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Published in:
Ethnopolitics

Document Version:
Peer reviewed version

Queen's University Belfast - Research Portal:
Link to publication record in Queen's University Belfast Research Portal

INTRODUCTION: DISPERSED MINORITIES AND NON-TERRITORIAL AUTONOMY

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ABSTRACT. The concept of non-territorial autonomy gives rise to at least two important questions: the range of functional areas over which autonomy extends, and the extent to which this autonomy is indeed non-territorial. A widely used early description significantly labelled this 'national cultural autonomy', implying that its focus is mainly on cultural matters, such as language, religion, education and family law. In many of the cases that are commonly cited, 'autonomy' may not even extend this far: its most visible expression is the existence of separate electoral registers or quotas for the various groups. Part of the dilemma lies in the difficulty of devolving substantial power on a non-territorial basis: to the extent that devolved institutions are state-like, they ideally require a defined territory. Ethnic groups, however, vary in the extent to which they are territorially concentrated, and therefore in the degree to which any autonomous arrangements for them are territorial or non-territorial. This article explores the dilemma generated by this tension between ethnic geography (patterns of ethnic settlement) and political autonomy (degree of self-rule), and introduces a set of case studies where the relationship between these two features is discussed further: the Ottoman empire and its successor states, the Habsburg monarchy, the Jewish minorities of Europe, interwar Estonia, contemporary Belgium, and two indigenous peoples, the Sámi in Norway and the Maori in New Zealand.

Introduction

In a world where multinational states are the norm and ethnic intermingling is an everyday empirical reality, it has been observed that 'territorially scattered minorities do not fare well in modalities of representation that are exclusively based on a single constituency with a one person – one vote model' (Nimni, 2013, p. 11). Given this, we might expect non-territorial autonomy to find itself in a prominent position in the long-running debate about strategies for the management or resolution of ethnic conflict. Surprisingly, though, the literature on non-territorial autonomy is sparse, notwithstanding some important recent efforts to reassess its significance (Nimni, 2005c; Roach, 2005; Smith and Cordell, 2008; Smith and Hiden, 2012; Nimni et al., 2013). This is completely overshadowed by the much larger literature that focuses on such well-known strategies as federation or consocation.

Why should the non-territorial option attract so little attention? The most obvious answer lies in the infrequency with which it is adopted as a conflict-reducing mechanism in the first place. This no doubt reflects certain realities of political geography: in brief, non-territorial autonomy can be implemented only if the population group that is its target is spatially dispersed rather than being territorially concentrated. However, ethnic groups whose leaders articulate a demand for autonomy are usually geographically clustered, as in Scotland and Catalonia; where ethnic groups are dispersed, their leaders typically look to solutions other than autonomy.

The instances where non-territorial autonomy arises as a potential conflict resolving mechanism are therefore all the more worthy of study; and cases where it is actually implemented are so rare that it is worth exploring them carefully to determine how exactly non-territorial autonomy has functioned in practice. The object of this collection is to do precisely this. The present article sets the context and introduces the case studies that follow. It begins by considering the dilemma posed by the mis-match that is so commonly a feature of the relationship between the legally defined, geographically precise boundaries of the state and the much more imprecise, spatially diffuse presumed boundaries of the 'nation'. It continues by looking in turn at two central concepts: of non-territoriality, and of autonomy. Following an overview of contexts where the issue of non-territorial autonomy has arisen, it describes the basis of selection of the cases discussed in the rest of this volume.

The Geopolitical Challenge

The implications of ethnic geography for strategies of conflict resolution are well known, and have a long-established history (Coakley, 1994). It was religious denominational intermingling in the Ottoman empire that gave the millet system its non-territorial character, and it was linguistic intermingling in the Habsburg empire that stimulated Karl Renner to propose a scheme of non-territorial 'national cultural autonomy' there (Renner, 2005 [1899]; Springer, 1902). In important respects, non-territorial autonomy may be pictured as a less blunt instrument than two others that have been used to address the perceived mismatch between the boundaries of states and 'nations' that has been of such concern to nationalist elites: forcing political borders into conformity with the supposed boundaries of national communities through geopolitical restructuring, or forcing national communities into physical conformity with political structures through such policies as coerced population movement. The distinctiveness of the non-territorial approach may be highlighted by considering first these alternative strategies, each of which also rests on the assumption that the ideal solution to the tension between the boundaries of states and 'nations' rests in congruity between the two.

The first of these two approaches is vividly illustrated by the political history of Europe in the early twentieth century: the notion that the big multinational empires that were home to disparate nationalities should be broken up into national components. This implied the dissolution, *inter alia*, of the Habsburg, Ottoman and Romanov empires. The composition of these states shortly before their disintegration is reported in table 1, which illustrates the extent to which the dominant group in each lacked a demographic majority and ruled over an ethnically diverse population.

[table 1 about here]

The superficially seductive formula that was designed to resolve problems of multinational states by securing their decomposition into a set of new uninational entities gave rise to formidable difficulties, however, and typically resulted in a multiplication of the original problem, with the new entities reproducing in microcosm the ethnic diversity of their parent states, even if the local group was now a demographic majority (Cobban, 1969, pp. 57-97). The formula popularised by US President Woodrow Wilson in 1918 spawned a range of intractable difficulties. These were later noted in a celebrated critique by Sir Ivor Jennings:

> Nearly forty years ago a Professor of Political Science who was also President of the United States, President Wilson, enunciated a doctrine which was ridiculous, but which was widely accepted as a sensible proposition, the doctrine of self-determination. On the surface it seemed reasonable: let the people decide. It was in fact ridiculous because the people cannot decide until somebody decides who are the people (Jennings, 1956, pp. 55-6).

To begin with, ethnic boundary lines may be unclear at the individual level, in that people are likely to vary in the extent to which they define themselves as belonging to one or other ethnic group, to several, or to none. As many referenda of the post-1918 period confirmed, indeed, even where ethnic identity appears relatively clearly defined, this will not point unambiguously towards political preferences, or indicate to which state an individual might wish to belong (Qvortrup, 2012). Furthermore, even if it did, there is no automatically 'fair' rule for aggregating individual preferences and translating them into a collective choice: the outcome will be highly sensitive to the administrative tier selected as the basis for aggregation, and the ultimate line of any new border will depend on the type of unit chosen (county, district, municipality, and so on)—itself a political decision (Coakley, 1982).

[table 2 about here]

Nevertheless, the approach followed in central and eastern Europe after 1918, running parallel to a process that was already underway in the Balkans, entailed the creation of new states that would broadly match the boundaries of emerging national communities. Further problems arose when this principle was violated for economic, political or other reasons, as in the case of the new Czechoslovakia. But even where a determined attempt was made to respect ethnic frontiers, it proved impossible to draw lines on the map in such a way that no new minorities were created. Table 2 reports the legacy of this process: a set of new states each of which was profoundly ethnically divided. There was nothing surprising about this outcome, nor has this problem been confined to early twentieth-century Europe; it is a continuing challenge in any attempt to create a new state, or to partition an existing state as part of a process of regionalisation, federalisation or territorial transfer.

There are, however, alternatives to letting the political-administrative map be redrawn to reflect ethnic geography, which in practice almost always creates problems in respect of the coherence of the resulting entities. For this reason, another formula has often commended itself to political leaders: let the existing ethnic realities be altered to conform to the political-administrative map (whether the existing one, or one with redrawn borders). This entails population displacement, possibly on a large scale, or, put more bluntly, expulsion of people from their homes and their resettlement elsewhere.

Two examples are illustrated in table 3. One was a consequence of the dissolution of Yugoslavia, a harrowing process that illustrated the costs of trying to disaggregate populations that, as the 1991 census showed, were territorially intermingled (Conversi, 2003). It is true that in Slovenia minorities were negligible, and in Montenegro they were small. But there were three important minority revolts: by the 12% Serbian minority in Croatia (defeated); the 22% Albanian minority in Macdeonia (contained by the Ohrid Agreement, 2001); and the 17% Albanian minority in Serbia (which, with international support, secured the independence of Kosovo in 2008). In Bosnia-Herzegovina, however, there was no majority: the largest group, the ethnic Muslims or Bosniaks, accounted for only 43% of the population, and became engaged in a bitter war with the Serbs (31%) and Croats (17%), resulting ultimately in a complex compromise, the Dayton Agreement of 1995. The Bosniak and Croat controlled areas were merged as the new binational Federation of Bosnia-Herzegovina, while the Serbian controlled areas became the Serbian Republic (*Republika Srpska*); the two entities were linked in the new federal state of Bosnia and Herzegovina (Belloni, 2010).[1] This process was accompanied by two major waves of population movement: first, the expulsion of hundreds of thousands of members of local minorities in a process that became notorious as 'ethnic cleansing' (a misleadingly euphemestic label for a barbaric strategy); and then, following the end of direct military conflict, efforts to resettle

most of these refugees and displaced persons (Toal and O'Loughlin, 2009; Toal and Dahlman, 2011).

[table 3 about here]

The outcome of the first of these processes is illustrated in table 3. This gives an idea of the extent of population movement over the five-year period 1991-96. The massive dip in the Bosniak and Croat populations in the area of the Serbian Republic and of Serbs in the Federation is striking, but there were similar changes in respect of other groups. These are *net* changes: *gross* movement was much greater, but some of it has been 'cancelled' because of movement in the opposite direction (with further resettlement later promoted by the UN High Commission for Refugees).

Table 3 also illustrates the position in another country that was partitioned, Cyprus. The consociational constitution under which Cyprus began its independent life in 1960 suffered strains from the outset, and had collapsed by the mid-1960s. Further deterioration in relations between the two intermingled communities (the Greek Cypriots, 77%, and the Turkish Cypriots, 18%, each of which had a powerful external ally, the governments of Greece and Turkey) eventually led to partition of the island in 1974 (Joseph, 2010). This was followed by a huge movement of population, as Turks left the South (now the Republic of Cyprus) for the North (now known as the Turkish Republic of Northern Cyprus), and Greeks moved in the opposite direction. Table 3 shows just how stark the final outcome was. Indeed, the spatial polarisation increased further subsequently: the small proportion of Greeks in North Cyprus (8.3% in 1975) and of Turks in the South (2.3%) had fallen respectively to 0.2% and 0.1% by 2002 (Coakley, 2003b, p. 296).

These two examples alone should be sufficient to illustrate the profoundly negative human consequences that are associated with attempts to match people to borders, rather than pursuing solutions that reverse this by seeking to match borders to people. This is not to argue that boundary revision and territorial partition should never be considered; the question is a complex one, and depends on concrete conditions that vary widely.[2] But this discussion does highlight the need to pursue forms of ethnic conflict resolution that have less traumatic consequences for the population at large.

The Question of Non-Territoriality

In determining whether efforts to endow an ethnic group with self-government should follow territorial or non-territorial lines, its pattern of spatial distribution is of particular importance— the extent to which the group is territorially segregated. A long-established index of

segregation, the Duncan index, may be used to measure this; it ranges from 0 (perfectly balanced mixing) to 100 (complete segregation), with the actual value representing, in effect, the percentage of members of the group who would have to move to bring about perfectly even mixing.[3] But in assessing the viability of territorial as opposed to non-territorial autonomy we need to go beyond the index of segregation and focus specifically on three features of the territory to which the ethnic group relates:

(1) its *inclusiveness*, in incorporating as many members of the group as possible;

(2) its *homogeneity*, in excluding as many non-members of the group as possible; and

(3) its *compactness*, in being delineated by efficient boundary lines that define the most coherent possible territory.

The first two of these features may be easily measured by taking the ethnic group as a proportion of the total population of the titular group, and as a proportion of the total population of the territory, respectively. There is no single 'correct' way to measure the compactness of a piece of territory; four types of approach have been identified, all yielding slightly different results when used to measure the compactness of a set of real-life cases (MacEachren, 1985). For example, the ratio of the perimeter of a territory to its area may be used; one long-established index based on this measure sets the maximum value at 1 (indicating perfect compactness, as in a circle), falling below this as the perimeter or border becomes more uneven.[4] But other factors need to be taken into account, notably the physical coherence of the territory. It may consist of a set of geographically unconnected areas; even if there is a single landmass that corresponds with the main ethnic territory, there may be exclaves elsewhere; the distance separating these exclaves from each other and from the main territory needs to be taken into account; and otherwise coherent territories may be perforated by enclaves populated predominantly by another group. Since simple measures of compactness are not easily applicable to a 'territory' made up of several non-contiguous areas, we rely here on a cruder assessment. Based on the distribution of groups on administrative maps, four levels of territorial compactness may be identified (it should be noted that these are highly sensitive to the administrative level whose units are combined to form the relevant territory):

A. High: there is a single substantive unit; the combined population of any enclaves and exclaves accounts for no more than 5%

B. Medium: there is more than one significant unit; the largest accounts for at least 50% but not more than 95% of the population

C. Low: there is a very high level of geographical fragmentation, resulting in a patchwork shape, with no single unit accounting for 50% of the population or more

D. Zero: there is no unit in which the group constitutes a majority of the population.

Territorial autonomy requires a high score on these three criteria (homogeneity, inclusiveness and compactness), but in reality there is a tension between them. To the extent that compactness is pursued (and this is important for territorial government), homogeneity, or inclusiveness, or both, are likely to fall victim; in other words, members of other groups are likely to be included, and members of the group itself are likely to be excluded, depending on their geographical distribution and the extent to which this matches the political-administrative boundary. Furthermore, to the extent that inclusiveness is pursued, homogeneity is likely to be compromised, and vice versa. Attempts to maximise either or both of these have negative implications for compactness.

For ethnic groups pursuing autonomy, then, the case for the non-territorial approach becomes stronger as the feasibility of territorial autonomy recedes, a relationship shaped by ethnic geography. Much depends on the extent of homogeneity of high-level units, such as counties or provinces; but the composition of low-level units, such as communes or municipalities, also matters, and the pattern may vary considerably between levels. There may, as in Belgium and Switzerland, be a high degree of linguistic segregation at upper and lower levels, facilitating territorial autonomy; there may, as in Northern Ireland, be a low degree of denominational segregation at both of these levels, effectively impeding territorial autonomy; or a low degree of segregation at the upper level may, as in Cyprus, coexist with a high degree of segregation at the lower level, presenting a challenge to any scheme of territorial autonomy.

Table 4 illustrates this point by comparing two contrasting cases, Northern Ireland and Switzerland. In Northern Ireland the conditions for territorial autonomy are absent: the index of segregation is notably low (29.5 for Protestants at the level of the new local government districts created in 2014), though it increases as we move down to the level of electoral wards. The degree of inclusiveness is also notably low: even if a Protestant ethnic territory were to be constructed at 'new district' level, it would include only 65% of all Protestants, leaving 35% resident elsewhere. This territory would also have a low level of homogeneity; only 63% if its population would be Protestants. Finally, though it would be relatively coherent, it would contain one Catholic enclave, Belfast. Moving to a lower level, such as that of electoral ward, would increase the measures of inclusiveness and homogeneity (though they would still fall well short of 100%); but it would result in an impossibly fragmented territory. In cases like this, then, autonomy would have to be non-territorial; but in Northern Ireland this option has never been on the political agenda (Coakley, 2013).

This contrasts strongly with the position in Switzerland, where the groups are defined as the speakers of the four 'national' languages (the question of autonomy for these groups is

purely theoretical here, since there is no evidence of any significant dissatisfaction with existing constitutional arrangements). The index of segregation is much higher than in Northern Ireland, though significantly lower for Italian speakers than for the other three groups. German and French speakers inhabit compact territories with high degrees of inclusiveness and homogeneity, whether at the level of canton, district or commune. The Italian-speaking canton, Ticino, is compact, but includes only 56% of all Italian speakers (who constitute only 55% of the canton's population). Moving to district or commune level increases the degree of inclusiveness and homogeneity only marginally, but results in the appearance of three unconnected clusters. Romansh speakers are not predominant in any canton, but constitute a majority in two groups of districts and in four clusters of communes. These figures would change significantly if we were to take the citizen population rather than the resident population as a base (in particular, Italian speakers would be much more concentrated spatially).[5] In any case, they show that in Switzerland non-territorial autonomy would usefully apply only in the case of Romansh (and possibly Italian) speakers.

[table 5 about here]

Table 5 spells out the administrative implications of these considerations by examining certain politically significant ethnic minorities, selected from both the interwar period and from contemporary Europe, considering in each case measures of inclusiveness, homogeneity and compactness (but data on minorities are not always reliable, and their size is commonly under-reported). The first set of cases refers to minorities that are widely dispersed and clearly non-territorial: the Roma in contemporary Slovakia and Hungary, the Germans in interwar Latvia and the Jews in interwar Lithuania. The second set refers to cases where a substantial portion of the minority is located in a cluster of territories. In the three cases here, they are also relatively homogeneous, but only the Hungarians in Slovakia inhabit a compact territory; the territories of the Croats in pre-partition Bosnia and of Swedish speakers in Finland are spatially fragmented. The third set illustrates the position where there is an ethnic territory that is relatively inclusive, in that a 'majority of the minority' resides there. But this territory is compact in only two cases (in the Italian region of Trentino Alto Adige). In Bosnia, Bosniaks and Serbs inhabited ethnically heterogeneous, fragmented territories; in Macedonia, Albanians are in a stronger position, but still fragmented; while in pre-partition Cyprus Turkish areas followed a patchwork pattern.

The Question of Autonomy

So far, the focus in this article has been on the first part of the expression 'non-territorial autonomy'. But the second half of the expression also needs to be explored: what exactly is

meant by 'autonomy', and to what extent may it be measured? The sheer diversity of non-territorial autonomy is striking: national cultural autonomy on the Habsburg Austrian model, consociational government, the Ottoman millet system, and the Bolivian 'plurinational' model incorporating indigenous peoples have been cited (Nimni, 2013). There is also a diversity of terminology: this type of autonomy is sometimes referred to as 'national cultural', 'cultural', 'personal', 'extraterritorial', 'corporate' and 'segmental' (Osipov, 2013c, p. 8). But the term 'autonomy' is also challenging, and in this context may apply to 'a wide range of different arrangements providing for some kind of self-management or self-government short of independence' (Eide, 1995, p. 366; see also Légaré, 2008; Suksi, 2008).

There are, then, clear difficulties over definition of this term (Garibova, 2012; Osipov, 2013a, pp. 3-4). It may indeed refer to a form of self-rule, but in practice it is also used to refer to a form of ethnically based social organisation that is given a degree of institutional or legal recognition (Osipov, 2013b, pp. 134-6; 2013c, p. 3). Case studies of the implementation of 'national cultural autonomy' in Russia show that the term may be used to describe structures that have little, if any, real administrative significance, still less autonomy (Bowring, 2002; 2007). Not surprisingly, one specialist retreated to a less demanding form of terminology, cleverly reinterpreting the commonly used acronym for non-territorial autonomy, NTA, as 'non-territorial arrangements' (Malloy, 2009), an innovation that resolves many of the difficulties associated with application of the term 'autonomy' in circumstances where any kind of self-rule seems quite illusory.

The most obvious starting point in explaining the concept of non-territorial autonomy is this formula's intellectual progenitor, Karl Renner. For him, non-territorial or cultural autonomy was exactly analogous to (if functionally different from) territorial autonomy. He envisaged that the legislative and administrative systems of the Habsburg monarchy would be partitioned between three types of agency: those of the central state (the government and *Reichsrat*), those of the territorial components of the state (the governments and diets of the provinces federated within the state), and those of the 'national' components of the state (bodies representing the nations on a non-territorial basis) (Renner, 2005 [1899], pp. 34-35). Non-territorial autonomy would, then, resemble territorial autonomy, but with a different criterion of membership (personal rather than territorial) and functional focus (on cultural rather than material matters).

Autonomy is, of course, a matter of degree, not a categorical quality, and there seems in principle to be no reason why approaches to the measurement of the autonomy of territories should not apply also to non-territorial entities. Measuring the relative fiscal importance of central and substate (typically, regional) entities is one possible approach (Lijphart, 1984, p.

178; Lane and Ersson, 1999, p. 188; Schneider, 2003; for a review, see Schakel, 2008; Coakley, 2010a). Alternatively, the balance between the institutional powers available to subnational authorities and those of the central government may be assessed (Duchacek, 1986, pp. 112-18; Lane and Ersson, 1999, p. 187).

Perhaps the most comprehensive initiative in this area, however, has been the 'regional authority index' devised by Hooghe, Marks and Schakel (2008), and used to assess the position in 42 democracies for each year from 1950 to 2006 (Marks, Hooghe and Schakel, 2008). This is a 24-point scale, based on measures of 'self-rule' (15 points) and 'shared rule' (nine points). The latter, though important in itself, is not of direct interest here, though it is an appropriate reminder of another access route to power that is available to minorities; it refers to the level of central government, and thus relates more closely to consociation than to autonomy (see Coakley, 2012, pp. 229-39).

[table 6 about here]

It is the four measures of 'self-rule' that have the more obvious implications for the study of non-territorial autonomy. They include the 'institutional depth' of a region, its policy scope, its level of fiscal autonomy, and the character of any representative body and executive— dimensions that are differently weighted (Hooghe, Marks and Schakel, 2008, pp. 124-31). Table 6 adapts these to refer instead to the autonomy of ethnic groups that are institutionally recognised, with the index ranging from cases where there is no institution at all corresponding to the ethnic community to cases where it is endowed with powerful representative and executive bodies exercising jurisdiction over a wide range of policy areas. To illustrate the application of the scale, the full score of 15 points was awarded for the period ending in 2006 to the Swiss cantons and the Canadian provinces; the Åland Islands (in Finland), the Faeroe Islands (in Denmark) and the Basque Country (in Spain) were each allocated 14; and Scotland and Wales (within the UK) were allocated respectively 13 and eight points. Of particular interest is the classification of certain sub-state entities in Belgium: the Walloon region was given 13 points, and the Francophone Community (the closest entity in the dataset to a non-territorial authority) was given nine points. In Russia, the republics and other federal components ('subjects') were also allocated nine points (Hooghe, Schakel and Marks, 2008).

Non-Territorial Autonomy in Practice

Both territorial dispersion and autonomy are, then, in principle measurable, and it is relatively easy to identify potential candidates for non-territorial autonomy. A comprehensive classification of politically excluded minorities identified 380 of these in 2013. Most (75%)

were territorially concentrated; of the remainder, 53 (such as the Croats in Montenegro) were classified as dispersed, 35 (such as the Malays in Singapore) as urban, and seven (such as the Roma in several European states) as habitual migrants.[6] Many of these cases, though, are of little further significance: such activists as emerge from the ranks of the minority give voice to few claims for special treatment, much less autonomy, whether a consequence of the small size of the minority, its dispersed character, its limited access to political resources, or its weak collective sense of identity. Nevertheless, there have been several important cases where non-territorial autonomy emerged as an obvious solution to a challenging problem (Nimni, 2007; 2013). Broadly speaking, these correspond to three models: corporate autonomy in the traditional state, cultural autonomy in the modern state, and autonomy for indigenous peoples in the contemporary period.

The notion of non-territorial autonomy formed part and parcel of many traditional and transitional societies. In the middle ages, peoples such as the Turks and the Germans adhered to the 'primitive, nomadic conception of nationality', based on blood ties rather than territory; thus, for example, the King of Bohemia recognised the rights of the Germans in Bohemia to live under their own legal structures, and monarchs elsewhere recognised similar non-territorial rights (Macartney, 1934, pp. 60-63). More typically, though, the primary divisions recognised by the medieval state were legally defined social classes, not national groups. Early parliamentary representation was based precisely on the collective representation of these classes or 'estates', such as the nobility, the clergy and the urban bourgeoisie, grouping members of these estates in two, three or sometimes even four parliamentary chambers. In some cases these 'estates' coincided with ethnic or linguistic groups, as in Finland, where the nobility and, originally, the bourgeoisie were Swedish-speaking, or in Transylvania, where political life revolved around three 'nations', the Magyars, the Saxons and the Székely.

More explicit provisions for autonomy were made in two other types of case, each with a religious component that would later have significance for ethnic identity. The first was the Ottoman millet system, under which Christian and Jewish minorities were allowed to administer their own affairs in specific domains, including education, religion, and family matters (Karpat, 1973, pp. 29-40; Davison, 1977, pp. 33-37). Second, while the political history of Europe's Jews was more obviously marked by discrimination, exclusion and repression, there were circumstances where a measure of effective self-rule was permitted, as in the Polish-Lithuanian Commonwealth until 1764, where local organs of the Jewish community were permitted to administer not just religious matters but also family, housing and economic affairs (Rosman, 1990, pp. 37-38, 185-212; Stanislawski, 2008).

The changes ushered in by the French revolution delegitimised the principle of estate or corporate representation and autonomy, and placed the principle of individual equality before the law at the centre of political life—typically, within a centralised state, though there were some federal deviants from the Jacobin norm. However, it took more than a century for the principles of the revolution to triumph in all parts of Europe, and the millet system survived into the twentieth century. Indeed, even after the shock of the first world war, this system continued in recycled shape in several post-Ottoman states, in the form of autonomy for Muslim minorities, as in Bulgaria and Greece (Katsikas, 2009). Other examples of the enduring influence of the millet system that have been cited include Cyprus after independence in 1960, where separate Greek and Turkish communal councils enjoyed limited rights of self-administration (Dundas, 2004), and contemporary Lebanon, Israel and Iraq (Quer, 2013, pp. 78, 91-92).[7]

While the Ottoman precedent was influential, a parallel development rested on a more modern, democratic conception of the political world (Nimni, 2005b, p. 10). For the Austrian social democratic activist Karl Renner (2005 [1899], p. 20), the kind of non-territorial management that was characteristic of religious groups in Europe (following abandonment of the territorial principle *cuius regio, eius religio*) formed a model for national groups. His system of dual territorial and non-territorial autonomy was designed to create an Austria in which 'all nationalities govern and administer themselves, in which they deal with their nationally specific affairs alone and their common affairs together' (Renner, 2005 [1899], p. 24). This scheme was never adopted by Renner's own Austrian Social Democratic party, which remained committed to the principle of territorial federalism.[8] Nevertheless, limited experimentation with this scheme took place in the corporate representative bodies in three crownlands of the Habsburg Monarchy—in Moravia in 1905, Bukovina in 1910 and Galicia in 1914 (Kann, 1950, I, pp. 207-9, 328-31; Rager, 1942; Glassl, 1967; Kořalka, 1993; Kelly, 2003). The scheme was, however, roundly rejected by the Russian Bolshevik leadership, ensuring that non-territorial autonomy was firmly ruled out in Europe's most complex multi-national state, the Soviet Union; but an important section of the social democratic movement, the Russian Jewish Bund, adopted this policy in 1903 (Gechtman, 2007; 2005, p. 31).

The appearance of new 'national' states in the post-1918 period once again gave rise to debate about minority recognition, since the new states invariably inherited sizeable minority populations, as discussed above. The League of Nations sought to offer some protection by securing minority rights regimes in the new states, especially in the areas of language, culture, education and public administration (Mair, 1928, pp. 30-36; Claude, 1955, pp. 6-16). But in truly few cases did this result in anything like non-territorial autonomy. The post-

Ottoman cases of Bulgaria and Greece (with their Muslim minorities) have already been mentioned, and Lithuania made a gesture in the direction of cultural autonomy for its Jewish population, but this did not survive the authoritarian coup of 1926 (Gringauz, 1952). The most significant experiment was the Cultural Autonomy Law of 1925 in Estonia, which provided a framework under which German and Jewish cultural councils were established, but they ceased to be effective after the authoritarian coup of 1934 (Aun, 1954; Smith and Hiden, 2012, pp. 46-63). Elsewhere, while minorities in Europe's new states may have been given a measure of freedom to administer their educational affairs, nothing approaching cultural autonomy was put in place. Proposals for autonomy for the German, Jewish and Polish minorities in Latvia came to nothing (Germane, 2013, pp. 105-13), the 1918 Law on National Personal Autonomy in the fledgling Ukrainian state perished with that state (Liber, 1987), and proposals for cultural autonomy for the Carinthian Slovenes in Austria in the late 1920s foundered (Moritsch, 1986). Outside Europe, there was limited interest in this model, though it found some support in such contexts as India (Char, 1946).

The second world war had the effect of shifting the emphasis in minority protection away from group rights and towards individual rights, reducing the prospects for non-territorial autonomy. In 1970, however, Belgium began an experiment in constitutional reform that bore a close resemblance to the Renner model (Farrell and van Langenhove, 2005). As well as formal power sharing at the centre, power was devolved on a territorial basis to three regions (Flanders, Wallonia and Brussels) and on a non-territorial basis to two communities (Dutch-speaking and French-speaking). The sensitivity of such arrangements to the territorial distribution of the population is, however, illustrated by this case: in 1980 it was decided to merge the Flemish Regional Council and the Cultural Council of the Flemish Community, since the population base of the two coincided almost entirely. Another example is commonly overlooked: the long-established autonomy of Finland's dispersed Swedish-speaking population in the domains of education, ecclesiastical matters and public administration (but see Suksi, 2008). Since 1919 it has also had its own representative assembly, the Swedish Finland Folkting (Svenska Finlands Folkting, 2010, pp. 21-2). In a quite different pattern, provision was made in South Africa's 1983 constitution to confer domestic self-governing powers on three territorially dispersed population groups: whites through their House of Assembly (178 members), coloureds through their House of Representatives (85), and Indians through their House of Delegates (45). Major state business ('general' affairs) would require the assent of all three houses, but 'own' affairs (including social welfare, education, health, community development, local government and agriculture) would be the exclusive responsibility of the individual chambers (Welsh, 1984, pp. 150-56). The involuntary, inegalitarian and race-based foundations of this system, and the fact that the black population, the great majority, was altogether excluded from this

arrangement, and would instead be associated with 'homelands', undermined the legitimacy of these arrangements and, indeed, damaged the whole notion of group autonomy.

A new wave of efforts to protect minorities was kick-started by the collapse of Europe's communist regimes in 1989. As the newly democratic states could no longer rely on the integrative glue of the communist party to maintain national unity, new mechanisms to define states' relationships with national minorities were necessary. These were promoted actively by the Conference for Security and Cooperation in Europe (from 1995, the Organisation for Security and Cooperation in Europe, OSCE), supported by new minority rights norms in international law (Eide, 1990). By 2013, eight states in central and eastern Europe had adopted laws on 'national cultural autonomy' (Smith, 2013, p. 117).

The actual implementation track record has, however, been much less impressive than the formal promise of autonomy. In Russia itself, where the overthrow of communism brought an end to ideological opposition to non-territorial autonomy, a system of 'national cultural autonomy' was introduced in 1996, and by the end of 2012 almost a thousand so-called 'national cultural autonomous units' were in operation (Osipov, 2013b, pp. 134-6). Though this attracted some praise for enhancing the status of minorities (Torode, 2008, pp. 192-3), most observers have been quite critical, seeing it as merely a loose arrangement for 'consulting' elites rather than engaging with minorities (Prina, 2012, p. 90), as 'highly imperfect' and 'half-hearted' (Bowring, 2005, p. 203), and as 'ultimately useless' (Osipov, 2010, p. 53). Estonia introduced a cultural autonomy law in 1993 that resembled that of 1925, but as implemented it was much less effective; its provisions have been criticised as merely 'cosmetic' (Lagerspetz, 2014), as not functioning 'in any meaningful way' (Smith, 2013, p. 124), and as being 'symbolic rather than instrumental' (Poleshshuk, 2013, p. 160). Similar forms of cultural autonomy were introduced in Hungary (Dobos, 2007; 2013), Serbia (Beretka, 2013), and Slovenia (Sardelić, 2013; De Villiers, 2012). Its introduction elsewhere has also been advocated, though with limited effect: in Romania (Decker, 2007), Kosovo (Stroschein, 2008) and Ukraine (Solchanyk, 1994). Outside Europe, its adoption has been proposed in respect of Israel (Peled, 2013, pp. 49-51), Turkey (Gunes, 2013) and Canada (Nieguth, 2009). The interesting and original suggestion has also been made that the Roma might be given non-territorial autonomy at EU level (Klímóva-Alexander, 2007, p. 411).

The form of non-territorial autonomy associated with indigenous peoples is quite different, originating in the notion of national self-determination based on specific historical experience and contemporary territorial image. Indigenous peoples have been described as

　　descendants of the peoples who inhabited the land or territory prior to colonization or
　　the establishment of State borders; they possess distinct social, economic and political

systems, languages, cultures and beliefs, and are determined to maintain and develop
this distinct identity; they exhibit strong attachment to their ancestral lands and the
natural resources contained therein; and/or they belong to the non-dominant groups of
a society and identify themselves as indigenous peoples (United Nations, 2010, p. 3).

Indigenous communities typically have a close relationship with the land and with their
traditional territories (Patton, 2005, pp. 118-9), often seeing it as sacred (Nimni, 2005a, pp.
244-6). But such communities lost control of these territories, usually under the doctrine *terra
nullius*, or its variants: the notion that as uncivilised peoples without notions of property the
territories they occupied were open to settlement (Cutler, 2011, p. 34). While this doctrine
was later discarded and international law began to recognise the territorial rights of
indigenous communities (Wiessner, 2008), in reality these groups were widely dispersed,
without lands in which they were the dominant group, except in small enclaves or in remote
areas. The list of indigenous peoples is a long and challenging one, covering groups with
greatly varying legal status in the USA, Canada, several Latin American states, a number of
African countries, such Asian cases as Japan and India, and Russia and Scandinavia, to
give a list that is far from exhaustive (Wiessner, 1999); and Australia and New Zealand also
offer important examples.

International protocols to protect indigenous minorities emerged slowly. Resolution 169 of
the International Labour Organisation (1989) marked an important stage: it provided for
protection of the individual rights of indigenous peoples, promoted their socio-economic
rights and called for respect for their customs and institutions, their cultures and spiritual
values and their relationship with their lands or territories (International Labour Organisation,
1989, arts 8,13 14). The Declaration on the Rights of Indigenous People's (United Nations,
2007) similarly recognised the special links of indigenous peoples to the land and to sacred
sites, and their right to 'autonomy or self-government in matters relating to their internal and
local affairs' (United Nations, 2007, art. 4).

Yet, implementation of these rights has been slow and uneven. A review of the political
status of indigenous peoples noted efforts (mainly unsuccessful) to involve them in the
process of government, as in Canada, New Zealand and Australia; but only in the Nordic
countries did any such group (in this case, the Sámi) enjoy a measure of self-administration,
however modest (Niemczak and Jutras, 2008). In some cases, such as the USA, indigenous
peoples relate to the state in a quasi-federal way; their separate political status is officially
recognised within Indian reservations (Singel, 2014).

Selecting Cases for Analysis

The discussion above has identified a considerable number of cases where the question of non-territorial autonomy has arisen at least as a point of debate (even if it has not been implemented). Our strategy in this collection is to revisit frequently cited cases in the three categories discussed above and to assess the extent to which they indeed match the criteria of non-territoriality and autonomy.

Adopting a broadly chronological approach, we begin with what is perhaps the best-known early example: the millet system of the Ottoman empire, which also left its mark on certain successor states of that empire, as Karen Barkey and George Gavrilis (2016) point out. This is followed by two other cases where arguments for non-territorial autonomy were advanced in some detail, if with limited long-term effect. Borries Kuzmany (2016) analyses three efforts to apply the Renner model in the last years of the Habsburg monarchy, just before the outbreak of the first world war: in Moravia, Bukovina and Galicia. Roni Gechtman (2016) then addresses the special case of Jewish cultural autonomy in central and eastern Europe, including both its pre-war ideological roots and subsequent efforts to give it practical effect.

We turn then to cases where non-territorial autonomy has been applied with some success in the modern state. Here, two cases are examined. David Smith (2016) considers the fascinating case of Estonia, whose cultural autonomy law of 1925 made it a poster-child of non-territorial autonomy. Emmanuel Dalle Mulle (2016) explores the extent to which constitutional reforms in Belgium since 1970 have had a non-territorial dimension, alongside their more obvious territorial and consociational features.

The third category is that of indigenous peoples. Torvald Falch, Per Selle and Kristin Strømsnes (2016) explore the position of the Sámi of Norway, who, like their counterparts in Sweden and Finland, have their own representative institutions with limited powers of self-administration. Finally, Richard Hill (2016) considers the Maori of New Zealand—a large group, accounting for 16% of the population, long recognised as having a distinct identity, but one which enjoys only the rudiments of autonomy.

In order to maximise cross-case comparability, the authors of the case studies have been invited to adhere as closely as possible to a common framework. Having introduced the case in question, they discuss in turn the ethnonational structure of the society in question, particularly as regards the level of geographical dispersion of co-existing ethnic groups; the background to the introduction of non-territorial autonomy; the structure and operation of the system of non-territorial autonomy; and the capacity of this system to manage and, ideally, reduce ethnonational tensions. The articles each conclude with an assessment of the extent

to which this system is authentically non-territorial, and genuinely autonomous. A final article (Coakley, 2016) draws these strands together and attempts to arrive at some comparative conclusions.

Conclusion

Analysis of the phenomenon of non-territorial autonomy has enjoyed a modest resurgence in recent years, as this institutional device commends itself to some as a useful mechanism for offering autonomy to dispersed groups and to others as a harmless gesture that can convey the appearance of devolved government while withholding its substance. The essays in this collection seek to explore precisely what may lie behind this impressive label, and suggest that the pattern is mixed. Theoretical justifications for non-territorial government—such as those advanced by Renner in Habsburg Austria, the Bundists in Tsarist Russia, constitutional architects after the fall of communism, and advocates for indigenous peoples' rights—may have appeared persuasive to many policy makers, but have had limited practical impact. This volume aims to contribute to our understanding as to why this is the case.

Acknowledgement

Notes

1. The Serbian Republic (capital, Sarajevo), one of the two entities of the new state of Bosnia-Herzegovina, is entirely distinct from the Republic of Serbia (capital, Belgrade), formerly one of Yugoslavia's constituent republics and now a successor state to that state; the Federation of Bosnia-Herzegovina (capital, Sarajevo), the other entity, must be distinguished from the similarly named umbrella state, known simply as Bosnia and Herzegovina (capital Sarajevo also).

2. It has been argued that well-meaning efforts to reverse the process of ethnic cleansing, as in Bosnia-Herzegovina, risk aggravating rather than improving people's life conditions (Toal and Dahlman, 2004, pp. 448). The complex mixture of positive and negative consequences of

partition, and the extent to which these vary depending on specific contexts, are discussed in Kaufmann, 1998, and O'Leary, 2011.

3.   The Duncan index of dissimilarity is defined as half the value of the sum of the absolute differences between the proportion of a particular group and the proportion of the reference group in each territorial unit, or, more formally, as

$$D = \sum | a_i/A - b_i/B | *0.5,$$

where a_i is the size of group A in district i, and b_i is the size of group B in district i. A simple mathematical conversion (division by one minus the proportion of the ethnic group in the state as a whole) may be used to transform the index of dissimilarity into an 'index of segregation', where the comparator group is not another ethnic group but the overall population (Duncan and Duncan, 1955, p. 494).

4.   This index is defined as the square root of the area, divided by the perimeter, divided by a constant, 0.282. The constant arises because without this the ratio for a circle would be 0.282; dividing this by the constant gives a value of 1; see Maceachren, 1985, p. 54. For a square, the index has the value 0.89, and for an equilateral triangle, 0.78. To give some concrete geographical examples, the index for near-circular Swaziland is 0.86; for irregular, horseshoe-shaped Croatia it is 0.10, but this increases to 0.20 in respect of the Croatian mainland (i.e. excluding the archipelago). Of course, there is no definitive way of measuring perimeters (including coastline as well as land boundaries); this is highly sensitive to the unit of measurement. Measures above computed from data in *CIA World Factbook*, available www.cia.gov/library/publications/the-world-factbook/ (consulted 30 November 2014).

5.   Immigrants make up a much greater proportion of the Italian-speaking population than of the German- or French-speaking groups, and are mainly concentrated in cantons other than Ticino.

6.   Computed from the Geographical Research on War dataset compiled at ETH Zűrich, available growup.ethz.ch/; see Vogt et al., 2015.

7.   Other cases cited, which would have to be classed as marginal, include the Muslims councils created around the turn of the twenty-first century in Italy, France, Spain and Britain (Quer, 2013, p. 77), and courts in Nigeria, India and Greece which administer Sharia law (Stroschein, 2008, pp. 659-62).

8.   The policy on the nationalities question adopted by the party at its congress in Brünn (now the Moravian capital, Brno) in 1899 was interpreted by certain influential authors as an endorsement of non-territorial autonomy. The first misrepresentation of the Brünn programme took place almost immediately, when Dzshon Mill, a Jewish Labour Bund activist, described it later in 1899 as advocating non-territorial autonomy (Gechtman, 2005, p. 34). The programme was similarly misinterpreted by the Russian social democratic theorist of the national question and later Soviet dictator, Joseph Stalin (1948 [1913], pp. 26-28). Rather more surprisingly, a former Hungarian civil servant turned influential academic, Oszkár Jászy (1929, pp. 179-80), took the same

position. The relevant articles of the Brünn programme, reproduced in Kogan, 1949, p. 208, make the territorial principle underlying party policy quite clear: the existing crownlands would be replaced by territorial units 'coinciding with the ethnographic boundaries as far as possible', with provisions for minority protection.

References

Aun, K. (1954). The cultural autonomy of national minorities in Estonia, *Yearbook of the Estonian Learned Societies in America* 1, 1951-53, pp. 26-41.

Barkey, E., and Gavrilis, G. (2016) The Ottoman millet system: non-territorial autonomy and its contemporary legacy, *Ethnopolitics*, 15(1), pp. **xxx [to be supplied**].

Belloni, R. (2010) Bosnia: Dayton is dead! Long live Dayton, in: Coakley, 2010b, pp. 95-115.

Beretka, K. (2013) National councils of national minorities in Serbia: pros and cons of an ethnic self-government, in: Nimni et al., 2013, pp. 181-96.

Bosnia and Herzegovina (2005) *Comparative Analysis on Access to Rights of Refugees and Displaced Persons* (Sarajevo: Ministry for Human Rights and Refugees).

Bowring, B. (2002) Austro-Marxism's last laugh? The struggle for recognition of national-cultural autonomy for Rossians and Russians, *Europe-Asia Studies,* 54(2), pp. 229-50.

Bowring, B. (2005) Burial and resurrection: Karl Renner's controversial influence on the 'national question' in Russia, in: Nimni, 2005c, pp. 191-206.

Bowring, B. (2007) The Tatars of the Russian Federation and national–cultural autonomy: a contradiction in terms?, *Ethnopolitics,* 6(3), pp. 417-35.

Char, S.V.D. (1946) Cultural autonomy for India, *Indian Journal of Political Science* (1946), pp. 425-433.

Claude, I.L. (1955). *National Minorities: An International Problem* (Cambridge, MA: Harvard University Press).

Coakley, J. (1982) National territories and cultural frontiers: conflicts of principle in the formation of states in Europe, *West European Politics,* 5(4), pp. 34-49.

Coakley, J. (1986) Political succession and regime change in new states in inter-war Europe: Ireland, Finland, Czechoslovakia and the Baltic Republics, *European Journal of Political Research,* 14, pp. 187-206.

Coakley, J. (1994) Approaches to the resolution of ethnic conflict: the strategy of non-territorial autonomy, *International Political Science Review,* 15(3), pp. 309-26.

Coakley, J. (2003b) Conclusion: towards a solution?, in: Coakley, 2003a, pp. 293-316.

Coakley, J. (2010a) The effectiveness of federal responses to ethnic conflict, in: A. Guelke, ed., *The Challenges of Ethnic Nationalism: Case Studies in Identity Politics*, pp. 193-210 (Basingstoke: Palgrave Macmillan).

Coakley, J. (2012) *Nationalism, Ethnicity and the State: Making and Breaking Nations* (London: Sage).

Coakley, J. (2013) Non-territorial autonomy: a non-option for Northern Ireland?, in: Nimni et al., 2013, pp. 55-70.

Coakley, J. (2016) Conclusion: patterns of non-territorial autonomy, *Ethnopolitics*, 15(1), pp. **xxx [to be supplied**].

Coakley, J. (Ed.) (2003a) *The Territorial Management of Ethnic Conflict* (London: Frank Cass).

Coakley, J. (Ed.) (2010b) *Pathways from Ethnic Conflict: Institutional Redesign in Divided Societies* (London: Routledge).

Cobban, A. (1969) *The Nation-State and National Self-Determination* (London: Collins).

Conversi, D. (2003) The dissolution of Yugoslavia: secession by the centre?, in: Coakley, 2003a, pp. 264-92.

Cutler, A.C. (2011) The globalization of International law, indigenous identity, and the new constitutionalism, in: William D. Coleman (Ed.), *Property, Territory, Globalization: Struggles over Autonomy*, pp. 29-55 (Vancouver, BC: UBC Press).

Cyprus (1962) *Census of Population and Agriculture, 1960. Vol. 1* (Nicosia: Government Printing Office).

Dalle Mulle, E. (2016) Belgium and the Brussels question: the role of non-territorial autonomy, *Ethnopolitics*, 15(1), pp. **xxx [to be supplied**].

Davison, R. (1977) Nationalism as an Ottoman problem and the Ottoman response, in: W.W. Haddad & W. Ochsenwald (Eds) *Nationalism in a Non-National State: The Dissolution of the Ottoman Empire,* pp. 25-56 (Columbus: Ohio State University Press).

De Villiers, B. (2012) Protecting minorities on a non-territorial basis—recent international developments, *Beijing Law Review* 3, pp. 170-183.

Decker, D.C. (2007) The use of cultural autonomy to prevent conflict and meet the copenhagen criteria: the case of Romania, *Ethnopolitics* 6(3), pp. 437-450.

Dobos, B. (2007) The development and functioning of cultural autonomy in Hungary, *Ethnopolitics* 6(3), pp. 451-469.

Dobos, B. (2013) The role of elections in minority contexts: the Hungarian case, in: Nimni et al., 2013, pp. 163-80.

Duchacek, I.D. (1986) *The Territorial Dimension of Politics within, among and across Nations* (Boulder, CO: Westview).

Duncan, O.D., & Duncan, B. (1955) Residential distribution and occupational stratification, *American Journal of Sociology,* 60(5), pp. 493-503.

Dundas, G. (2004) Cyprus from 1960 to EU accession: the case for non-territorial autonomy, *Australian Journal of Politics & History,* 50(1), pp. 86-94.

Eide, A. (1990). Minority situations: in search of peaceful and constructive solutions. *Notre Dame Law Review*, 66(5), pp. 1311-1346.

Eide, A. (1995). The national society, peoples and ethno-nations: semantic confusions and legal consequences, *Nordic Journal of International Law*, 64(3) , 353-367.

Falch, T., Selle, P. and Strømsnes, K. (2016) The Saámi: 25 years of indigenous authority in Norway, *Ethnopolitics,* 15(1), pp. **xxx [to be supplied**].

Farrell, M. and L. van Langenhove (2005) Towards cultural autonomy in Belgium, in: Nimni, 2005c, pp. 222-236.

Garibova, J. (2012) Cultural autonomy: the perceived vs. realistic scope, *International Journal of the Sociology of Language* 213, pp. 105-110.

Gechtman, R. (2005) Conceptualising national-cultural autonomy: from the Austro-Marxists to the Jewish Labor Bund, *Simon Dubnow Institute Yearbook* 4, pp. 17-49.

Gechtman, R. (2007) National-cultural autonomy and 'neutralism': Vladimir Medem's Marxist analysis of the national question, 1903-1920, *Socialist Studies* 3:1, pp. 69-92.

Gechtman, R. (2016) Jews and non-territorial autonomy: political programs and historical perspectives, *Ethnopolitics*, 15(1), pp. **xxx [to be supplied**].

Germane, M. (2013) Paul Schiemann, Max Laserson and cultural autonomy: a case study from interwar Latvia, in: Nimni et al., 2013, pp. 101-115.

Glassl, H. (1967). *Der mährische Ausgleich* (München: Fides-Gesellschaft München).

Gringauz, S. (1952) Jewish National Autonomy in Lithuania (1918-1925), *Jewish Social Studies* 14(3): 225-246.

Gunes, C. (2013) Accommodating Kurdish national demands in Turkey, in: Nimni et al., 2013, pp. 71-84.

Hill, R. (2016) New Zealand Maori: the quest for autonomy, *Ethnopolitics*, 15(1), pp. **xxx [to be supplied**].

Hooghe, L., Marks, G. & Schakel, A.H. (2008) Operationalising regional authority: a coding scheme for 42 countries, 1950-2006, *Regional and Federal Studies,* 18(2-3), pp. 123-42.

Hooghe, L., Schakel, A.H. & Marks, G. (2008) Appendix B: Country and regional scores, *Regional and Federal Studies,* 18(2-3), pp. 259-74.

International Labour Organisation (1989) *Indigenous and Tribal Peoples Convention, 1989 (No. 169.* (Geneva: International Labour Organisation).

Jászi, O. (1929) *The Dissolution of the Habsburg Monarchy* (Chicago: University of Chicago Press).

Jennings, Sir I. (1956) *The Approach to Self-Government* (Cambridge: Cambridge University Press).

Joseph, J.S. (2010) Cyprus: domestic ethnopolitical conflict and international politics, in: Coakley, 2010b, pp. 116-36.

Kann, R.A. (1950) *The Multi-National Empire: Nationalism and National Reform in the Habsburg Monarchy 1848-1918.* 2 vols (New York: Columbia University Press).

Karpat, K. (1973) *An Inquiry into the Social Foundations of Nationalism in the Ottoman State: From Social Estates to Classes, from Millets to Nations* [Research Monograph no. 39] (Princeton, NJ: Princeton University Center for International Studies).

Katsikas, S. (2009). Millets in nation-states: the case of Greek and Bulgarian Muslims, 1912–1923. *Nationalities Papers,* 37(2), pp. 177-201.

Kaufmann, C.D. (1998) When all else fails: ethnic population transfers and partitions in the twentieth century, *International Security,* 23(2), pp. 120-56.

Kelly, T.M. (2003) Last best chance or last gasp? The compromise of 1905 and Czech politics in Moravia, *Austrian History Yearbook,* 34, pp. 279-301 .

Klímová-Alexander, I. (2007) Transnational Romani and indigenous nonterritorial self-determination claims, *Ethnopolitics*, 6(3), pp. 395-416.

Kogan, A.G. (1949) The Social Democrats and the conflict of nationalities in the Habsburg Monarchy, *Journal of Modern History,* 21(3), pp. 204-217.

Kořalka, J. (1993). Nationality representation in Bohemia, Moravia and Austrian Silesia, 1848-1914. In G. Alderman, with J. Leslie and K.E. Pollmann (Eds), *Governments, Ethnic Groups and Political Representation*, pp. 85-122 (London: Dartmouth, for the European Science Foundation).

Kuzmany, B. (2016) Habsburg Austria: experiments in non-territorial autonomy, *Ethnopolitics*, 15(1), pp. **xxx [to be supplied**].

Kypros-net (2013) The world of Cyprus: demography. Available kypros.org/Cyprus/ cy_republic/demography.html.

Lagerspetz, M. (2014) Cultural autonomy of national minorities in Estonia: the erosion of a promise, *Journal of Baltic Studies*, 45(4), pp. 457-75.

Lane, J.-E. & Ersson, S. (1999) *Politics and Society in Western Europe*, 4th ed (London: Sage).

Latvia (1930) *Tresa Tautas Skaitisana Latvija 1930. gada: Troisième recensement de la population en Lettonie en 1930. Vol. 2 Tautiba: Nationalité ethnique* (Riga: Valsts Statistiska Parvalde).

Légaré, A. (2008) Introduction: rethinking the forms of autonomy at the dawn of the 21st century, *International Journal on Minority and Group Rights,* 15(2/3), pp. 143-55.

Liber, G. (1987) Ukrainian nationalism and the 1918 law on national-personal autonomy, *Nationalities Papers*, 15(1), pp. 22-42.

Lijphart, A. (1984) *Democracies: Patterns of Majoritarian and Consensus Government in Twenty-one Countries (*New Haven: Yale University Press).

Lithuania (1925) *Lietuvos Gyventojai: 1923 m. rugsejo 17 d. surasymo duomenys: Population de la Lithuanie: Donées du recensement du 17 Septembre 1923* (Kaunas: Centralinis Statistikos Biuras).

Macartney, C.A. (1934) *National States and National Minorities* (London: Oxford University Press).

MacEachren, A.M. (1985) Compactness of geographic shape: comparison and evaluation of measures, *Geografiska Annaler. Series B, Human Geography,* 67(1), pp. 53-67.

Mair, L.P. (1928). *The Protection of Minorities: The Working and Scope ofthe Minorities Treaties under the League of Nations* (London: Christophers).

Malloy, T.H. (2009) The Lund Recommendations and non-territorial arrangements: progressive de-territorialization of minority politics, *International Journal on Minority and Group Rights,* 16, pp. 665-679.

Marks, G., Hooghe, L. & Schakel, A.H. (2008) Measuring regional authority, *Regional and Federal Studies,* 18(2-3), pp. 111-21.

Moritsch, A. (1986) German nationalism and the Slovenes in Austria between the two world wars, *Slovene Studies,* 8(1), pp. 15-20.

Nieguth, T. (2009) An Austrian solution for Canada? Problems and possibilities for national cultural autonomy, *Canadian Journal of Political Science,* 42(1), pp. 1-16.

Niemczak, Peter, and Célia Jutras (2008) *Aboriginal Political Representation: A Review of Several Jurisdictions* [BP359-E] (Ottawa: Parliamentary Information and Research Service, Library of Parliament).

Nimni, E. (2005a) Conclusion: the sovereign predicament of dispersed nations, in: Nimni, 2005c, pp. 237-253.

Nimni, E. (2005b) Introduction: the national cultural autonomy model revisited, in: Nimni, 2005c, pp. 1-14.

Nimni, E. (2007) National-cultural autonomy as an alternative to minority territorial nationalism, *Ethnopolitics,* 6(3), pp. 345-64.

Nimni, E. (2013) The conceptual challenge of non-territorial autonomy, in: Nimni et al., 2013, pp. 1-24.

Nimni, E. (Ed.) (2005c) *National Cultural Autonomy and its Contemporary Critics* (London: Routledge).

Nimni, E., Osipov, A. & Smith, D.J. (Eds) (2013) *The Challenge of Non-Territorial Autonomy: Theory and Practice* (Oxford: Peter Lang).

O'Leary, B. (2011) Debating partition: evaluating the standard justifications, in: K. Cordell & S. Wolff (Eds), *The Routledge Handbook of Ethnic Conflict,* pp. 140-57 (London: Routledge).

Osipov, A. (2010) National cultural autonomy in Russia: a case of symbolic law, *Review of Central and East European Law* 35(1), pp. 27-57.

Osipov, A. (2013a) *Changing the angle: does the notion of non-territorial autonomy stand on solid ground?* [ECMI Issue Brief 9] (Flensburg: European Centre for Minority Issues).

Osipov, A. (2013b) Non-territorial autonomy as a way to frame diversity policies: the case of Russia, in: Nimni et al., 2013, pp. 133-48.

Osipov, A. (2013c) Non-territorial autonomy during and after communism: in the wrong or right place?, *Journal on Ethnopolitics and Minority Issues in Europe*, 12(1), pp. 7-26.

Patton, P. (2005) National autonomy and indigenous sovereignty, in: Nimni, 2005c, pp. 112-123.

Peled, Y. (2013) Challenging Zionism through non-territorial autonomy: from Vilnius to Nazareth, in: Nimni et al., 2013, pp. 39-54.

Poleshchuk, V. (2013) Changes in the concept of national cultural autonomy in Estonia, in: Nimni et al., 2013, pp. 149-62.

Prina, F. (2012) Power, politics and participation: the Russian Federation's national minorities and their participatory rights, *Netherlands Quarterly of Human Rights,* 30(1), pp. 65-95.

Quer, G.M. (2013) De-territorializing minority rights in europe: a look eastward, *Journal on Ethnopolitics and Minority Issues in Europe,* 12(1), pp. 76-98.

Qvortrup, M. (2012) The history of ethno-national referendums 1791–2011, *Nationalism and Ethnic Politics,* 18(1), pp. 129-50.

Rager, F.A. (1942). National autonomy in the Austro-Hungarian Monarchy. *Journal of Central European Affairs,* 1(4), pp. 417-428.

Renner, K. (2005 [1899]) State and nation, in: Nimni, 2005c, pp. 15-47.

Roach, S.C. (2005) *Cultural Autonomy, Minority Rights and Globalization* (Aldershot: Ashgate).

Rosman, M.J. (1990) *The Lord's Jews: Magnate-Jewish Relations in the Polish-Lithuanian Commonwealth during the Eighteenth Century* (Cambridge, MA: Harvard University Press, for the Center for Jewish Studies, Harvard University, and the Harvard Ukrainian Research Institute).

Russia (1905) *Premier recensement général de la population de l'Empire de Russie 1897: relevé général pour tout l'Empire.* 2 vols (Saint Petersburg: Gospodina Ministra Vnutrennikh Del).

Sardelić, J. (2013) The Roma community act in the Republic of Slovenia: legal implementation of Romani non-territorial autonomy, in: Nimni et al., 2013, pp. 197-211.

Schakel, A.H. (2008) Validation of the regional authority index, *Regional and Federal Studies,* 18(2-3), pp. 143-66.

Schneider, A. (2003) Decentralisation: conceptualisation and measurement, *Studies in Comparative International Development,* 38(3), pp. 32-56.

Shoup, P.S. (1981) *The East European and Soviet Data Handbook: Political, Social, and Developmental Indicators, 1945-1975* (New York: Columbia University Press).

Singel, Wenona T. (2014) The first federalists, *Drake Law Review,* 62, pp. 775-856.

Smith, D.J. (2013) Challenges of non-territorial autonomy in contemporary central and eastern Europe, in: Nimni et al., 2013, pp. 117-132.

Smith, D.J. (2016) Estonia: a model for interwar Europe? , *Ethnopolitics*, 15(1), pp. **xxx [to be supplied**].

Smith, D.J., & Cordell, K. (2007) Introduction: the theory and practice of cultural autonomy in central and eastern Europe, *Ethnopolitics* 6:3, 337-343.

Smith, D.J., & Cordell, K. (Eds) (2008) *Cultural Autonomy in Contemporary Europe* (London: Routledge).

Smith, D.J., and J. Hiden (2012) *Ethnic Diversity and the Nation State: National Cultural Autonomy Revisited* (London: Routledge).

Solchanyk, R. (1994) The politics of state building: centre-periphery relations in post-Soviet Ukraine, *Europe-Asia Studies*, 46(1), pp. 47-68.

Springer, R. [*pseud.* Karl Renner] (1902). *Der Kampf der oesterreichischen Nation um den Staat* (Leipzig, Wien: Franz Deuticke).

Stalin, J.V. (1948 [1913]) Marxism and the national question, in: *Marxism and the National and Colonial Questions: A Collection of Speeches*, pp. 3-61 (London: Martin Lawrence).

Stanislawski, M. (2008) Kahal, *YIVO Encyclopedia of Jews in Eastern Europe* (New Haven: Yale University Press); available www.yivoencyclopedia.org/article.aspx/Kahal.

Stroschein, S. (2008) Making or breaking Kosovo: applications of dispersed state control, *Perspectives on Politics,* 6(4), pp. 655-674.

Suksi, M. (2008) Functional autonomy: the case of Finland with some notes on the basis of international human rights law and comparisons with other cases, *International Journal on Minority and Group Rights*, 15(2), pp. 195–225.

Svenska Finlands Folkting (2010) *Swedish in Finland* (Helsingfors: Svenska Finlands Folkting).

Toal, G., & Dahlman, C. (2004) The effort to revers ethnic cleansing in Bosnia-Herzegovina: the limits of returns, *Eurasian Geography and Economics,* 45(6), pp. 439-64.

Toal, G., & Dahlman, C.T. (2011) *Bosnia Remade: Ethnic Cleansing and its Reversal* (Oxford: Oxford University Press).

Toal, G., & O'Loughlin, J. (2009) After ethnic cleansing: return outcomes in Bosnia-Herzegovina a decade beyond war, *Annals of the Association of American Geographers,* 99(5), pp. 1045-53.

Torode, N. (2008) National cultural autonomy in the Russian Federation: implementation and impact, *International Journal on Minority and Group Rights,* 15(2-3), pp. 179-193.

United Nations (2007) *United Nations Declaration on the Rights of Indigenous Peoples* (New York: United Nations).

United Nations (2010) *Minority Rights: International Standards and Guidance for Implementation* (New York: United Nations) .

Vogt, M., Bormann, N.C., Rűegger, S., Cederman, L.E., Hunziger, P. and Girardin, L. (2015) Integrating data on ethnicity, geography, and conflict: the Ethnic Power Relations data set family, *Journal of Conflict Resolution*, 59(7), pp. 1327-42.

Welsh, D. (1984) Constitutional changes in South Africa, *African Affairs*, 83(331), pp. 147-162.

Wiessner, S. (1999) Rights and status of indigenous peoples: a global comparative and international legal analysis, *Harvard Human Rights Journal,* 12, pp. 57-128.

Wiessner, S. (2008) Indigenous sovereignty: a reassessment in light of the UN Declaration on the Rights of Indigenous Peoples, *Vanderbilt Journal of Transnational Law,* 41, pp. 1141-1176.

Table 1. Reported national groups in three European empires, c. 1900

| Austro-Hungarian Empire, 1900 | | | | Russian Empire, 1897 | | Ottoman Empire c. 1876 | |
Austria		Hungary					
German	35.8	Hungarian	45.4	Russian	44.3	Turkish	35.1
Czech	23.2	Romanian	14.5	Ukrainian	18.8	Arab	13.8
Polish	16.6	German	11.1	Polish	6.3	Romanian	11.4
Ukrainian	13.2	Slovak	10.5	Belorussian	4.7	Bulgarian	7.8
Slovene	4.6	Croat	8.7	Jewish	4.0	Serbo-Croat	7.0
Serbo-Croat	2.8	Serbian	5.5	Tartar	3.0	Armenian	6.5
Italian	2.8	Ukrainian	2.2	Other	18.9	Greek	5.5
Other	1.0	Other	2.1			Albanian	3.1
						Other	9.8

Source: Kann, 1977, vol. 2, pp. 302-4; Russia, 1905; Davison, 1977, pp. 29-30

Note: All figures are percentages and total 100 vertically. Data refer to language in the case Austria-Hungary and Russia.

Table 2. Reported national groups in central and east European successor states, c. 1930

| State | Dominant nationality | | Other nationalities |
	Name	%	
Yugoslavia, 1931	Serb	41.0	Croat 24.1; Slovene 8.2; ethnic Muslim 6.7; Macedonian 5.0; Albanian 3.6; Hungarian 3.4; Montenegrin, 2.7; other 5.3
Czechoslovakia, 1930	Czech	50.6	German 22.5; Slovak 15.6; Magyar 4.9, Ukrainian 3.9; Jewish 1.4; other 1.1
Poland, 1931	Polish	68.9	Ukrainian, 10.1; Jewish, 8.6; 'Ruthenian' 3.8; Belorussian 3.1; German 2.3; 'Tutejszy' 2.2; other 1.0
Romania, 1930	Romanian	71.9	Hungarian, 7.9; German 4.1; Jewish 4.0, other 12.1
Latvia, 1925	Latvian	73.4	Russian 10.5; Jewish 5.2; German 3.8; other 7.1
Lithuania, 1923-25	Lithuanian	80.1	Jewish 7.1; German 4.1; Russian 2.3; other 6.4
Bulgaria, 1934	Bulgarian	83.4	Turkish 9.7; Pomak 2.2; other 4.7
Estonia, 1922	Estonian	87.6	Russian 8.3; German 1.7; other 2.4
Finland, 1920	Finnish	88.7	Swedish 11.0; other 0.3

Source: Shoup, 1981; Coakley, 1986

Note: Data for the first five Yugoslav nationalities are estimates based on total proportion of Serbo-Croats in 1931 and on the distribution within this group of Serbs, Croats, Macedonians, Muslims and Montenegrins in 1946. In the case of Poland, the 'Ruthenians' would now be described as Ukrainians; the 'Tutejszy' (literally, 'from around here') were mainly Belorussians. In Bulgaria, the data for 'Pomaks' are an estimate based on the number of Bulgarian-speaking Muslims.

Table 3. Territorial partition scenarios: Bosnia-Herzegovina and Cyprus

Territory	Group 1		Group 2		Group 3		Others		Total
Bosnia-Herzegovina:	(Bosniaks)		(Serbs)		(Croats)				
Federation of Bosnia-Herzegovina									
1991	1,423,593	(52.3)	478,122	(17.6)	594,362	(21.9)	223,997	(8.2)	2,720,074
1996	1,773,566	(72.5)	56,618	(2.3)	556,289	(22.8)	58,192	(2.4)	2,444,665
Serbian Republic									
1991	440,746	(28.1)	869,854	(55.4)	144,238	(9.2)	114,494	(7.3)	1,569,332
1996	32,344	(2.2)	1,427,912	(96.8)	15,028	(1.0)	4	(0.0)	1,475,288
Cyprus:	(Greeks)		(Turks)						
Republic of Cyprus									
1960	302,774	(78.5)	63,403	(16.4)			19,678	(5.1)	385,855
1975	489,456	(97.3)	11,544	(2.3)			2,000	(0.4)	503,000
Turkish Republic of Northern Cyprus									
1960	140,700	(74.5)	40,419	(21.4)			7,638	(4.0)	188,757
1975	9,544	(8.3)	104,456	(90.8)			1,000	(0.9)	115,000

Source: Derived from Bosnia and Herzegovina, 2005, pp. 35-42; Cyprus, 1962; Kypros-net, 2013; and other sources.

Note: The rows show the distribution of the major groups before and after population dislocation. The 1996 Bosnian data are from an 'unofficial' census that is likely only to approximate the position, not describe it accurately. Figures in brackets are percentages.

Table 4. Territorial features of selected groups, Northern Ireland (2011) and Switzerland (2000)

Country and zone	Territorial units	Population (000s)	Index of segre-gation	Features of 'ethnic' territory		
				Inclusive-ness	*Homog-eneity*	*Compactness*
Northern Ireland, 2011:						
New districts (11)						
Protestant	6	906	29.5	65.3	63.1	B. medium
Catholic	5	905	32.6	67.9	61.3	B. medium
Districts (26)						
Protestants	13	850	30.1	62.5	64.3	B. medium
Catholics	13	961	34.1	71.7	61.0	B. medium
Wards (582)						
Protestants	326	984	50.0	80.1	71.3	C. low
Catholics	256	827	55.4	75.9	75.1	C. low
Switzerland, 2000:						
Cantons (26)						
German	19	5,177	66.4	95.1	85.3	A. high
French	6	1,800	84.7	92.1	76.0	A. high
Italian	1	311	56.0	55.1	83.5	A. high
Romansch	0	-	76.9	-	-	D. none
Districts (184)						
German	125	5,227	71.3	97.5	86.6	A. high
French	45	1,706	89.6	94.4	82.2	A. high
Italian	10	323	57.3	57.5	83.7	B. medium
Romansch	4	32	77.0	53.9	59.7	B. medium
Communes (2,896)						
German	1,670	5,221	71.6	97.6	86.7	A. high
French	892	1,713	89.8	94.8	82.1	A. high
Italian	268	325	57.9	57.7	83.7	B. medium
Romansch	66	28	77.1	55.8	69.8	B. medium

Source: Computed from data in web sites of Northern Ireland Statistics and Research Agency, nisra.gov.uk, and the Swiss Federal Statistics Office, www.bfs.admin.ch/ (last consulted 25 November 2014).

Note: Units in Northern Ireland are electoral wards, local government districts, and 'new' local government districts created as part of reforms in 2014.

Table 5. Territorial and non-territorial minorities: examples

Country and group	Share (%) of total population	Territorial units	Features of 'ethnic' territory Inclusive-ness	Homog-eneity	Compactness
Slovakia: Roma (2011)	2.0	0/79	0.0	-	D. no territory
Hungary: Roma (2011)	3.2	0/198	0.0	-	D. no territory
Latvia: Germans (1930)	3.7	1/578	2.2	85.9	A* (high)
Lithuania: Jews (1923)	7.6	5/314	12.6	59.5	B* (medium)
Slovakia: Hungarians (2011)	8.5	2/79	33.5	69.7	A. high
Bosnia: Croats (1990)	17.4	20/109	41.3	65.0	B. medium
Finland: Swedes (2012)	5.4	31/320	46.7	73.4	B. medium
Bosnia: Serbs (1990)	31.2	37/109	50.2	61.0	B. medium
Cyprus: Turks (1960)	18.1	150/636	52.3	89.5	C. low
Trentino-AA: Ladins (2011)	3.9	15/337	64.6	87.7	A. high
Macedonia: Albanians (2001)	25.2	16/89	79.3	74.0	B. medium
Bosnia: Muslims (1990)	43.5	52/109	82.3	56.6	B. medium
Trentino-AA: Germans (2011)	33.7	107/337	89.5	92.5	A. high

Source: Computed from Latvia, 1930; Lithuania, 1925; Cyprus, Cyprus, 1962; Bosnia, 2005; from data in web sites of Slovak, Hungarian, Finnish and Macedonian national statistics offices: www.statistics.sk, www.ksh.hu, www.stat.fi, www.stat.gov.mk; from Autonome Provinz Bozen Sudtirol Landesinstitut fur Statistik (www.provinz.bz.it/astat/); and from PAT Servizio Statistica - Annuario on line (www.statistica.provincia.tn.it/dati_online/) (last consulted 25 November 2014).

Note: Trentino-AA refers to the region Trentino-Alto Adige, where data from the two provinces have been combined. In the 'territorial units' column the first figure refers to the number of units in which the group has a majority or a plurality; the figure after the slash refers to the total number of units. The units are communes or municipalities (Latvia, Lithuania, Bosnia, Macedonia), districts (Slovakia, Hungary, Trentino-Alto Adige) or villages (Cyprus).
*measure refers to a territory inhabited by a small minority of the eponymous population.

Table 6. Measurement of the degree of self-rule of an ethnic community

Points (to a maximum of 15) are allocated by reference to the following areas.

A. Institutional depth: existence of a general-purpose administration at the level of the ethnic group:
0: none, or none functioning
1: a deconcentrated one
2: a non-deconcentrated one subject to central government veto
3: a non-deconcentrated one not subject to central government veto.

B. Policy scope of the government of the ethnic community:
0: no authoritative competence over economic policy, cultural-educational policy, or welfare state policy
1: authoritative competence in one of the following areas: economic policy, cultural-educational policy, welfare state policy
2: authoritative competencies in at least two of the following areas: economic policy, cultural-educational policy, welfare state policy
3: meets the criteria for 2 and is endowed with at least two of the following: (1) residual powers (2) communal police force (3) authority over own institutional set-up (4) authority over local government
4: meets the criteria for 3, and has authority over immigration or citizenship.

C. Fiscal autonomy of the government of the ethnic group:
0: none (base and rate of all taxes set by central government)
1: sets the rate of minor taxes
2: sets the base and rate of minor taxes
3: sets the rate of at least one major tax: personal income, corporate, value added, or sales tax
4: sets the base and rate of at least one major tax: personal income, corporate, value added, or sales tax.

D. Representation: assembly of the ethnic group:
0: none
1: indirectly elected assembly
2: directly elected assembly.

E. Representation: executive of the ethnic group:
0: appointed by central government
1: dual executives appointed by central government and the assembly of ethnic group
2: the executive is appointed by the assembly of the ethnic group or is directly elected.

Source: adapted from Hooghe, Marks and Schakel, 2008