

9-11 October 2014

Department of Geography
University of Bern
Switzerland

UniS, Schanzenecstrasse 1, 3012 Bern

International conference

Self-determination in Europe

Contemporary challenges of minorities in multinational states



Department of Geography, Cultural Geography Research Group

The Cultural Geography Research Group is one of twelve research groups at the Department of Geography of the University of Bern. We investigate how and by what actors realities and rules are produced and reproduced, both socially and discursively. We ask how these realities and rules determine varying scopes of action, and how they influence political decisions with spatial relevance. In order to reveal the diversity of opportunities for action, regulations and different systems of meaning as well as corresponding patterns of action are studied in various contexts and at various scales (local to global).

One focus of the group's research targets issues of social change and the often resulting exclusion of minorities. This entails the question of power and spatial manifestations of exclusion and marginalization, the production of physical and mental borders. At the same time, we are interested in the instruments and discursive strategies that facilitate the crossing of these borders.



Dr. Béla Filep (Conference Organizer)



Prof. Dr. Doris Wastl-Walter (Head of the Group)

Conference Team



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Self-determination in Europe

Contemporary challenges

CONFERENCE THEME

of minorities in multinational states

Claims for political self-determination have been omnipresent in Europe for decades. In the 1990s, the debates were shaped by violent territorial conflicts in Southeastern Europe (break-up of Yugoslavia) and the Caucasus (Nagorno-Karabakh, Chechnya, Georgia) as a consequence of the fall of the Iron Curtain 25 years ago. Some of these conflicts have survived the turn of the millennium, for instance in Kosovo, where even 15 years after the outbreak of war a sustainable political solution could not yet be reached.

More recently, claims for self-determination have regained strength also within the European Union, from Spain (Catalonia) in the South, Great Britain (Scotland) in the North, Romania (Szeklerland) in the East to Belgium (Flanders) in the 'Heart' of Europe, to name just a few. Although non-violent, these struggles have essentially touched upon the same or similar issues as it was the case in the wars of the 1990s. In all the cases mentioned so far, people have in some form expressed their will to self-determination, be it as armed rebels and terrorists or, in a more democratic form, as members of civil society and political organisations.

At the core of the issue of self-determination is the question, what makes people, ethnic groups, or national minorities raise their claims for self-determination? What factors play a role with regard to the timing and intensity of these claims? And what kind of self-determination do people want? In recent years, new forms of autonomy have been tested; territory is not the only point of reference, even if still an important one. How do different minority groups make their claims heard, what are their strategies in the struggle for self-determination? And how and with whom do they negotiate their claims? How do claims of one group affect others? How does the notion of citizenship change in the course of these processes?

This international conference brings together academics from all over Europe, senior and junior researchers, who deal with questions of political self-determination and the challenges of minorities in multinational states. Two keynote speeches (Michael Keating, University of Aberdeen; Isabelle Schulte-Tenckhoff, Graduate Institute, Geneva), and 25 papers in seven thematic sessions constitute the scientific programme of the conference.

In addition, to open the discussion to the public, there will be two public panels including representatives from politics and diplomacy. On the first panel, Roger Albinyana, Secretary of Foreign and EU Affairs of the Catalan Government, Richard Jones, EU Ambassador to Switzerland and the Principality of Liechtenstein, and Eve Hepburn, Senior Lecturer at the University of Edinburgh will discuss the latest secessionist claims in Catalonia and Scotland. On the second, László Tókés, Member of the European Parliament, Peter Burkhard, Head of the OSCE Mission to Serbia, and Isabelle Schulte-Tenckhoff, Professor at the Graduate Institute in Geneva will discuss the issue of national minorities in Europe and the role of international/ external actors in that matter.

It would have not been possible to organize this conference without the financial support of our sponsors. First of all, we would like to thank H.S.H. Prince Hans-Adam II of Liechtenstein for his initial contribution that "got the ball rolling", and the Burgergemeinde Bern for funding the public panels. We are also grateful to the Western Balkans Division of the Swiss Agency for Development and Cooperation (SDC) for supporting junior colleagues from the region with conference grants.

The Cultural Geography Research Group at the Department of Geography of the University of Bern warmly welcomes you at the University of Bern in Switzerland. We are looking forward to three days of exciting and fruitful exchange and scientific as well as policy-oriented discussions.

Dr. Béla Filep

Thursday, October 9

12.00 – 14.00	Visit to the Swiss Parliament (Meeting with MP Aline Trede)
17.30 – 18.30	Registration
18.30 – 18.40	Welcome: Doris Wastl-Walter, Vice-Rector, University of Bern
18.40 – 19.00	Opening Address: Béla Filep, Lecturer in Geography, University of Bern
19.00 – 20.30	Public Panel: Secession in the EU – why (or why not) and how? Roger Albinyana, Secretary for Foreign and EU Affairs, Government of Catalonia Richard Jones, EU Ambassador to Switzerland and the Principality of Liechtenstein Eve Hepburn, Deputy Director, Academy of Government, University of Edinburgh
20.30	Reception

Friday, October 10

08.00 – 09.00	Registration
09.00 – 10.15	Keynote I: Minority and indigenous rights in the European context: overlaps and contradictions – Isabelle Schulte-Tenckhoff, Professor of Anthropology, Graduate Institute of International and Development Studies, Geneva
10.15 – 10.45	Coffee Break
10.45 – 12.45	Session 1: The notion of self-determination and autonomous arrangements in the post-Soviet space
12.45 – 13.45	Lunch Break
13.45 – 15.45	Session 2: Effects of and responses to minority autonomy claims
15.45 – 16.15	Coffee Break
16.15 – 18.15	Session 3: Pros and cons of secession in Europe
18.30 – 20.00	Public Panel: National minorities in Europe and the role of international/external actors László Tókés, Member of the European Parliament Peter Burkhard, Ambassador, Head of Mission, OSCE Mission to Serbia Isabelle Schulte-Tenckhoff, Professor of Anthropology, Graduate Institute of International and Development Studies, Geneva
20.00	Conference Dinner (Haus der Universität)

Saturday, October 11

09.00 – 10.15	Keynote II: Rethinking self-determination in the New Europe – Michael Keating, Professor of Politics, University of Aberdeen
10.15 – 10.45	Coffee Break
10.45 – 12.15	Session 4: Models for the accommodation of self-determination claims Session 5: The political and conceptual framing of self-determination
12.15 – 13.15	Lunch Break
13.15 – 15.15	Session 6: Issues of self-determination in the Western Balkans Session 7: Challenges of non-recognized minorities
15.15 – 15.45	Coffee Break
15.45 – 17.00	Closing Discussion

Sunday, October 12

11.00 – 13.00 Bern City Excursion

Exhibition (at the conference venue):

"The Fates behind the Numbers" - Testimonials on property rights in Kosovo (presented by the Swiss Agency for Development and Cooperation, SDC/DEZA)

Session 1: Friday, October 10, 10.45 - 12.45, Room A003

The notion of self-determination and autonomous arrangements in the post-Soviet space

Chair: *Sarah Stephan, The Åland Islands Peace Institute*

Claims of self-determination and the framing of the Crimean autonomy

Alexander Osipov, European Centre for Minority Issues, Flensburg

Autonomy aspirations on the Ukrainian-Moldovan Border: the case of the Gagauz and the Bulgarians

Simon Schlegel, Max Planck Institute for Social Anthropology, Halle

Transnistria: a geopolitical challenge within a changed regional status quo

Hanna Vasilevich, European Centre for Minority Issues, Flensburg

Discussant: *Sarah Stephan, The Åland Islands Peace Institute*

Session 2: Friday, October 10, 13.45 - 15.45, Room A003

Effects of and responses to minority autonomy claims

Chair: *Eve Hepburn, School of Social and Political Science, University of Edinburgh*

Nationalism, federalism and self-determination in liberal-democracies: Belgium, Canada, Spain and the United Kingdom

André Lecours, School of Political Studies, University of Ottawa

Cultural and territorial autonomy in party competition in Europe

Edina Szöcsik, Department of Politics and Political Administration, University of Konstanz

Self-determination and trade: territorial politics and consumer boycotts in Spain

Xavier Cuadras-Morató, Department of Economics, Pompeu Fabra University, Barcelona

Spreading demands for self-determination: the “contagion effect” of substate nationalist and regionalist parties on the territorial stances of other parties

Eve Hepburn, School of Social and Political Science, University of Edinburgh

Session 3: Friday, October 10, 16.15 - 18.15, Room A003

Pros and cons of secession in Europe

Chair: *Roland Vaubel, Department of Economics, University of Mannheim*

Self-determination over time and space: Europe in context

Fernando Mendez & Micha Germann, Centre for Democracy Studies Aarau (ZDA)

The political economy of secession in, and withdrawal from, the European Union

Roland Vaubel, Department of Economics, University of Mannheim

Self-determination without secession

Michael Jewkes, Institute of Philosophy, Catholic University of Leuven

Why not to secede: explaining the relative salience of linguistic versus religious identity in the Jura region of Switzerland, 2013

Michael Hechter & David Siroky, School of Politics and Global Studies, Arizona State University, and Sean Mueller, Institute of Political Science, University of Bern

Session 4: Saturday, October 11, 10.45 - 12.15, Room A003

Models for the accommodation of self-determination claims

Chair: *Balázs Vizi, Institute for Minority Studies, Hungarian Academy of Sciences*

Multi-level governance and multiple overlapping regionalisms – approaches to the accommodation of the Åland Islands in Norden and the European Union

Sarah Stephan, The Åland Islands Peace Institute

Recent regionalisation discourses and projects in Romania with special focus on the Székelyland

József Benedek & Hunor Bajtalan, Department of Geography, Babeş-Bolyai University Cluj

New models of territorial autonomy? The case of decentralisation in Kosovo

Balázs Vizi, Institute for Minority Studies, Hungarian Academy of Sciences

Session 5: Saturday, October 11, 10.45 - 12.15, Room A022

The political and conceptual framing of self-determination

Chair: *Mare Ushkovska, Faculty of Law, Ss. Cyril and Methodius University of Skopje*

The critical role of national interests in the practice of state-recognition

Mare Ushkovska, Faculty of Law, Ss. Cyril and Methodius University of Skopje

Liberal vs. realist approaches to self-determination: the case of Kosovo

Erdonit Retkoceri & Meriton Vitaku, Department of Political Science, University of Prishtina

Constituent peoples and self-determination: legal basis or political agitation?

Maja Sahadzic, Faculty of Business and Administration, International University of Sarajevo

Session 6: Saturday, October 11, 13.15 - 15.15, Room A003

Issues of self-determination in the Western Balkans

Chair: *Ešref Kenan Rašidagić, Faculty of Political Science, University of Sarajevo*

Ethnic un/remixing and competing self-determination claims in Bosnia-Herzegovina – a relational approach

Edgár Dobos, Department of International Relations, Corvinus University Budapest

The protection of constitutive minorities in Bosnia and Herzegovina – requiring a comprehensive strategy as a key for the country's success

Milan Sitarski & Dejan Vanjek, Institute for Social and Political Research, Mostar

Kosovo – the politics of material and conceptual self-determination

Vjosa Musliu, Department of Political Sciences, Ghent University

Drawing the line: how far can the quest for self-determination in the Balkans go?

Ešref Kenan Rašidagić, Faculty of Political Science, University of Sarajevo

Session 7: Saturday, October 11, 13.15 - 15.15, Room A022

Challenges of non-recognized minorities

Chair: *Csaba Máté Sarnyai, Faculty of Humanities, Károli Gáspár University, Budapest*

Claims for territorial autonomy of non-recognized minorities in Eastern Europe

Nóra Baranyai, Institute for Regional Studies, Hungarian Academy of Sciences

The Silesian non-recognized minority in Poland

Wojciech Janicki, Department of Geography, University of Maria Curie-Skłodowska, Lublin

Socio-cultural cleavages as symbolic borders and features of self-determination:

the case of Israel

Zoltán Grünhut, Institute for Regional Studies, Hungarian Academy of Sciences

21st century democracy-theoretical aspects of the European Council's minority political recommendations

Csaba Máté Sarnyai, Faculty of Humanities, Károli Gáspár University, Budapest & Tibor Pap, Department of Political Studies, University of Pécs

Keynote I: Minority and indigenous rights in the European context: overlaps and contradictions

Isabelle Schulte-Tenckhoff, Graduate Institute of International and Development Studies, Geneva

"Minorities", whether ethnic or national, and "indigenous peoples" are far from self-evident categories. The purpose of this paper is to address their similarities and differences, and to tease out what the latter mean in light of two fundamental conceptions of the principle of self-determination. One is the classical understanding of self-determination as a people's right (*le droit des peuples à disposer d'eux-mêmes*), including the right to secession and to form a state. The other addresses self-determination as a human and cultural right. To illustrate the distinctions and overlaps thus brought to the fore, different attempts to accommodate the special claims of indigenous peoples and minorities will be addressed briefly (e.g. in education, or with regard to political and regional autonomy). On this basis, some thoughts will be offered on the challenges of recognising cultural rights, as opposed to measures geared towards the prevention of discrimination, on the one hand, or more far-reaching claims to self-determination, on the other.

Session 1: The notion of self-determination and autonomous arrangements in the post-Soviet space

Claims of self-determination and framing of the Crimean autonomy

Alexander Osipov, European Centre for Minority Issues, Flensburg

The paper addresses justifications of Crimea's autonomous status within Ukraine and the reasons why public debates had little impact on the legal and institutional settings. Crimea was the last territorial autonomy set up in the Soviet Union; it was upgraded from an ordinary province to an autonomous republic just before the country's breakdown in 1991. Both the establishment of Crimea's autonomy within Ukraine and its further contestations from different sides was based on the claims of self-determination as well as arguments denying the legitimacy of such claims. The regional autonomy was justified or criticized by all actors involved by references to different normative systems including the Soviet conceptual legacy, international law, ethnic nationalism and Ukrainian domestic legislation. Ethno-nationalist arguments included claims made on behalf of the Crimean Tatars (as the sole indigenous ethnicity in the peninsula), Russians and Ukrainians; all the versions voiced were mutually incompatible. Although the mainstream and official rationalizations were resting on the idea of 'multi-ethnic' autonomy and the Crimean regional identity, little was done on either side to elaborate a viable form of power-sharing acceptable for Crimea's population and the Ukrainian authorities. Institutionally, the Crimean autonomy was based on an informal division of power between the Ukrainian and local administrative and business elites with a growing alienation of the general public and all Crimean ethnic constituencies from politics and the Ukrainian state at large. The gap between symbolic and instrumental policies in part explains the fragility of the Ukrainian rule in Crimea.

Autonomy aspirations on the Ukrainian-Moldovan Border: the case of the Gagauz and the Bulgarians

Simon Schlegel, Max Planck Institute for Social Anthropology, Halle

The south of Bessarabia is inhabited by many ethnic groups and divided by the Ukrainian-Moldovan border. In a comparison between two of these minority groups and the diverging institutional settings in which they live, the effect of autonomy rights will be scrutinized. Bulgarian and Gagauz migrated to this region as agrarian colonists around two centuries ago. Today the Gagauz (orthodox Christians who speak a Turkic language), as well as the Bulgarians, live on both sides of the Ukrainian-Moldovan border, yet only the Gagauz in Moldova enjoy a territorial autonomy status. The Gagauz in Ukraine, where they are fewer in number, do not have territorial self-determination rights. Neither do the Bulgarians on either side of the border. This paper is based on fieldwork in the region during 2012 and 2013. It looks at the history of the Gagauz and the Bulgarian autonomy movements. What was the impact of political autonomy on ethnic self-identification? How did it influence the revival of minority culture and the vulnerable Gagauz language? Does political autonomy translate into better political representation of ethnic minorities? What effect did autonomy aspirations have on the interethnic relations of these two, traditionally closely interlinked, ethnic groups? And finally, how do autonomy aspirations resonate with the east-west dispute in Moldova and Ukraine where it has turned virulent in 2014? The comparison between those who have rights to political self-determination and those who have no such rights, should help clarify these questions.

Transnistria: a geopolitical challenge within a changed regional status quo

Hanna Vasilevich, European Centre for Minority Issues, Flensburg

A significant feature of the conflict around the Moldovan region of Transnistria is that numerous contestations and claims from both Moldovan and Transnistrian sides are framed in terms of self-determination. Transnistria claims independence, while in terms of Moldova's legislation the region is an autonomous territorial unit with a special legal status. The parties operate eclectic systems of arguments and appeal to the Soviet legacy (internal boundaries), ethnic territory and ethnic statehood (Republic of Moldova vs. Transnistrian Moldovan Republic) and majority will. Ultimately, this complex interplay creates no grounds for reconciliation, but rather provides possibilities for geopolitical manipulations. During the Vilnius EPI Summit of 2013, Moldova initiated an Association Agreement with the EU, while Transnistria once again raised the issue of self-determination, which implies separation from Moldova with consequent accession to Russia. After the Russian annexation of Crimea in March 2014, presented by Russia as a result of popular self-determination, similar claims came from Transnistria, while Russia regards both regions as parts of the 'Russian World'. Transnistria's striving for self-determination affects security and alliances in the region and can ruin the shaky regional military and political balance. The paper seeks to examine this potential with regard to the ethnic and geopolitical dimensions of the self-determination claims of Transnistria, taking into account both the Transnistrian-Moldovan dialogue and the capacities for the involvement of external actors.

Session 2: Effects of and responses to minority autonomy claims

Nationalism, federalism and self-determination in liberal-democracies: Belgium, Canada, Spain and the United Kingdom

André Lecours, School of Political Studies, University of Ottawa

Nationalism has been a fundamental condition of politics in Belgium, Spain, the UK, and Canada for decades. Nationalist movements in Flanders, Catalonia, the Basque Country, Scotland, and Québec have led central governments in these countries to respond to claims for autonomy and/or independence in a variety of ways: promoting the (state) national identity; empowering the minority community central institutions; providing for territorial autonomy; operating a system of territorial financial redistribution advantageous to the minority community; and symbolically recognizing its distinctiveness. The impact on these movements of state responses to nationalist claims represents crucial theoretical and public policy questions. Indeed, theorizing nationalism requires an understanding of how liberal-democratic states craft different measures to accommodate nationalist movements and their strength, appeal, objectives and strategies. In turn, refining this understanding contributes to a better management of potentially delicate situations such as the Scottish National Party's referendum on the independence of Scotland and plans for a similar exercise in Catalonia later in the fall. This paper analyzes the management approaches used in Spain, Belgium, Canada and the United Kingdom, and it assesses the cumulative impact over time of these responses on nationalist movements. The paper also discusses the use and impact of these approaches across the cases with the objective of developing an understanding of how they have affected contemporary nationalist politics and self-determination claims in the four liberal-democracies.

Cultural and territorial autonomy in party competition in Europe

Edina Szöcsik, Department of Politics and Political Administration, University of Konstanz

Cultural and territorial autonomy present two approaches to enhance minority rights and the self-determination of ethno-national minorities. As cultural autonomy relies on a non-territorial principle in contrast to territorial autonomy, mainstream parties often see less skeptically the demand of cultural autonomy by ethno-national minority parties. At the same time, however, cultural autonomy might be unable to accommodate some of the demands of ethno-national minority parties. The goal of this paper is to enhance our understanding of the issues of territorial and cultural autonomy in party competition in multinational states. On the one hand, this paper provides a systematic empirical overview on ethno-national minority and mainstream parties' stances on territorial and cultural autonomy and minority rights in education and language use. On the other hand, it presents a preliminary analysis of the questions under which circumstances ethno-national minority parties favour territorial autonomy over cultural autonomy and mainstream parties have an accommodative position on territorial or cultural autonomy. The empirical analysis relies on EPAC, a recent dataset on Ethno-nationalism in Party Competition. This dataset is based on an expert survey conducted by the author of this paper proposal and Christina Zuber (University of Pompeu Fabra). EPAC provides cross-sectional data on the ethno-national positions of 210 political parties in 22 multinational European democracies in the year 2011.

Self-determination and trade: territorial politics and consumer boycotts in Spain

Xavier Cuadras-Morató, Department of Economics, Pompeu Fabra University, Barcelona

Do political tensions affect economic relations? In particular, does politics significantly affect consumer choices? Catalonia is a relatively rich region in the northeastern corner of Spain. It has its own language and a long history of political conflicts with Spain about matters such as culture, language, education, taxation and public investments, autonomy and self-determination, etc. From time to time, when the political temperature rises, this leads to calls for greater autonomy and even secession from some parts of Catalan society. One of the reactions of some sectors of Spanish society to these political demands has been to call for consumer boycotts against Catalan products. Since more than 40% of Catalan exports go to Spain, the general idea behind this strategy is that, by hurting Catalan firms' economic interests, enough political pressure can be applied to Catalan political leaders and electorate to make them renounce their political pretensions. The objective of the paper is to study the economic consequences of politically motivated boycott calls against Catalan products. There have been several events that have spurred calls for this kind of boycotts lately. I will focus my attention on the episode with greater impact in the media, which took place from 2005 on, after the approval of the project of a new Statute of Autonomy in the Catalan Parliament and its subsequent negotiation with the Spanish political parties. This process triggered what some observers called the "*cava* boycott" (*cava* is the name of a popular sparkling wine which is mainly produced in Catalonia).

Spreading demands for self-determination: the "contagion effect" of substate nationalist and regionalist parties on the territorial stances of other parties

Eve Hepburn, School of Social and Political Science, University of Edinburgh

Contrary to the expectations of some scholars, substate nationalist and regionalist parties (SNRPs) have grown in size and strength across Western Europe over the last twenty years. SNRPs have entered government at the local, regional and state levels, pursuing ever-more sophisticated demands for territorial empowerment. SNRPs have pushed the issue of constitutional change to the forefront of political agendas in the UK, Spain, Italy and Belgium, resulting in the decentralisation of state structures. They are responsible for elevating party competition on the territorial (or 'centre-periphery') cleavage above that of the class cleavage. Finally, SNRPs have been a key catalyst for the decentralisation of mainstream political parties, whose regional branches must exercise autonomy from their 'parent' parties to effectively compete with SNRPs. Based on these developments, this paper makes the argument that SNRPs can be understood as 'contagious parties' in multilevel party systems. By that I mean that SNRPs exert a formidable influence on the territorial positions of other parties, encouraging them to more strongly defend territorial interests and pursue enhanced forms of self-determination. It is hypothesised that (1) SNRPs have a stronger influence on centre-left parties than centre-right parties; (2) that parties at the substate level are more susceptible to the contagion effect than parties at the central-state level; and (3) that parties in government are more vulnerable to territorial contagion than opposition parties. The paper explores these hypotheses with reference to a range of cases, including Scotland, Catalonia, Northern Italy, Sardinia and Quebec.

Session 3: Pros and cons of secession in Europe

Self-determination over time and space: Europe in context

Fernando Mendez & Micha Germann, Centre for Democracy Studies Aarau (ZDA)

More than 200 referendums on sovereignty issues such as self-determination and secession through to the process of European integration have been documented by the academic community. Current compilations tend to suffer from definitional vagueness as well as incomplete coverage. On the basis of an improved conceptualisation we present a new dataset of over 500 sovereignty referendums between 1789-2012. The dataset allows us to place self-determination in Europe within a broader contextual setting. In this paper we trace the changing nature of the referendum device during distinct historical epochs, from its emergence in late 18th century Europe through to its more recent deployment, examining patterns over time and space. Doing so provides a useful analytical framework for understanding contemporary cases in Ukraine and the two forthcoming referendums in the EU member states of Scotland and Spain. Our aim in taking a broader view over time, is to connect the recent proliferation of self-determination referendums with broader structural processes in the international political landscape whereby the referendum is increasingly used as a legitimating device for redrawing territorial boundaries and reconfiguring functional competencies across layers of political authority.

The political economy of secession in, and withdrawal from, the European Union

Roland Vaubel, Department of Economics, University of Mannheim

I analyse the vested interests of political decision-makers about secession and withdrawal. On the basis of this analysis I predict the strategies adopted by these actors, and I propose an unbiased procedure for decision-making. I argue that international organizations are not well-suited as arbiters over secession because they are biased against it. The view that a seceding region loses its membership of international organizations is shown to be without legal basis in EU and international law. I propose a two-step procedure for referenda about secession.

Self-determination without secession

Michael Jewkes, Institute of Philosophy, Catholic University of Leuven

A general and rare consensus has emerged in the literature on national self-determination, maintaining that secession i.e. establishing one's own nation-state; need not be the only, or even the most appropriate, means of realising self-determination for a sub-state national group. Whilst there is widespread agreement that other institutional mechanisms short of full-blown statehood can, and often should, be used in order to establish self-determination; there has been a worrying lack of normative investigation into which of the many variations of federalism, devolution, and decentralisation found in the real world are capable of fulfilling the task. Rather, a sort of *Institutional Agnosticism* seems to have descended in which all sub-state self-rule arrangements are presumed to be 'born equal' and the correct choice of them contingent merely upon practical and empirical

considerations. In this paper I seek to probe further at this presumption by unraveling the normative value of self-determination into what I believe to be its three individually-conceptualised, benevolent components: its ability to supply *Context of Choice Autonomy, Democratic Autonomy, and Parity of Esteem*. I will argue that only a rigorously conceived version of multinational federalism – one that combines the three definitional, structural mechanisms of *Significant Devolved Competences, Enhanced Central Representation, and Constitutional Entrenchment* – is capable of securing the three-fold moral grounding of self-determination. Thus, I conclude, in the quest to provide self-determination without secession, we should reject any alternative models of sub-state political autonomy provision, and instead adhere rigidly to a strictly conceived multinational federal system.

Why not to secede: explaining the relative salience of linguistic versus religious identity in the Jura region of Switzerland, 2013

Michael Hechter & David Siroky, School of Politics and Global Studies, Arizona State University, and Sean Mueller, Institute of Political Science, University of Bern

At the Congress of Vienna in 1815, the Jura region was given to the canton of Berne (BE) as compensation for its territorial losses. Since Jura was mostly French-speaking and Roman Catholic, whereas the canton of Berne was mostly German-speaking and Protestant, this soon led to nationalist tensions. After a struggle concluding in the 1970s, the northern part of the Jura region was established as its own canton (JU), independent of Berne but still part of the Swiss federation. Yet the southern part of the Jura (Bernese Jura), which is also predominantly French-speaking but largely Protestant, opted not to join the newly-formed canton. Instead it remained part of BE. Recently, there have been proposals for the Bernese Jura to join JU, and a referendum on this issue was held on November 24th, 2013. However, 72% of the voters in the Bernese Jura voted *against* unification, whereas 77% in JU voted *for* (re-)unification. This latest referendum therefore offers a natural experiment of the tradeoff between the salience of religious as against linguistic identity. What explains these differences in views toward the creation of (and later unification with) the Canton of Jura? Why have some communes – especially Moutier in Bern – been more in favor of unification than others? We propose a theory that predicts greater support for unification (thus, when linguistic identity trumps religious identity) based on religious legacies and rational choice. Using aggregated census-data from JU and the Bernese Jura covering the period from 1970 to 2000, matched with referenda voting on this issue in 2013, we provide a rigorous micro-level test of our theory. *va boy-cott*” (*cava* is the name of a popular sparkling wine which is mainly produced in Catalonia).

Keynote II: Rethinking self-determination in the New Europe

Michael Keating, Department of Politics and International Relations, University of Aberdeen

Traditional notions of self-determination sees it as the right of the nation to have its own territorially-defined state. This has been dismissed as impossible since the number of putative nations is infinite and there could never be enough states to go around. Modern conceptions redefine both the subject and object of self-determination as well as the conditions for their realization. Nations are seen as socially constructed, contested and historically variable. The state has been transformed, losing functional capacity and normative supremacy. Territory has been redefined, in a less topographical and more sociological sense and is a flexible and open concept. Sovereignty is not longer monolithic but can be shared. This opens up new ways of reconciling political community, territory and authority. There is no single spatial fix for the nation but solutions depend on the specific circumstances. Nationality movements have often redefined their object in line with these new realities. Post-sovereign ideas of nationhood must, however, co-exist with rehearsals of traditional visions of the nation-state both from state elites and their challengers.

Session 4: Models for the accommodation of self-determination claims

Multi-level governance and multiple overlapping regionalisms – approaches to the accommodation of the Åland Islands in Norden and the European Union

Sarah Stephan, The Åland Islands Peace Institute

Research on “regionalism” in international law has focused on the supra-national type. To a lesser extent, mainly from the perspective of political scientists it has been studied how regional integration, not least in the EU, affects another type of regionalism – regionalism on the sub-state level. In such contexts questions relating to overlapping regionalism attain another dimension and can mean multiple hierarchical and vertical overlaps. Autonomy is a challenging form of sub-state governance and the dispersion of powers to regional organizations carries implications for autonomies. *Vice versa*, territorial autonomy poses demands on the conduct of governance on the international level. But what capacities do international organisations have to accommodate autonomies in their legal-institutional frameworks? This paper shall present a comparative study focussing on two regional organisations with overlapping territorial scope and concerns, Norden and the EU. These organisations' challenges and approaches to accommodating the Åland autonomy regime shall be explored and analysed comparatively. The different institutional arrangements carved in these overlapping arenas for regional co-operation serve well to illustrate the challenges faced by international organisations in designing institutional systems that allow for genuine multi-level governance. The fact that Åland occupies an institutionalised position within the Nordic Council and Council of Ministers is particularly interesting considering that Nordic integration is experiencing revived interest. Autonomy and minority protection are thereby situated within a lively Nordic integration debate. Åland's EU membership is after almost 20 years and albeit the adaptation of the national-constitutional framework still experienced as problematic and considered to demand institutional responses.

Recent regionalisation discourses and projects in Romania with special focus on the Székelyland

József Benedek & Hunor Bajtalan, *Department of Geography, Babeş-Bolyai University Cluj*

The paper discusses the post-communist development and evolution of the regionalisation process in Romania. In the first part we distinguish between two distinct periods of regionalisation: the preparation period for the EU accession, and the post-accession period. It turns out that the process of building the regional development policy in Romania was oriented to the EU criterias and expectations, which are in turn low what concerns the establishment of regional development institutions and of different territorial levels of the NUTS system. A radical change into this question was introduced very recently, at the beginning of 2013, when different regionalisation projects have been launched by political parties and academics as well. For the first time in the post-socialist period a real debate has emerged. Therefore in the second part of the paper our main aim is to analyse the latest regionalisation projects and scenarios, emphasising one of the most controversial question of this process related to the ethnocultural diversity of the country and to the question of Székelyland.

New models of territorial autonomy? The case of decentralisation in Kosovo

Balázs Vizi, *Institute for Minority Studies, Hungarian Academy of Sciences*

The paper seeks to analyse the concept of “territorial autonomy” in Kosovo. The constitutional structure of Kosovo endorses the principle of decentralisation on ethnic basis: thus non-Albanian communities could establish municipalities where they form majority. The question is whether these municipalities can in any sense be seen as a form of ethnic territorial autonomy and how can they be compared to existing forms of territorial autonomy in other European countries. Analysing the Constitution of Kosovo and the process of decentralisation (Northern Mitrovica is not included) the paper argues that it is hard to fit these municipalities into the existing legal concept of territorial autonomy as we see it in European practice and under international law. The question is whether these municipalities may be seen as a new model for territorial self-government and what implications may it have on other countries in the region.

Session 5: The political and conceptual framing of self-determination

The critical role of national interests in the practice of state-recognition

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In a period when supranationalist identities are seemingly at growth, the time-old struggle for independent governance of individual ethno-linguistic groups is still present. Recent demands for secession in several European democratic states bring an issue to the forefront of the international debate: How to navigate between the diverging principles of self-determination and territorial sovereignty? Given the lack of a unified and clear definition on self-determination, the application of this

right is open to interpretations by members of the international community. They, hence, are inconsistent in their recognition of the said right, depending on the implications it may have on their own national interests. This paper explores several instances since the end of the Cold War where claims to the right of self-determination, and the implied territorial secession, have been made. The paper finds that international recognition of the right to self-determination is dependent not on any universally accepted and formally sanctioned human right, but on the will and geo-strategic interests of powerful countries. This reinforces the view that self-determination represents, in essence, not a legal, but a political issue. Extending support for the independence of peoples and new states is, more often than not, assessed on a case-by-case basis and the position of members of the international community on the matter may change as circumstances surrounding claims for independence change. The paper reiterates the concern that the ambiguous and arbitrary interpretation of the principle of self-determination may only spur further outbreaks of discontent and violence among contemporary separatist movements.

Liberal vs. realist approaches to self-determination: the case of Kosovo

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The right to self-determination constitutes one of the most important norms of the International jus cogens Law of the post Atlantic Charter era, paving the path for repressed nations to seek their liberation. This norm represents a key element of the liberal approach of the international relations whereby no one has the right of neither denying the will of other nations, nor being or setting obstacles on the way of others achieving their rights including that of self-determination. On the other hand, this right is not easy to achieve without the support of the modern great powers, which enforce respecting this right due to the system of anarchy. We will be focused on presenting the liberal as well as the realist approaches of international relations on Kosovo's right to self-determination, emphasizing the historic elements of violating Kosovo's right to self-determination on federal-constitutional as well as on republican-constitutional level by abrogating its very federal-constitutive elements and blocking any attempt on declaring the will of Kosovo's citizens, thus its self-determination rights. Other important points are the relations between the UN and its charter (proclaiming the right to self-determination) and the international communities' intervention on setting the path for fulfilling this right according to the realist viewpoints.

Constituent peoples and self-determination: legal basis or political agitation?

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Although imprecise in its definition, the right to self-determination represents a norm of substantive public international law. On the other, norms of procedural law, which would, at least in general terms, define conditions for pursuing the right to self-determination, are non-existent within the scope of public international law. Regardless of that, it is possible to approach the analysis of the right to self-determination without any direct connection with public international law, but through

constitutional norms. In this respect, the preamble of the Constitution of Bosnia and Herzegovina (BiH), which was previously found by the Constitutional Court of BiH in its decisions to have normative character, is the foundation on which few recent political demands of different constituent peoples for self-determination are built. Along with this, BiH is a member party of the 1966 International Covenant on Civil and Political Rights with optional protocols, as well as the 1966 International Covenant on Economic, Social and Cultural Rights, not to mention the 1945 Charter of the United Nations, which guarantees the right to self-determination. What must be born in mind when considering this issue in BiH is that there is a perplexed constitutional system, applying general principles of international law, which relies on constituent proportionality that causes peculiarity of poly-synthetic relations between constituent peoples and continuous ethnic shattering; as well as constant fear of discrimination and supremacy along with intolerance between constituent peoples. Therefore this paper questions whether peoples in BiH are entitled to the right to self-determination, and is it possible to expect its effectuation in present Bosnian-Herzegovinian reality

Session 6: Issues of self-determination in the Western Balkans

Ethnic un/remixing and competing self-determination claims in Bosnia-Herzegovina – a relational approach

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Competing self-determination claims have for a long time stimulated the selective use of ethno-graphic knowledge (censuses, maps) and strategic violence to alter the ethno-demographic composition of territories conceived as “national” in the Balkans. The processes of ethnic unmixing resulted in the uprooting of people from their homelands. The case of Bosnia-Herzegovina highlights two interrelated problems with the application of self-determination: which people and territory do self-determination claims refer to? Who is to define the boundaries of the nation and the state? What the Bosnian war was about: whose interests and power would be represented, protected and institutionalized in the post-war state? This paper aims to explore the interaction of two diverging dynamics within the Republika Srpska (RS). (1) Practices of *de facto* state-building and ethnic unmixing: their embedment in lived experiences and the use of internal and external legitimizing tools. (2) Minority returnees’ and Federation authorities’ activism to undermine and reverse the impacts of ethnic cleansing and further ethnic unmixing. Based on repetitive field research and primary sources, we are searching answers to the following questions. (a) How do the politics of ethnic un/remixing, patterns of segregation and integration interact with competing self-determination claims and shape the outcome of state-formation in Bosnia-Herzegovina? (b) How do sub-state agents interact with various international and local actors to legitimize their claim for self-determination? (c) How has the RS political leaders’ self-determination claim been challenged by non-Serb minority returnee activism and the social discontent of local Serbs?

The protection of constitutive minorities in Bosnia and Herzegovina – requiring a comprehensive strategy as a key for the country's success

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Bosnia and Herzegovina (BiH) has been facing a political and social stalemate, a simulacrum of stagnation covering actual regression and disclosing all the weaknesses of current constitutional arrangement, lack of democratic and federal culture as well as palpable 'smart' federalisation processes guaranteeing gradual maturing of the system in whole. Our key observation is that the current post-conflict constitution disregards not only national minorities, which are few in numbers (ca. 2% of the total population), but also much higher numbers of constitutive minorities members – namely Croats, Serbs and Bosniacs, who are minorities either on the regional or local level. Besides the fact that there are no direct or special legislative or policy provisions for this category of population, publicity and decision-makers, intentionally or not, miss the importance of this category and its potential to enhance the multiethnic/multicultural substance of the country, whether through the application of mechanisms of self-rule and shared rule in 'mixed' areas based on the principle of personality or even micro-territoriality, where applicable. Preliminary results of the 2013 census show that minorities tend to ossify under majority 'regime', which is another argument to consider pulling systematic efforts to strengthen their position by introducing more overt and immediate forms of democratic participation – suitable for smaller communities, which need to be supported for better confidence and hence sustainability prospects in places of their residence. Therefore, it is necessary to look for relevant practical solutions elsewhere and propose a legislative framework, which would safeguard constitutive minorities in BiH.

Kosovo – the politics of material and conceptual self-determination

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This paper looks at the self-determination trajectory in Kosovo and provides how geopolitics has influenced and shaped the claim for self-determination. The call for self-determination in Kosovo has had its oscillations from standpoints requiring the settlement of self-determination claims in a very traditional and material form in the 1980s – state foundation and independence – all the way to a new debate in which the 'traditional' statehood is replaced with a more of an ideal/conceptual self-determination in the post-independence. With the opening of EU's virtual membership for Kosovo, the debate on self-determination and the finalization of statehood and independence was altered into the ideals of statehood rather than its concrete materialization. I argue that this shift in the case of Kosovo has been largely influenced by the 'international mechanisms' in Kosovo, primarily the EU, who have been setting forward the agenda of a post-national state. To a large extent this agenda has been internalized by the majority of political class in Kosovo. Yet, for marginal groups and movements advocate in fulfilling the self-determination project in having Kosovo defined as a fully-fledged sovereign state. Employing Derrida's concept of 'home' and based on 30 interviews conducted in Kosovo with local and international experts the paper explains 1) how Kosovo as home has altered the self-determination claims and 2) how the 'material' and 'conceptual' ideals of self-determination co-exist in this case. The paper concludes that notwithstanding the debate and the trend for post-national, post-sovereign states, cases of self-determination still have the need to revert to 'traditional' forms of finalizing statehood claims.

Drawing the line: how far can the quest for self-determination in the Balkans go?

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The early nineties witnessed, the often violent, break-up of Yugoslavia along the ethnic fault lines. Secessions, civil wars, aggression, ethnic cleansing and foreign interventions reduced the formerly multiethnic state to largely mono-ethnic reservations. The turbulent decade closed with the de-facto secession of Kosovo in 1999, with hopes prevailing that nationalism-infused secessionism has ran its course due to redistribution of territories where single ethnic groups now enjoyed undisputed numerical and political dominance. However, as soon as 2001, Albanian minority insurgency in Macedonia dashed hopes that all sides in former Yugoslavia have settled their territorial and political disputes. Secession of Montenegro from Serbia followed in 2006, with disputes continually arising over the status of Vojvodina and sometimes Sandžak regions in Serbia. In Bosnia and Herzegovina, the division of the country into one mono-ethnic Entity, Republika Srpska, and nominally multiethnic Federation of BiH, further subdivided into either Bosniak, or Croat-dominated Cantons, satisfied no one. The large degree of autonomy that Republika Srpska enjoys in running its affairs independently of the central government made Croats, outnumbered by the Bosniaks in the Federation by 10-1, yearn for greater formal autonomy. Bosniaks fear that such centrifugal forces will eventually bring the country apart, leaving them living in isolated and discontinued specks of territory. The rallying cry of all pro-secession/independence forces in the region has been that they are simply following the logic and natural right of self-determination for their peoples. The question therefore arises: to what extent can self-determination be considered an inalienable right for every ethnic group that claims it, before it leads us into the trap of the creation of unviable and absurdly fragmented political landscape in the Balkans? One claim leads to another, as was the case with the original break-up of Yugoslavia. Granting independence to Serbs in Bosnia would inevitably lead to immediate claims to the same effect being forcibly made by the country's Croats. Albanians in Macedonia would surely react to partition of Kosovo along ethnic lines, as demanded by the Serbs living north of the Ibar river, in turn leading to similar claims being made by the Albanian minority in respective Preševo valley in south Serbia. What limits the right to self-determination and at which point it is considered counterproductive? Which entity is supposed to enforce it? And what legal and historical precedents exist as a blueprint for a "final solution" of nationalist interests?

Session 7: Challenges of non-recognized minorities

Claims for territorial autonomy of non-recognized minorities in Eastern Europe

Nóra Baranyai, Institute for Regional Studies, Hungarian Academy of Sciences

Territorial autonomies in Western European countries – especially in Spain, in the United Kingdom or in Belgium – were considered as models by East Central European ethno-regional movements and were acknowledged as successful solutions in resolving internal conflicts of multi-national states. However, in the past few years independence intensions strengthened in some territorial units (Scotland, Catalonia), which along with the former (Kosovo) and current (Crimea and other East Ukrainian counties) separatisms in East Central Europe can also hamper the deeper reforms in this region, where countries protect their unity and reject the establishment of territorial autonomies. Regarding all this, the presentation describes the attempts on creating autonomous regions in the Czech Republic, in Poland, in Romania and in the Ukraine, expressed by ethnic communities, which are not recognized as minorities by the states, namely the Moravians, Silesians, Szeklers and Rusyns. The presentation briefly expounds their main ideas concerning the content of autonomies, the expected changes in the territorial division of the countries and in the state structures, and tries to answer, to what extent are these aspirations viable solutions.

The Silesian non-recognized minority in Poland

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World War Two resulted in dramatic changes in the ethnic structure of Poland. Since then, Poland is commonly perceived to be a nation-state, minorities constitute less than 3% of the total population. The largest minority – Silesians – is still officially unrecognized, despite the democratization of the country after the collapse of the USSR. Censuses proved twice that a few hundred thousand people declare their nationality as different from Polish, but their declarations are consistently ignored by the state legislative and juridical authorities. This article sets discussion on Silesians' right to constitute and declare themselves a separate nationality, and also examines the level of potential self-determination Silesians could be granted, given the mutually excluding tendencies in Western and Eastern Europe. Political changes that have taken place in the UK, Spain or Belgium on the one hand, and in Ukraine, Georgia or Moldova on the other hand, frame the considerations and point to potential consequences of various approaches to minority question in Europe.

Socio-cultural cleavages as symbolic borders and features of self-determination: the case of Israel

Zoltán Grünhut, Institute for Regional Studies, Hungarian Academy of Sciences

According to the Declaration of Independence signed on the 14th of May 1948, Israel is the home-land of the Jewish people, where Jews and non-Jews live together in a democratic state. Some say that this proclamation is a paradox, as Israel cannot be Jewish and democratic at the same time, cause in a Jewish state non-Jews are indisputably second-class citizens with limited political, economic, cultural-linguistic, etc. individual and collective rights. That's why there are critical theories

about the real character of Israel, as it is an ethno-democracy, or an ethnocracy, maybe a demographic regime, or an apartheid state (Lustick 1980, Khaklai 2011, Zureik 1979, Yiftachel 2006, Rouhana 1997, Ghanem 2001, Pappé 2011, Smooha 2010). Others do not accept these approaches, as they underline that Israel surely can be Jewish and democratic, if the non-Jewish communities can practice their autonomous collective rights freely (Reiter 2013, Peleg – Waxman 2011, Avineri 2010, Shapira 2008, Sharkansky 1997). What this paper emphasizes about this dilemma are the socio-cultural cleavages between Israeli Jews and Arabs, because the core issues are the mutual lack of trust, intolerance, social biases and preconceptions, exclusionary community-affiliations and trends to accept antidemocratic values as basic norms. These cleavages on the one hand are symbolic borders between Jews and Arabs in Israel, while on the other these social characteristics have badly negative impacts on socio-cultural integration and the way of thinking about self-determination.

21st century democracy-theoretical aspects of the European Council's minority political recommendations

Csaba Máté Sarnyai, Faculty of Humanities, Károli Gáspár University, Budapest & Tibor Pap, Department of Political Studies, University of Pécs

Although the European Council is only a tertiary political arena, during the past 15 years it made several recommendations about the democratic resolution of the situation of minorities. These aren't mandatory, but their informing principles and procedures can, in many aspects, facilitate peaceful coexistence of large social groups. What's more, they support the parallel presence of these groups in (mostly majority-principled) decision-making processes. Such EC reports or resolutions usually need some time to be absorbed by the daily political practice of the member countries. In our work, we study how this process could be accelerated and what it has to offer for European democracies (regarding political science). We realized the importance of the issue when we, as experts to assist in the draft of one such report in 2014, followed closely how the results of our activity were built into the final version. Previous instances probably suffered a similar efficiency loss, being forged amidst the compromises of daily political practice. This is also to be included, but more important is to map the political and politico-theoretical aftermath of each report (cf. the Gross-report, its popularity, its academic prevalence, the relative ignorance about other EC documents regarding minorities and language use). We believe that minority issues are not residual if their exploration highlights essential questions of democracy theories: internal anomalies of decision-making, thus also reflecting novel challenges of a continent with an ever more complex social segmentation – for such matters the European Council is a major forum.

"The Fates behind the Numbers"

Testimonials on property rights in Kosovo

Thousands of people were forced to abandon their property during the 1999 Kosovo War. In order to regain it afterwards, they had to resort to costly legal measures. In the travelling exhibition "The Fates behind the Numbers", the Swiss Agency for Development and Cooperation (SDC) gives a voice to the disenfranchised.

In the SDC exhibition "The Fates behind the Numbers", those who were forced to leave their property behind during the Kosovo War are given a chance to speak out. The loss of their homes remains to this day a great emotional burden to those affected. The displaced were cut asunder from their entire lives - their cities or villages, friends and neighbours, and their material possessions. They still mourn the loss of their former way of life.

It is therefore important for these property owners to know that their legal rights are being recognised, even if they will never be able to return to their former property. Using images and audio contributions the exhibition presents the faces and fates of the people behind the strict legalities of property rights determinations.

Reconciliation and the Kosovo Property Agency

The exhibition also has the goal of raising the profile of the Kosovo Property Agency (KPA), which has been supported by the SDC since its foundation in 2006. When the end of the Kosovo War was announced in 1999, the subsequent explosion in disputed property claims caused considerable legal uncertainty. The United Nations Interim Administration Mission in Kosovo (UNMIK) established the KPA and tasked it with clarifying the ownership of residential properties, commercial premises, and agricultural land.

Up to now the KPA has received 42,759 requests for recognition of property ownership rights. Of these, 90% involve agricultural land. In 39,570 cases a final decision has been taken. The remaining applications are expected to be settled in 2014. The processing of legal claims not only contributes to strengthening the rule of law in Kosovo, but also supports the resolution of outstanding issues of the past and creates a foundation for reconciliation.

Switzerland will have contributed a total of 9.3 million francs towards the work of the KPA by the end of 2014.



Photo caption: After the Kosovo War ended, many of those displaced were left without a valid property title. © Leart Zogjani

Switzerland's commitment in Kosovo

June 2014 marks the 15th anniversary of the end of the Kosovo War. Switzerland has supported Kosovo during this entire time in its transition to a regional and Europe-wide integrated democracy with a social market economy.

As part of its 2013-2016 strategy in the field of international cooperation, Switzerland is active in different sectors in Kosovo: democratic governance and decentralisation, the economy and employment, and water, sanitation and health.



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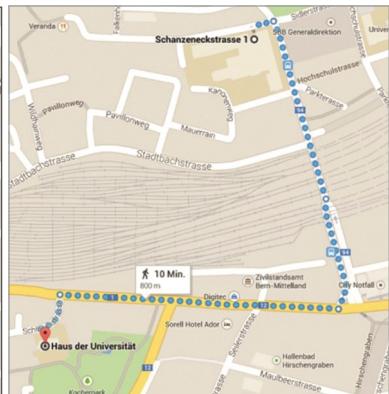
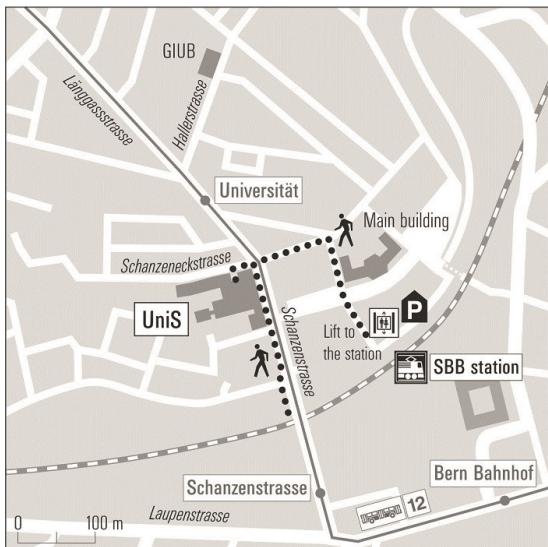
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Federal Department of Foreign Affairs FDFA
Swiss Agency for Development and Cooperation SDC

Location:

University of Bern, UniS
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Location Conference Dinner

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