assert.	Assimilation/ Cult.Colonialism N/R
Basque/ Euskadi (Spain)	Lang., Ethn., Indig.	Min. Peoples, Multi-Ethnic, Ethno-nationalist	Limited Autonomous Region, EU	Equality	Pragmatic, MR, High Separatist Protracted, Ripe VPC, Direct, Cultural, Structural, Militarized	Irredentist, Terrorism, Civil Demonstrations, High Poli/Cult Assert.	Econ. Develop., Counter Mobilization Constitutional, Institutional- Deep, Ongoing, N/R

APPENDIX

IDENTITY	SOURCE	GEO-POLITICS	POLITICAL STATUS	SOCIO-ECON STATUS	CONFLICT/VIOLENCE	MANIFESTATIONS	STATE RESPONSE/RESOLUTION
Bavarians	Lang., Relig., Cult.	Ethno-class, Regional	Equality, Distinct Status, EU	Equality	Reciprocatve Low, Managed N/D	High Poli/Cult Assert.	Recognition, Poli. Accommodation Constitutional, Ongoing
Bretons	Lang., Ethn., Indig., Hist.	Ethno- nationalist, Min. Peoples homogenous	Equality, Centralised, EU	Low Civil Discrimination	Pragmatic, MR, Low Separatist Protracted Property Damage Structural Cultural	Terrorism, Civil Demo., High Poli/Cult Assert.	Assimilation/ Cult. Colonialism N/R
Burgenlunders	Lang., Cult., Inher., Recip.	Multi-ethnic, Regional	Autonomous Region, EU	Equality	Reciprocatve Managed N/D	High Cult Assert.	Recognition, Protection Constitutional Mutually Satisfactory, Deep
Burgundians	* Lang., Ethn., Cult., Hist.	Multi-ethnic, Assimilationist	Equality, Centralized, EU	Equality	Reciprocatve Managed N/D	Low Cult Assert	Assimilation N/R
Canary Is	Lang., Cult., Indig., Hist.	Ethno- nationalist, Regional	Autonomous w/ Regional Councils, EU	Cult/Econ Promotion	Reciprocatve, Low Separatist Low, Managed N/D	Increasing Poli/Cult Assert.	Econ. Develop., Recognition Constitutional, Institutional, Ongoing
Cantaburians	Cult.,	Multi-ethnic, Regional	Autonomous Region, EU	Equality	Reciprocatve Managed N/D	High Cult Assert.	Recognition Constitutional
Carinthians	Lang., Inher.	Num. Min., Assimilationist	Autonomous Region, EU	Equality	Reciprocatve Managed N/D	High Poli Assert., Low Cult Assert.	Recognition, Poli. Accommodation Constitutional Deep, Mutually Satisfactory

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IDENTITY	SOURCE	GEO-POLITICS	POLITICAL STATUS	SOCIO-ECON STATUS	CONFLICT/VIOLENCE	MANIFESTATIONS	STATE RESPONSE/RESOLUTION
Castillians	<i>Cult.</i>	<i>Multi-ethnic, Regional</i>	<i>Autonomous Regions, EU</i>	<i>Equality</i>	<i>Reciprocal Managed N/D</i>	<i>Increasing Poli/Cult Assert.</i>	<i>Recognition Constitutional Ongoing</i>
Catalans (France)	<i>Lang., Ethn., Hist.</i>	<i>Multi-border, Ethno-nationalist,</i>	<i>Equality, Centralized, EU</i>	<i>Equality</i>	<i>Reciprocal Horiz. Esc., Managed Structural Cultural</i>	<i>Increasing Poli/Cult Assert.</i>	<i>Assimilation N/R</i>
Catalans (Spain)	<i>Lang., Ethn., Hist.</i>	<i>Multi-border, Ethno-nationalist</i>	<i>Autonomous Region, EU</i>	<i>Lang. Rights, Low Poli. Discrimination</i>	<i>Pragmatic, MR, High Separatist Protracted, Horiz. Esc., Ripe Property Damage Militarized</i>	<i>Irredentist, Civil Demo, High Poli/Cult Assert.</i>	<i>Recognition, Protection Constitutional Ongoing, N/R</i>
Catholics (NLD)	<i>Relig.</i>	<i>Ethno-class, Multi-ethnic</i>	<i>Equality, Centralized, EU</i>	<i>No Special Status</i>	<i>Co-operative Managed, Stable N/D</i>	<i>Low Cult Assert.</i>	<i>Recognition, Pol.i Accommodation Constitutional/Social</i>
Catholics (Scotland)	<i>Lang., Relig.</i>	<i>Ethno-class, Sect</i>	<i>Equality, Centralized, EU</i>	<i>No Special Status</i>	<i>Co-operative Managed, Stable N/D</i>	<i>Increasing Cult/Civil Assert.</i>	<i>Recognized Socia, Ongoing</i>
Ceuta/Melilla	<i>Lang., Ethn., Relig., Cult., Indig., Inher.</i>	<i>Regional, Multi-ethnic, Nat. peoples, Ethno-class</i>	<i>Diminished Autonomy, EU</i>	<i>Diminished Rights</i>	<i>Essentialist Crises, Horiz. Esc. Cultural, Direct, Structural, Militarized</i>	<i>Civil Demo, High Poli Assert.</i>	<i>Official recognition, Repression Constitutional Ongoing, N/R</i>

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IDENTITY	SOURCE	GEO-POLITICS	POLITICAL STATUS	SOCIO-ECON STATUS	CONFLICT/ VIOLENCE	MANIFESTATIONS	STATE RESPONSE/ RESOLUTION
Champenois Speakers (Belgium)	Lang., Cult., Inher.	Min. Peoples, Multi-border, Multi-ethnic, Regional	Equality, Centralized, EU	Lang. Protection, Community	Co-operative Managed N/D	Low Cult Assert.	Recognition, Protection Legal/Treaty Mutually Satisfactory
Cornish	Lang., Cult., Indig., Hist.	Min. Peoples, Regional, Multi-ethnic	Equality, Centralized, EU	Equality	Co-operative, Low Separatist Managed N/D	Low Cult Assert.	Recognition Constitutional/Social
Corsica	Lang., Ethn., Cult Indig., Hist.,	Ethno-nationalist, homogenous	Semi-Autonomous, Centralized, EU	Lang. Rights, Low Poli. Discrimination	Pragmatic, MR, High Separatist Protracted, Vert.Esc., Critical VPC, Crime, Direct, Property Damage,	Terrorism, Civil Demo, High Poli/Cult Assert.	Recognition, Econ Develop. Poli. Accommodation Constitutional Ongoing, N/R
Croats (Austria)	Lang., Ethn., Cult., Inher.	Nat. peoples, Multi-ethnic	Equality, EU/extra EU	Diminished Econ., Lang Promotion	Co-operative Low, Managed N/D	Low Poli/Cult Assert	Recognition Protection Social Ongoing
Croats (Italy)	Lang., Ethn., Cult., Inheri.	Nat. peoples,	Equality, EU/extra EU	Community Lang. Presence	Co-operative Low, Managed N/D	Low Poli/Cult Assert	Recognition Protection Social Ongoing
Danes (Germany)	Lang., Ethn., Cult., Inher., Recip.	Nat. peoples, Partition	Equality, EU	Lang/Cult Rights	Reciprocal Managed N/D	High Poli Assert, Low Cult Assert.	Legal/Treaty, Constitutional, Institutional Recognition, Protection Social, Poli. Accommodation Deep, Mutually Satisfactory

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IDENTITY	SOURCE	GEO-POLITICS	POLITICAL STATUS	SOCIO-ECON STATUS	CONFLICT/ VIOLENCE	MANIFESTATIONS	STATE RESPONSE/ RESOLUTION
Emilia-Romagna	Cult., Hist.	Ethno-class, Regional	Autonomous Region, EU	Equality	Reciprocatve Managed N/D	High Poli/Cult Assert.	Recognition, Constitutional
Foroykt (Faroe Is)	Lang., Cult., Hist.,	Ethno-nationalist, Homogenous	Semi-Autonomous, EU	Lang. Equality	Pragmatic Low, Protracted, Managed N/D	Increasing Poli/Cult Assert/	Recognition, Constitutional, Institutional Ongoing
Finns (Sweden)	Lang., Ethn., Cult., Indig., Inher., Recip.	Nat. peoples, Partition, Num. Min.	Equality, EU	Lang/Cult Rights	Reciprocatve Managed N/D	High Poli/Cult Assert	Recognition, Protection, Poli Accommodation Social
Flemish (Belgium)	Lang., Cult., Hist.,	Ethno-nationalist, Ethno-class, shared territory	Equality, Semi-Autonomous, EU	Lang/Cult/ Econ Rights/ Promotion	Reciprocatve, High Separatist Protracted, Low, Managed Psychological, Hate Crime, Cultural	High Poli/Cult Assert. Irredentist	Recognition, Poli. Accommodation, Econ. Develop. Institutional Deep, Ongoing
Flemish (France)	Lang., Cult., Hist.,	Nat. Peoples, Partition	Equality, EU	Community	Reciprocatve Horiz.Esc., Low Structural, Cultural	Low Poli/Cult Assert	No Recognition, Assimilation N/R
Franconians	Lang., Cult.	Regional	Autonomous Region, EU	Equality	Reciprocatve Managed N/D	High Cult Assert.	Recognition Constitutional
Friulians	Lang., Cult., Hist.	Ethno-nationalist, Multi-border	Autonomous Region, EU/extra EU	Lang. Promotion	Reciprocatve Low, Managed N/D	High Poli/Cult Assert.	Recognition, Poli. Accommodation, Protection Constitutional Ongoing

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IDENTITY	SOURCE	GEO-POLITICS	POLITICAL STATUS	SOCIO-ECON STATUS	CONFLICT/VIOLENCE	MANIFESTATIONS	STATE RESPONSE/RESOLUTION
Frysans, East (Germany)	Lang., Ethn., Hist., Indig.	Min. peoples, Multi-border	Equality, EU	Low Lang/Cult Protection	Co-operative Low Structural, Cultural	Low Cult Assert.	No Recognition N/R
Frysans, North (Germany)	Lang., Ethn., Cult., Hist., Indig.	Ethno-nationalist, Multi-border	Equality, EU	Low Lang/Cult Promotion	Co-operative Low, Managed N/D	Low Cult Assert.	Recognition Social
Frysans, West (NLD)	Lang., Ethn., Cult., Hist., Indig.	Ethno-nationalist, Multi-border	Equality, Centralized, Recognition, EU	Lang/Cult Rights, Low Econ	Reciprocal Low, Vert. Esc., Managed N/D	Increasing Poli/Cult Assert.	Recognition, Poli. Accommodation, Protection Constitutional, Institutional Ongoing
Gaelic Speakers, (Scotland, UK)	Lang., Cult., Ethn., Hist., Indig.	Ethno-nationalist, Regional,	Equality, EU	Lang/Cult Protect/Prom.	Co-operative Low, Managed Cultural Structural	Increasing Cult Assert.	Recognition, Protection Social
Galicians	Lang., Cult., Ethn., Hist.	Min. Peoples,	Autonomous, EU	Equality, Lang/Cult Rights	Reciprocal, Low Separatist Low, Managed N/D	Increasing Cult Assert.	Recognition, Poli. Accommodation, Protection Constitutional
German Speakers (Belgium)	Lang., Cult., Ethn., Inher.	Nat. Peoples, Num. Min., Multi-ethnic	Equality, EU	Lang/Cult Rights	Co-operative Managed N/D	Low Cult Assert.	Recognition, Protection Legal/Treaty
Germans (Denmark)	Lang., Ethn., Cult., Inher., Recip.	Nat. Peoples, Partition	Equality, EU	Lang/Cult Rights	Reciprocal Managed N/D	High Poli/Cult Assert.	Recognition, Protection, Poli. Accommodation Constitutional, Institutional, Legal/Treaty Deep, Ongoing, Mutually Satisfactory

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IDENTITY	SOURCE	GEO-POLITICS	POLITICAL STATUS	SOCIO-ECON STATUS	CONFLICT/ VIOLENCE	MANIFESTATIONS	STATE RESPONSE/ RESOLUTION
Gibraltarians/ Llanitos	Lang., Cult., Hist.	Ethno- nationalist, Partition	Equality, Semi- Autonomous, EU	Equality	Pragmatic Low, Vert. Esc., Ripe Structural	Increasing Poli/Cult Assert.	Recognition Legal/Treaty, Institutional, Ongoing
Greeks (Italy)	Lang., Ethn., Cult., Inheri.	Nat. Peoples,	Equality, EU/extra EU	Econ. Discrim, Lang/Cult Protection	Co-operative Low, Managed N/D	Low Cult Assert.	Recognition, Protection Social
Guernsey	Lang., Cult., Indig., Hist.	Regional, Min. Peoples	Equality, Protectorate, EU	Econ. Protect., Low Lang/Cult Promotion	Co-operative Managed N/D	Low Cult Assert.	Recognition, Protection, Poli. Accommodation, Econ. Develop. Constitutional Mutual, Deep
Harpeitanya Speakers, (Italy)	Lang, Hist., Inheri.	Num. Min., Multi-border	Equality, EU	No Lang. Protection	Reciprocal Horiz. Esc., Managed Structural Cultural	Low Cult Assert.	N/R
Hungarians (Austria)	Lang., Ethn., Cult., Inher., Recip.	Nat. Peoples, Partition, Multi-border	Equality, EU/extra EU	Lang/Cult Protection	Reciprocal Managed N/D	High Cult Assert.	Recognition, Poli. Accommodation Social
Irish Catholics (N.I., UK)	Lang., Relig., Cult., Inher., Hist.	Ethno- nationalist, Ethno-class, shared territory, Nat. peoples	Semi- Autonomous, Centralized, EU	Econ/Soci Discrimination	Essentialist, MR, HR Protracted, Entrapment, Critical, Ripe VPC, Property Damage, Structural Cultural, Psychological	Terrorism, Civil Demo, Civil War, High Poli Assert.	Counter Mobilization, Recognition N/R

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IDENTITY	SOURCE	GEO-POLITICS	POLITICAL STATUS	SOCIO-ECON STATUS	CONFLICT/ VIOLENCE	MANIFESTATIONS	STATE RESPONSE/ RESOLUTION
Irish Protestants, (N.I., U.K.)	Lang., Relig., Cult.,	Nat. peoples, shared territory, Ethno-class	Semi-Autonomous, Centralized, EU	Econ/Soci Dominance	Essentialist Protracted, Entrapment, Critical, Ripe VPC, Property Damage, Cultural, Psychological	Terrorism, Civil Demo, High Poli Assert	Counter Mobilization, Recognition N/R
Inuit/ Greenlanders	Lang., Ethn., Cult., Indig., Hist., Aborig.	Min. Peoples,	Autonomous, EU	Lang/Cult Rights, Soci/Econ Decline	Reciprocatve, MR Horiz.Esc., Low, Managed Cultural	High Poli/Cult Assert.	Recognition, Protection Constitutional, Institutional Deep, Ongoing
Jersey	Lang., Cult., Indig., Hist.	Regional, Min. Peoples	Equality, Protectorate, EU	Econ Protect, Low Lang/Cult Promotion	Co-operative Managed N/D	Low Cult Assert.	Recognition, Protection, Econ. Develop., Poli. Accommodation Constitutional Mutual, Deep
Jews, Ashkenaz (EuroCom)	Lang., Relig., Ethn., Cult., Inheri., Migr.	Nat. Peoples, Multi-border, Ethno-class, *Assimilation	Equality, EU/extra EU	Low Lang/Cult Promotion Soci. Discrimination	Co-operative/ Reciprocatve Low, Managed Psychological Hate Crime Property Damage	Low Poli/Cult Assert.	Recognition, Protection Social Ongoing
Jews, Sefared (EuroCom)	Lang., Relig., Ethn., Cult., Inheri., Migr.	Nat. peoples, Multi-border, Ethno-class, *Assimilation	Equality, EU/extra EU	Low Lang/Cult Promotion Soci. Discrimination	Co-operative/ Reciprocatve Low, Managed Psychological Hate Crime Property Damage	Low Poli/Cult Assert	Recognition, Protection Social Ongoing
Karelians	Lang., Ethn., Cult.	Min. Peoples, Multi-border	Equality, EU/extra EU	Lang/Cult Promotion/ Protection	Co-operative Vert.Esc., Managed	High Cult Assert.	Recognized Social Ongoing

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IDENTITY	SOURCE	GEO-POLITICS	POLITICAL STATUS	SOCIO-ECON STATUS	CONFLICT/ VIOLENCE	MANIFESTATIONS	STATE RESPONSE/ RESOLUTION
Ligurians	Lang., Cult.,	Ethno- nationalist, Regional	Equality, EU	Lang/Cult Promot	Reciprocalive Managed N/D	Increasing Cult Assert., High Poli Assert.	Recognition, Protection Constitutional Institutional
Lladins	Lang., Cult., Inheri.	Min. Peoples, Partition	Equality, Protectorate, EU	Lang/Cult Rights	Reciprocalive Managed N/D	High Cult Assert.	Recognition, Protection, Poli. Accommodation Constitutional Institutional Ongoing
Lombards	Lang., Cult.,	Ethno- nationalist, Regional	Autonomous Region, EU	Econ. Dominance, Lang/Cult Promotion	Reciprocalive Esc., Managed Psychological	High Cult Assert, Increasing Poli Assert., Irredentist	Recognition Constitutional
Lorraines Speakers (Belgium)	Lang., Cult., Inher.	Min. Peoples, Multi-border, Multi-ethnic, Regional	Equality, EU	Lang/Cult Rights	Co-operative Managed N/D	Low Cult Assert.	Recognition, Protection Legal/ Treaty
Lower Austrians	Cult.	Regional	Autonomous Region, EU	High Cult. Promotion	Reciprocalive Managed N/D	High Cult Assert.	Recognition Constitutional
Luxembourgish Speakers (Belgium)	Lang., Cult., Inher.	Nat. Peoples, Multi-border, Multi-ethnic	Equality, EU	Lang/Cult Rights	Co-operative Managed N/D	Low Cult Assert.	Recognition, Protection Legal/ Treaty
Macedonians (Greece)	Lang., Ethn., Cult., Relig., Inher., Recip.	Ethno- nationalist, Multi-border	Not Recognized, EU/extra-EU	Soci/Econ Discrimination	Essentialist, HR Critical, Protracted, Esc.Structural, Psychological, Direct, Militarized, Hate Crime	Civil Demo, Increasing Poli Assert.	Denial, Assimilation, Cult.Colonialism, Pop. Transfers N/R

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IDENTITY	SOURCE	GEO-POLITICS	POLITICAL STATUS	SOCIO-ECON STATUS	CONFLICT/ VIOLENCE	MANIFESTATIONS	STATE RESPONSE/ RESOLUTION
Madeiraans	Lang., Cult., ndig., Hist.	Ethno-nationalist, homogenous	Semi-Autonomous, Centralized, EU	Equality, Soci/Econ Promotion	Reciprocatve Managed N/D	Increasing Poli/Cult Assert.	Recognition, Protection Institutional Ongoing
Manx	Lang., Cult., Ethn., Indig.	Ethno-nationalist,	Autonomous, EU	Econ. Autonomy, Lang/Cult Promotion	Reciprocatve Horiz.Esc., Managed N/D	Increasing Poli/Cult Assert.	Recognition, Poli. Accommodation, Econ. Develop. Constitutional Institutional Ongoing
Muslims (Greece)	Lang., Ethn., Rel.,	Min. Peoples, Multi-border, Sect	Diminished Civil Equality, EU/extra EU	Dual Policy-Soci/Econ Discrim & Soci/Econ Promotion	Essentialist, MR Esc., Critical Psychological, Cultural Structural	Civil Demo, Increasing Poli/Cult Assert.	Recognized, Cult. Colonialism, Pop. Transfers Constitutional Ongoing
Navareese	*Lang., Cult.,	Regional	Autonomous Region, EU	Cult Promotion	Reciprocatve Managed N/D	Increasing Cult Assert.	Recognition Constitutional
Neapolitan	Lang., Cult.,	Ethno-class, Regional	Autonomous Region, EU	Soci/Econ Discrim.	Reciprocatve Managed N/D	Low Poli/Cult Assert.	Recognition, Econ. Develop. Constitutional
Normans	Lang., Cult.,	Regional	Equality, Centralized, EU	Cult. Promotion	Reciprocatve Managed, N/D	Low Cult Assert.	Recognition, Econ. Develop. Institutional
N.England/ Yorkshire (U.K.)	Lang., Cult.,	Regional, Ethno-class	Equality, Centralized, EU	Cult/Econ Promotion	Co-operative Managed N/D	Low Cult Assert.	Protection, Econ. Develop. Social

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IDENTITY	SOURCE	GEO-POLITICS	POLITICAL STATUS	SOCIO-ECON STATUS	CONFLICT/ VIOLENCE	MANIFESTATIONS	STATE RESPONSE/ RESOLUTION
Occitan Speakers (France)	Lang., Cult., Hist.	Regional, *Assimilation	Equality, Centralized, EU	Lang. Promotion	Reciprocal, Horiz. Esc., Low Structural, Cultural	Increasing Poli/Cult Assert.	Not Recognized, Cult. Colonialism Social, Ongoing
Occitan (Italy)	Lang., Cult., Hist.	Min. Peoples, Regional	Equality, EU	Lang/Cult Promotion/Protection	Reciprocal, Low, Managed Structural	Low Cult Assert.	Not Recognized, Protection Legal, Social, Ongoing
Picard Speakers (Belgium)	Lang., Cult., Inher.	Min. Peoples, Multi-border, Multi-ethnic, Regional	Equality, Centralized, EU	Lang./Cult. Protection	Co-operative, Managed, Stable N/D	Low Cult Assert.	Recognition, Protection, Poli. Accommodation Constitutional
Piedmontese	Lang., Cult., Hist.	Ethno-nationalism, Multi-border	Autonomous Region, EU	Lang. Rights	Reciprocal, Low, Managed N/D	High Cult Assert. Increasing Poli Assert.	Recognition, Protection Legal/Treaty Mutually, Satisfactory
Pomaks/Torbeshes/Poturs (Greece)	Lang., Cult., Ethn., Relig.,	Sect, Multi-border	Diminished Civil Equality, EU/extra EU	Econ. Discrimination	Essentialist, MR Critical, Protracted, Esc. Structural, Psychological	Civil Demo, Increasing Poli/Cult Assert.	Denial, Pop. Transfers, Cult. Colonialism N/R
Protestant, English Speakers (Eire)	Lang., Relig., Cult., Inheri.,	Ethno-class	Equality, EU	Econ. Dominance	Essentialist Low, Ripe/Managed Structural, Cultural	Low Cult Assert, High Poli Assert.	Recognition Constitutional Institutional
Provincals-Franco	Lang., Cult., Ethn., Hist.,	Regional, Assimilation	Equality, Centralized, EU	Low Lang/Cult. Promotion	Reciprocal, Low, Managed N/D	Low Cult Assert.	Recognition, Econ. Develop. Institutional Ongoing
Prussians	Ethn.,	Min. Peoples, Regional, Assimilation	Equality, EU/extra EU	Equality	Co-operative, Managed N/D	No Poli/Cult Assert.	Not Recognized Social

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IDENTITY	SOURCE	GEO-POLITICS	POLITICAL STATUS	SOCIO-ECON STATUS	CONFLICT/VIOLENCE	MANIFESTATIONS	STATE RESPONSE/RESOLUTION
Rhinelanders	Ethn., Cult., Hist.	Regional	Autonomous Region, EU	Equality	Reciprocalive Managed N/D	High Cult Assert., Low Poli Assert.	Recognition Constitutional
Roma/Gypsies (EuroCom)	Lang., Ethn., Relig., Cult., Hist., Migr.	Min. Peoples, Ethno-class, Multi-border	Exclusion/ Discrim, EU/extra EU.	Soci/Econ Deprived/ Discrimination	Essentialist/ Pragmatic, MR, Protracted, Entrapment, Critical Structural, Psychological Hate Crime Cultural	High Cult Assert., Increasing Poli Assert.	Expulsion, Cult.Genocide, Cult. Colonialism/ Assimilation Social Ongoing, N/R
Romans	Cult.,	Regional	Equality, EU	Cult. Promotion	Reciprocalive Managed N/D	Low Cult Assert.	Recognition, Protection Constitutional
Russians (Finland)	Lang., Ethn., Cult., Inheri.	Nat. Peoples, Multi-border, Ethno- nationalist	Equality, EU/extra EU	Lang/Cult Promot.	Reciprocalive Horiz.Esc., Low, Managed N/D	High Cult Assert., Increasing Poli Assert.	Recognition, Protection Social, Institutional Ongoing
Saami/Lapps (EuroCom)	Lang., Ethn., Cult., Relig., Abori., Migr., Hist.	Min. Peoples, Ethno-class, Multi-border	Semi- Autonomous, EU/extra EU	Econ. Deprived/ Discrimination Lang/Cult Protection	Essentialist/ Pragmatic, MR, Esc., Low, Protracted, Ripe, Structural, Property Damage Cultural	Civil Demo, Increasing Poli/Cult Assert.	Recognized, Assimilation, Econ. Develop. Pop. Transfers, Protection Social, Institutional Ongoing, N/R
Salzbergers	Cult.,	Regional	Autonomous Region, EU	Cult. Promotion	Reciprocalive Managed N/D	Low Poli/Cult Assert.	Recognition Constitutional
Sardininians	Lang., Ethn., Cult., Hist.,	Ethno- nationalist,	Autonomous Region, EU	Lang. Rights	Essentialist, MR Low, Esc., Ripe Structural Damage Property Damage	Terrorism, Increasing Poli/Cult Assert.	Recognition, Protection, Cult. Colonialism Constitutional, Social Ongoing N/D

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IDENTITY	SOURCE	GEO-POLITICS	POLITICAL STATUS	SOCIO-ECON STATUS	CONFLICT/VIOLENCE	MANIFESTATIONS	STATE RESPONSE/RESOLUTION
Saxons	Lang., Cult., Ethn., Hist.	Min. Peoples, Regional, Assimilation	Equality, Autonomous Cities, EU	Cult/Econ Promotion	Reciprocatve Low, Managed N/D	High Poli/Cult Assert.	Recognition, Econ. Develop, Poli Accommodation, Protection Constitutional
Scots (UK)	Lang., Cult., Relig., Ethn., Indig., Hist.	Ethno- nationalist,	Autonomous Region, EU	Cult/Soci Rights, Cult/Lang Promotion	Reciprocatve/ Co-operative, High Separatist Low, Protracted, Ripe/Managed Structural Cultural	Increasing Poli/Cult Assert.	Recognition, Poli Accommodation, Econ. Develop. Constitutional, Institutional Ongoing
Sicillians	Lang., Cult., Indig., Hist.	Regional, Ethnoclass	Autonomous Region, EU	Cult. Promot, Econ. Discrimination	Reciprocatve Low, Protracted, Ripe Structural, Property Damage, Organised Crime	High Poli/Cult Assert.	Recognition, Econ. Develop Constitutional Ongoing
Slovenes, Carinthian (Austria)	Lang., Cult., Ethn. Inher.	Nat. Minority, Ethno- nationalist, Multi-border	Equality, Semi- Autonomous, EU/extra-EU	Cult/Lang Rights (ignored)	Reciprocatve Esc., Ripe Cultural	Increasing Poli/ Cult Assert.	Recognition, Official Protection, Poli. Accommodation Constitutional, Institutional Ongoing
Slovenes, Styrian (Austria)	Lang., Cult., Ethn., Inher.	Nat. Minority, Ethno- nationalist, Multi-Border	Equality, EU/extra-EU	Cult/Lang Rights (ignored)	Reciprocatve Esc., Ripe Cultural Structural	Increasing Poli/Cult Assert.	Recognition, Official Protection, Poli. Accommodation Constitutional, Institutional Ongoing, NR
Slovenes (Italy)	Lang., Ethn., Cult.,	Nat. Minority, Multi-border	Equality, EU/extra EU	Cult/Lang Promotion/ Protection	Reciprocatve Managed Hate Crime	High Poli/Cult Assert.	Recognition, Protection Constitutional

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IDENTITY	SOURCE	GEO-POLITICS	POLITICAL STATUS	SOCIO-ECON STATUS	CONFLICT/ VIOLENCE	MANIFESTATIONS	STATE RESPONSE/ RESOLUTION
Sorbs/Wends (Germany)	Lang., Ethn., Cult., Hist., Indig.	Nat/Min. Peoples, Ethno-nationalist	Equality, EU	Lang Rights, Cult. Protect	Co-operative Managed N/D	Low Poli Assert., Med Cult Assert.	Recognition, Protection, Poli. Accommodation Constitutional, Institutional Ongoing
South Tyroleans (Italy)	Lang., Ethn., Cult. Inher.	Ethno-nationalist, Nat. Peoples, Partition	Autonomous Region, EU	Cult/Lang/ Econ Rights	Essentialist, MR, High Separatist Esc., Low, Protracted, Ripe Hate Crime Property Damage Terrorism	Irredentist, Terrorism, Civil Demonstration High Poli Assert.	Recognition, Protection, Poli. Accommodation Econ. Develop. Constitutional, Institutional Ongoing, N/R
Styrians	Cult.,	Regional	Autonomous Region, EU	Cult. Protection	Reciprocal Managed N/D	High Cult Assert.	Recognition Constitutional
Swabians	Cult., Relig.	Ethno-class, Regional	Autonomous Region, EU	Cult. Protection Econ. Dominance	Reciprocal Managed N/D	High Cult Assert.	Recognition Constitutional
Swedish (Finland)	Lang., Ethn., Cult., Inher., Recip.	Nat. Peoples, Partition, Num. Min.	Equality, Special Represent., EU	Lang/Cult Rights	Reciprocal Managed N/D	High Poli/Cult Assert.	Recognition, Protection, Poli. Accommodation Constitutional, Institutional Deep, Mutually Satisfactory
Tartars (Sweden)	Lang., Ethn., Cult., Hist., Migr.	Min. Peoples, Ethno-class	Not Recognized, EU	Soci/Econ Decline	Essentialist Esc., Entrapment, Ripe Structural, Psychological Cultural	High Cult Assert., Increasing Poli Assert.	Denial, Pop. Transfers, Cult. Genocide, Ethnocide N/R
Tatars (Finland)	Lang., Ethn., Relig.,	Min. Peoples	Equality, EU/extra-EU	Community	Reciprocal Co-operative Managed N/D	High Cult Assert., Low Poli Assert.	Recognition, Protection Social

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IDENTITY	SOURCE	GEO-POLITICS	POLITICAL STATUS	SOCIO-ECON STATUS	CONFLICT/VIOLENCE	MANIFESTATIONS	STATE RESPONSE/RESOLUTION
Tuscans	Cult.,	Regional	Autonomous Region, EU	Cult. Promotion	Reciprocal Managed N/D	High Cult Assert.	Recognition Constitutional
Turks (W.Thrace, Greece)	Lang., Relig., Ethn., Cult., Inher., Recipr.	Nat. Peoples, Sect., Partition	Diminished Civil Equality, EU/extra EU	Diminished Lang/Cult Rights, Econ Discrimination	Essentialist, MR, HR Critical, Protracted, Esc., Entrapment Structural Psychological Property Damage Cultural	Civil Demo, Increasing Poli/Cult Assert.	Denial, Cult. Colonization, Cult. Genocide, Ethnocide, Pop. Transfers, Repression, Poli. Accommodation Institutional, Social, N/R
Travellers (UK)	Lang., Ethn., Cult., Hist., Migr.	Min. Peoples, Ethno-class	Civil Equality, EU	Soci/Econ Discrimination/Decline	Pragmatic, HR Low, Protracted, Critical Structural, Psychological, Cultural	High Cult Assert., Low Poli Assert.	Recognition, Expulsions Social Ongoing, N/R
Tyrolese (Austria)	Cult.,	Regional	Autonomous Region, EU	Cult. Promotion	Reciprocal Managed N/D	Low Cult Assert., High Poli Assert., Irredentist	Recognition, Econ. Develop., Constitutional Ongoing
Upper Austrians	Cult.,	Regional	Autonomous Region, EU	Cult. Promotion	Reciprocal Managed N/D	High Cult Assert.	Recognition Constitutional
Valencia	Lang.,	Multi-ethnic, Regional	Autonomous Region, EU	Lang. Rights	Reciprocal Managed N/D	High Cult Assert.	Recognition, Protection, Poli. Accommodation Constitutional
Venetians	Lang., Cult.,	Regional	Autonomous Region, EU	Lang/Cult Promotion	Reciprocal Managed N/D	High Cult Assert.	Recognition, Protection Constitutional
Viennese	Cult.	Regional	Autonomous Region, EU	Cult. Promotion	Reciprocal Managed N/D	High Cult Assert., Low Poli Assert.	Recognition Institutional

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IDENTITY	SOURCE	GEO-POLITICS	POLITICAL STATUS	SOCIO-ECON STATUS	CONFLICT/VIOLENCE	MANIFESTATIONS	STATE RESPONSE/RESOLUTION
Vlachs (EuroCom)	Lang., Cult. Hist., Migr.	Min. Peoples, Multi-border	No Recognition, EU/extra-EU	Lang. Decline,	Pragmatic Protracted, Low, Critical Structural	Low Poli/Cult Assert.	Denial, Cult. Colonialism, Protection Social Ongoing, N/R
Vorarlbergers (Austria)	Lang., Cult.,	Regional	Autonomous Region, EU	Cult. Promotion	Reciprocal Managed N/D	Low Cult Assert., High Poli Assert.	Recognition Constitutional
Waldensians (Italy)	Relig., Cult., Hist.	Ethno-class, Sect, Num. Min., homogenous	Equality, EU		Co-operative Low, Managed N/D	High Cult Assert. Low Poli Assert.	Recognition Social
Walloons	Lang., Cult., Inher.	Ethno-class, shared territory	Semi-Autonomous, EU	Lang/Cult Rights, Econ Promotion	Reciprocal Protracted, Low, Managed Hate Crime	Med. Poli/Cult Assert.	Recognition, Poli. Accommodation, Econ. Develop., Protection Institutional Deep, Ongoing
Welsh	Lang., Ethn, Cult., Hist., Indig.	Ethno-nationalist, Nat. Peoples	Semi-Autonomous, EU	Lang/Cult Rights	Reciprocal/Co-operative, High Separatist Protracted, Esc., Ripe/Managed Property Damage Structural Cultural	Terrorism, Civil Demo, High Poli/ Cult Assert.	Recognition, Poli. Accommodation, Econ. Develop., Protection Constitutional, Institutional Deep, Ongoing

Variables, Indicators, Definitions

Identity:

Lang. (Language): *Language is a defining group characteristic and may include dialects, sub dialects and patois. The distinctions of these can be ambiguous so this analysis has made no attempt to detach and validate them.*

Ethn. (Ethnicity): *Ethnicity can be defined as the primordial group bonds, though it is often confused with ideas of race and anthro- biology, which does not preclude the idea that the group may indeed have verifiable common ancestry, but kin bonds may be as much social as consanguineous. It does not exclude either the idea of relatively recently created kinship networks, as opposed to those originating in ancient history. The purpose of using ethnicity as an identity source was not to reinforce racialism, but to use it in its social political form of expression of collective identity.*

Inher. (Inherited): *An Inherited Minority indicates a case where political mechanisms such as the redrawing of borders creates a minority. The state's new territory or apparatus then 'inherits' a group of peoples it did not previously include in its jurisdiction and representation.*

Hist. (Historical): *Historical Minorities are peoples who have never or not recently had their own modern state. Consequently this leads to a state being created by a larger group over the territory of the now minority. The process may be by accession, conquest or federal incorporation. It is indicated in the analyses partly to demonstrate the ancient claims some groups may have, the salience and tenacity of group identity even over time and the depth of some identity tensions.*

Relig. (Religion): *Belief systems complement ethnicity as identity, as a legitimating source of the group's values and may often be used as the genesis of kinship and common ancestry. The component of the divine, the supernatural as both a validation of preferences and explanation of origins makes religion a particularly potent identity characteristic.*

Cult. (Cultural): *When referring to a Cultural Identity, it is as a component that is neither ethnic nor religion but nonetheless a distinctive way of a group's life and values. It may for example take the form of art or cuisine but would also include importantly the manner in which the group's consciousness and social interactions take place. In other respects the group may resemble its neighbours, (but not necessarily), for instance similar physical traits and language but still have a different culture. It is the very fluidity and ambiguity of culture that requires a careful note of its role in identity. Though cultural distinctiveness can wane and assimilation may take place, cultural consciousness can rise and escalate both horizontally and vertically becoming a powerful source of identity*

Indig. (Indigenous): *Not to be confused with aboriginal, a people who are described as Indigenous derive part of their distinction and cohesion from being the native dwellers of a territory. As well as a communal social bond, Indigenous minorities have a strong bond of association with the land, which creates great complications in an era of political borders. It results, in most Indigenous Peoples being a minority, underrepresented and overruled, with a culture sharply distinguished from the dominant.*

Recipr. (Reciprocal): *A Reciprocal Minority is the case where a segment of national peoples are separated from their own nation state and are under another state's jurisdiction. However their host state has a segment of its own nationals living in the nation state of the minority, who are in turn a minority. Their minority identity is artificially created by political actions, but is one of a mirrored and reciprocal nature.*

Abori. (Aboriginal): *Peoples who are native inhabitants, like indigenous dwellers but can be distinguished by the maintenance of their traditional lifestyles. This is most notable in that their close association with the land is not so much ownership but rather being a part of the land and partners in the entire ecosystem, usually reflected in the means they use to survive but can also extend to religion, kin and language. It is this 'traditional' means of living that brings the added element both of identity and then as a minority.*

Geo-Politics

Num. Min. (Numerical Minority): *A Numerical Minority categorisation is used to distinguish that some minority peoples are lesser in demographic quantity only; their social/political/ economic status is on par with the rest of the population and in some case a Numerical Minority may occupy an elite and disproportionate position of power.*

Nat. Peoples (National Peoples): *National Peoples can refer their identity to a nation state of their own, but they are not occupants of the territory of their own nation state. Separated from their own nation state and on foreign soil they become a minority, Regionally concentrated, some autonomy is lost but retain some cultural and linguistic distinctiveness*

Min. Peoples (Minority Peoples): *Ethnic groups with no history or no recent experience of their own statehood or political autonomy, having usually been represented by a nation state that is not their own. They may be numerically lesser but it also reflects their disadvantages and distinctions that are cultural, economic and social. They have a defined socio economic or political status based on a combination of ethnic factors.*

Homogenous: *A highly cohesive ethnic group, in sole occupancy their territory and with a degree of political autonomy that approaches statehood or may be part of a separatist ambitions*

Partition: *Particular political circumstances where borders are drawn or redrawn, to suit political strategy, rather than demographics, resulting in groups being physically divided from each other and sometimes from their own members, creating minorities out of people who had not been so before.*

Multi-border: *Communal groups separated and occupying either side of an international border. May be dispersed and occupy enclaves in various states, whilst other groups are migratory, moving between many states.*

Multi-ethnic: *Identities that are territorially based yet in this area contain other ethnic groups. In effect the territory is ethnically plural but this may not be politically expressed and for one group the territory is the homeland, the other groups having migrated to it.*

Regional: *The communal group is concentrated into its own region, not having a state of its own but is nevertheless able to be located in a specific demography.*

Shared Territory: *Some communal groups share their territory with one other distinct group under the same political system. May be done in a framework of equality and amicability or not; frequently they are contenders*

Ethno-class: *Peoples who are culturally and usually 'ethnically' distinct but have the added layer of identity in an explicit socio-economic status. In the analysis it is used in both disadvantaged and privileged contexts as well as for groups who occupy parallel but specific economic roles.*

Ethno-nationalist: *Groups who have developed into an organised political unit pursuing some degree of autonomy and may have pursued separatist objectives concurrently in their recent history. The core basis of the polity is their ethnicity and attachment to a territory.*

Dominant: *This analysis indicates groups that occupy a position of dominant political power, though dominance may be and often is reflected socially, economically and numerically as well.*

Assimilationist: *It is rare in the era of emerging identities to find a communal group that is less interested in pursuing the expression of its distinctiveness. They prefer to follow the dominant culture or more normally, cultural exchange, and adoption are part of the groups' values, having the unfortunate effect of diluting their distinctiveness. This communal group pursues this activity autonomously and to be an Assimilationist Community is not the same as a community who is under assimilationist policies of a dominant group.*

Parallel Minority: *Similar to the case of Reciprocal Minorities, only that the groups are not necessarily National Minorities, they may not be able to refer themselves to a nation state of their own; may have kin in the territory of a different group, who in turn have members in the area of the first communal group.*

Double Minority: *A Double Minority is the case of two contending identities occupying the same polity, neither particularly dominant.*

Sect: *A polity can be said to have a sect when one group differentiates itself from the mainstream usually ideologically. The activities and expressions of the Sect are centred on the defence of their religious beliefs*

Political Status:

EU. (European Union): *Refers to peoples who exclusively inhabit the area of the European Union, regardless if they occupy territory of one or more Member States.*

Extra EU. (Extra European Union): *Peoples who occupy territory both within the scope of the European Union but also outside of the Community, require extra sensitive consideration in policy making.*

EuroCom. (European Community): *Transborder peoples whose populations are domiciled across multiple European Union member states but without a state or territory to call their own.*

Equality: *An identity regardless of the intensity of its distinction, as a group and its individual members experience no disadvantage as a result of their differences. They receive the same rights and privileges as all other groups and individuals in the polity.*

Autonomy: *A group that governs itself, independently of the dominant and central government.*

Protectorate: *A communal group in possession of its own territory is nevertheless governed by a superior political unit to some degree and is in some way associates with and depends on the greater polity.*

Autonomous Region: *A group that has self governance over its particular territory, but this independence is given by and defers to a central and unifying polity.*

Not Recognised: *A group may be denied recognition of its very existence or its cultural distinctiveness by the dominant government*

Semi- Autonomous: *A communal group that has a less than full autonomy over its affairs. It may have its direct political representation devolved from the main central government but is still responsive to and under the overarching administration of a dominant elite polity.*

Centralised: *A group which finds itself one of many in a central unifying state apparatus, where there are no provisions for distinct identity politics.*

Limited Autonomous Region: *A group with a restricted self governance over its affairs in its region.*

Distinct Status: *Some groups in addition to being recognised as distinct have some of their distinct identity needs also politically recognised, but not necessarily provided for.*

Recognition: *An official recognition the existence and distinctiveness of a group on the territory and under the jurisdiction of the central or dominant government.*

Civil Equality (Diminished): *Civil Equality for distinctive identities guarantees the same rights and privileges as other groups and individuals in the polity; can become diminished for some groups due to explicit policies in contravention of law or due to subtle, possible unintentional processes that exclude some groups.*

Special Representation: *To prevent exclusion, some groups are provided with equal and parallel mechanisms and bodies that not only ensure equality and participation but also the opportunity to address distinctive needs.*

Social/ Economic Status:

Lang. Rights (Language Rights): *The legal or constitutional provisions for the recognition of distinct language and its use. This may vary in degree from educational provisions to administration.*

Cult. Rights (Cultural Rights): *The legal or constitutional provision for the pursuit of a group's cultural expression and values without interference and with impunity*

Lang. Protection (Language Protection): *Policies that are designed to encourage and foster the use of a distinct language and specifically to protect its speakers from exclusion and discrimination*

Econ. Protection (Economic Protection): *Particular physical and economic needs and expressions of a communal group may be guarded by central or dominant government policies. The goal may be to prevent exploitation and over dependence as well as promote an economy that is diverse and prosperous for all inhabitants of the poli*

Cult. Protection (Cultural Protection): *Policies that reflect the value of distinct cultural activities and guard the expression of such from mainly from assimilation or dominance.*

Equality: *Groups and their individual members receive and experience the same social and economic benefits and opportunities as other groups and those of the dominant polity. There are no striking differences in status that can be attributed to ethnic discrimination or exclusion.*

Econ. Denied (Economic Equality Denied): *In principle, legal or constitutional, groups and their members are entitled to the same economic rights and privileges but these are diminished either by explicitly illegal discriminatory practices designed to exploit or by more subtle processes where the economic equality is ignored, or especially de legislated. It often reflects an inability of the dominant or central government to address and transform ancient economic inequalities.*

Civil. Discrim. (Civil Discrimination): *Some groups and their individual members may subject to practices like gerrymandering, unfair residency or ancestral requirements that exclude them from political participation. Other means of civil discrimination would be outlawing of political parties and activities that represent the group's exclusive interests.*

Econ. Discrim. (Economic Discrimination): *Disadvantage in occupation and opportunity, earnings, also segregated into class, barred from employment disadvantage in certain sectors, holding property, engaging in stipulated business. May also be subject to unfair taxation, assessments, and penalties or not in receipt of economic distribution benefits, grants, aid, and investment. Excluded from access to desirable goods and conditions. Material inequality may be due to historical marginality or to widespread specific discrimination policies, some of which may have formal policies to counteract, whether practiced or not.*

Soci. Discrim. (Social Discrimination): *Social rights including housing, benefits, medical care, education, may include cultural exclusion in the form of insensitivity or specific policies, such as forbidding religious or cultural institutions. Would include language issues, such as failure to provide administration or language instruction particularly in the case of historical minorities.*

Econ. Protection (Economic Promotion): *Policies and practices that address material and infrastructure inequalities. May be seen in direct investment, incentives, regional development action, tied aid, and subsidies. Attempt to remove economic injustice and foster growth and decrease dependence as a source of frustration. Remove isolation from central markets.*

Cult. Promotion (Cultural Promotion): *The support whether financial, legal or rhetorical that underpins a sentiment of value of culture. Usually includes the arts, and media but sometimes religion. May simply take the form of provision or assistance with establishing cultural associations and festivals.*

Lang. Promotion (Language Promotion): *A variety of initiatives designed to prevent the loss of minority languages, and support revivals. May be funds and facilities for educational instruction, publishing materials, and broadcasting, the opportunity for minority language schooling and even simply public presence such as road signs and place names.*

Poli. Discrim (Political Discrimination): *Groups are systematically limited or excluded in the enjoyment of and access to political rights or positions. When members of a minority do not participate on equal footing, or their political activities are confined to some degree in their own communities, can include violent repression.*

Diminished Rights: *The case of where there is a constitutional provision not only for basic equality but may include special provisions for minority and would include devolution agreements- these rights can be and are diminished by excluding groups from these rights specifically or through oversight and failure to meet their needs, but can also be the result of policies and processes that take back some of their autonomy.*

Econ/Soci Dominance (Economic/ Social Dominance): *Particular minorities may occupy positions of dominance over the rest of the population by being concentrated in key economic sectors and decision making and by being the dominant culture.*

Soci/Econ Decline (Social/Economic Decline): *A group may experience either a decline in its cultural distinctiveness, usually through some form of assimilation or dilution, but may experience the concurrent social decline that accompanies economically depressive forces, such as migration of its youth, and ecological stress that diminishes access to livelihood.*

Econ. Autonomy:(Economic Autonomy): *Provision for independent pursuit of development, can include fiscal autonomy, distinct taxation measures, tax and investment and industry protectiveness, but also significantly budget control, allowing for the indigenous founding of cultural pursuits.*

No Special Status: *Acknowledgement of a distinctive identity, whose peoples exist in equality, but no special constitutional, legal or social provision are made for the expression, maintenance and promotion of the identity. The culture is not valued for its distinctiveness.*

MR (Minority at Risk): *From a combination of assessments the indication of a seriously disadvantaged and differentiated groups. Identified as minorities at risk because of differential treatment and persistent political mobilisation, and as such are time bound assessments. Uses the Minorities at Risk data that utilises category scales, ordinal scales and Guttman scores to measure differentiation, stress, loss of autonomy, rights demands, and extent and type of conflict.*

HR (Human Rights): *A designation using the review of human rights practices by Human Rights Watch including the development of human rights, responses and restrictions on monitoring, they note the failures to protect basic international standards on religious freedom, violence and threats to safety, arrest, detentions and mistreatment, political exclusion/ discrimination, that include such as related to ethnic minorities and migrants.*

Conflict/ Violence

Reciprocative: *Differentiated groups that seek the transformation of relations through the state apparatus/ system. Seek to achieve mutual interest.*

Co-operative: *Relations between groups or the state that exist in a framework of equality, respect even amicability. Active participation and exchange in pursuit of mutual benefits and superordinate goals.*

Pragmatic: *Conflict of interests are acute, and critical but the will exists to dialogue, to compromise and seek solutions at least through marginal channels.*

Separatist: *Differentiation expression is so acute that defence of identity and its values is felt to only take place by the group in total autonomy, and the re-establishment of their original self determination*

Essentialist: *Threats to physical well being, culture or society are constantly and critically perceived. Resulting in defensive posturing, where compromise is near impossible as it's is a sign of weakness.*

Low: *Where relations are reciprocative, usually the conflict of group interests and needs is of low intensity, based on how the problem is addressed and the lack of or irregularity of incidence high on the security agenda.*

Managed: *Groups who are usually reciprocative, with co operative relations, have institutions and formal mechanisms to solve disputes, and permit satisfactory coexistence. key issues have been satisfactorily resolved.*

Stable: *The conflict or tension has reached a phase of resolution where the conflict has receded from the central security agenda because mechanisms are being put in place, diffusing its intensity. The political system has changed and is no longer challenged; low likelihood of system and social upheaval.*

Tension: *Resurgent consciousness, growing confidences, sometimes occurring in conjunction with oversight, neglect, deliberate exclusion. If relations were ever reciprocal or co operative they are now strained.*

Escalation: *Conflicts increase in intensity and frequency both horizontally; affects a wider sector of society, even outside of the territory. Conflicts can also escalate vertically; confrontations, perceptions of threat may increase from the ranks to the elite, occupy prime sectors to a position of high priority on political agendas.*

Protracted: *Long in duration, pervasive in manifestation. Either few mechanisms in place towards resolutions or resolutions have failed, being broken, disregarded or inappropriate. Includes groups who live in isolated/ deeply sectarian social systems; high degrees of suspicion, 'otherness', little or no dialogue or interchange.*

Ripe for Resolution: *Conflicts that have either reached a threshold of public or systemic tolerance, where groups prove willing to engage in dialogue, or in situations of rising group consciousness and demands, which have not yet damaged relations. Resolution is possible because there is support for the end of the conflict, the society and system can no longer take the exactions of the conflict, conflictual groups have communication channels open, or the situation has not reached a crises level and opportunities, mechanisms and will are present to resolve differences and issues.*

Critical: *The conflict could escalate in intensity and scope or move towards a phase of resolution*

Crisis: Conflict that has increased in intensity of its manifestations, and scope. The system has not enough time or resources to address and contain effects. Normal life activity/ infrastructure is interrupted, social political systems display signs of dysfunction.

VPC (Violent Political Conflict): PIOOM identifies VPC's as situations with less than 100 recorded fatalities between mid 1997 to mid 1998, includes post armistice situations some border conflicts with sporadic violent incidences and newly emerging conflicts, also brief violent conflicts, short in duration surrounding political upheaval.

Entrapment: Conflicts involving essentialist parties may be characterised as entrapment because negative perceptions are strong enough to prohibit progress, defensive posturing has resulted in compromise being seen as weakness, making movement unlikely, the stakes are still too high to reduce demands, the costs incurred have been of such significance to make de escalation unlikely, both parties have demonstrated substantial destructive capabilities. Essentially a stand off, unlikely to provoke action or retaliation but unwilling to compromise.

N/D: Not Documented

Cultural Violence

Hate Crime

Direct Violence

Psychological Violence

Structural Violence

Militarized

Property Damage

Crime

Manifestations:

Poli. Assert (Political Assertion): Groups may assert themselves politically, broadly by either claiming their enfranchisement or by collectivising their enfranchisement. Individuals may participate more fully through voting or positioning themselves in parties etc. Alternatively groups may collectivise their action, with consistent voting or formation or dominance of a party. In situations of serious political discrimination efforts such as civil rights movements and formation of lobbies and alternative assemblies are seen.

Cult. Assert. (Cultural Assertion): Increasing display and expression of culture, also protection and promotion of its, demands for support and opportunities to pursue.

Irredentist: Groups that advocate the return or recovery of lost territory.

Civil Demonstrations: Action including, marches, petitions to increase awareness of a group's existence and demands in an effort to transform the system into something more responsive and inclusive.

Terrorism: Political actions undertaken to coerce and frighten, can be undertaken by the state or sub-state actors. An alternative form of warfare, conducted transnationally and across civilian sectors. Targets include civilians, high profile political representatives, property, information and infrastructure. Designed to achieve demands and to weaken or discredit governments. Random nature of victimisation.

Civil War: Armed conflict between factions competing for governance and control of particular territory not necessarily the entire 'state'

State Response/ Resolution

Recognition

Economic Development

Political Accommodation

Protection

Denial/ Semi- Denial

Cultural Recognition

Cultural Colonialism/ Assimilation

Repression

No Recognition

Counter Mobilization

Population Transfers

Cultural Genocide/ Ethnocide

Expulsions

Constitutional

Institutional

Mutual

Ongoing

Deep

Legal/ Treaty

Mutually Satisfactory

Social

No Resolution

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