



**Activating Nonviolence – IX UNPO General Assembly
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**“Regional Autonomies and Federalism
in the Context of Internal Self-Determination”**

Report by Michael van Walt van Praag - Executive President, Kreddha

Thank you very much. I was asked to say something on autonomy and federalism, self-determination, and I am glad to do that because I think these are very often misunderstood issues, and more than that, it is often difficult to translate these concepts that are political words or legal terms rather than something else, into something practical, that can be of use, that can be tangible.

I was involved with UNPO for a long time and came across issues relating to autonomy, federalism, self-determination and the relationships between them. In my current work, I am very much involved in those issues. The current work that I am involved in is for the organization called Kreddha, which is an outcome of UNPO. It is one of the things that grew out of UNPO in around 1995, an organization that mediates and facilitates negotiations between population groups, peoples and governments in a non-partisan fashion. So, we felt at UNPO that there were so many conflicts between the peoples represented in UNPO and their governments and also outside of UNPO. And UNPO being a partisan organization that represents the interests of the people, often had difficulty gaining both the trust of the population groups of the peoples, of the leaders of the peoples, and the trust of the governments, because it was clearly on the side of the peoples, and so a number of people associated with UNPO and others, a number of eminent persons decided that it would be useful to have a non-partisan organization that could act to foster the dialog, facilitate negotiations and mediate between the two. So this is the work that I am engaged in now. So it's not far removed from what UNPO does, but it is another way of moving an agenda for nonviolent resolution of the kinds of conflicts that you're involved in. I am happy to give more information about what we do with you individually and separately. But I don't want to take up all the time that is allotted to me now for that.

A brief comment about nonviolence and its relationship to this subject. A lot has been said about the importance of gaining the attention of the press. That is certainly one element, but it is not the only element and I know that you realize that. Certainly, governments tend to react to front page news. And the longer it is on the front page news, the more chance there is that somebody will pay attention and the government, because they may feel pressure from their own population, to do something, to react. And so, it is important to obtain visibility, news coverage, etc. That is true. Also it is true that the tendency is for the press to cover violence and not to cover nonviolent news, nonviolent things that happen, and there are many examples of that. At the same time there are some organizations that have been extremely effective at getting press attention and getting to the front pages of the news without using violence. And so I think one suggestion that I might make is perhaps for UNPO to develop, as they have in the past already, but perhaps some more trainings in terms of how do you get the attention of the media without using violence. I mean Greenpeace is extremely effective at this. Generally when they want to be on the front page of a paper they generally are, and they

do not use violence. And our friends from the Radical Party have been very effective at it as well, and there are many others that learning from, their ability to do that is one of the things that perhaps could constructively be done.

But besides the press, there is getting the serious attention and involvement and cooperation of governments and of international organizations and of regional organizations and that may be facilitated by press, but it can be done without it as well, and that is the more quiet type of work, that many of you do, and that UNPO does as well, of diplomacy, of getting governments to sit down with you and understand what it is that you really need, what it is that you really want, and what it is that you're prepared to discuss and negotiate. I think that is where the topic that I am supposed to speak about ties into it. And I think a number of you have said, you know, that in today's reality, changing borders is taboo, that separatism or that independence is out of the question although there's always exceptions for causes we have seen, but by and large, that is the mood today, and by and large, as Marino said earlier, those that wish to become independent and agitate for it are very quickly pushed into a corner of separatists, whether or not they are, and whether or not their claims are legitimate, and associated also all too readily, all too easily, with terrorism, and that creates difficulties for you to advance your cause.

I think that what an organization like UNPO should campaign for as well in respect to this, is that if indeed international peace and stability needs to be served by not changing borders, because granted, very often when there are border changes it does create conflicts as well. Then the best way to do that is for the international community to promote nonviolent change other than that of changing borders. There must be an alternative that is viable. One cannot say you cannot change borders, you cannot become independent, you cannot talk of external self-determination, but we don't have any alternative for you except to stay where you are, be quiet and remain within the borders of the country, under a regime that is mistreating you. That is not a realistic option. And yet that has not been, I think, stated forcefully enough, that there must be alternatives, which governments, and the international community can and should support. Now, one of these alternatives might be a political status that is less than that of independence, but that does create the kind of self-determination that can satisfy the needs of the people. I know this is said in a very general terms, but in other words to find something that is acceptable to the international community, that does not promote conflict but that reduces conflict, that can create a viable, a practical solution to very real and legitimate issues of distinctive identity, of discrimination, of lack of empowerment, of economic exclusion, of religious intolerance, etc, etc, etc.

So, just in parallel with the notion that has been said, the international community, governments, should be very clearly, impressed upon, that if you don't want violence then do not support and deal with violent movements, but support and deal with and negotiate with nonviolent movements, and as long as you don't do the second, you are in fact promoting violence. The same goes if you do not support solutions that are credible and alternative to that of seeking independence, then you are promoting the call for independence, because that becomes the only alternative that a population has, to try to seek the degree of freedom and self-determination that it wishes.

Very briefly, my view on self-determination and I think those of you who have read anything that I have written on the subject or have heard me speak in the past know it, but just for clarity, there is a lot of talk of internal self-determination, external self-determination, certain peoples having one of these two rights, namely full self-determination, other kinds of peoples, indigenous peoples, for example, having only internal self-determination. That is not a view that I support. I may be wrong, but just to tell you what my view is so you understand what I'll be saying later. I believe that, to the extent that there is an accepted principle or right to self-determination of peoples, then all peoples have that, and there's no discrimination between one kind of people and another kind of people. Having said that, there are different expressions and implementations of self-determination, which essentially means the right to

determine your own future, the right to determine your own future in political, economic, cultural and many other aspects. And in the vast majority of the cases, if not almost all of the cases, those aspirations to determine ones own future, can be met and very often can be met much more successfully, much more effectively by cooperation with or within an existing political entity, an existing state or a federation or something of the kind, but there are certain conditions that have to be met for that to be possible. Partly it has to be democratic or there has to be the possibility of participation, etc. In other words, it has to be a real possibility to determine ones own future within the context of the state otherwise once again; very often the alternative is only independence.

In terms of a practical way to approach the subject, I think it is important to make a distinction between the use of slogans, political or legal or other slogans, such as self-determination, independence, autonomy, any other terminology that does not define what it is you really want in terms of daily life, needs, and determining specifically what it is that you mean by determining your own future. Now there's what other aspects that are important to your people, not to your politicians, that may have, you know, a lot of additional agendas that are important to them, not to the leaders necessarily, but to the people? What is that will make the difference between a feeling among the people and a reality among the people is that they have their own destiny in their own hands and the feeling that they have no contribution to make to their own destiny because they have been dictated upon by an external, in their perception, power, namely the power of a majority that doesn't pay attention to them or of a colonial power that has colonized indigenous people. And by giving specific meaning to self-determination or autonomy or even independence or other terms, or federation, that can form the basis for a dialog, or can form the basis for negotiations, but the terms themselves cannot form the basis for negotiations.

Entering negotiations in, or wanting a dialog about, the claim to independence or the claim to self-determination does not open the door to a discussion, either with a government that you are opposed to, because they reject it out of hand, or to other members of the international community that you are trying to persuade. Those are slogans that stop the possibility of discussions and negotiations. Whereas a definition of what it is that you mean by those terms yourself, without necessarily using those terms, can be a very effective way of starting a discussion and a dialog. You can start a discussion about economic disenfranchisement. You can start a discussion about cultural disenfranchisement. You can start a discussion about needing political representation, or needing to determine your own future politically. All of these are possible, and all of these can be starters for discussions that lead to a collection, a number of different aspects of self-determination, that together as a package, might satisfy, perhaps for 90 percent, perhaps only for 40 percent, the aspirations of your people but it can be a step forward in a strategic direction that can be useful to you.

So what do we mean by federalism, or autonomy or self-governance or self-government? I think, again to emphasize these terms are not important and I would discourage you from using them too much or holding too much to that terminology, because for many of you I think it has a bad taste to talk about autonomy because autonomy perhaps in your situation has a history that is equivalent to mistreatment or not having any rights. I mean we heard the Uyghurs talk today and clearly in that situation, it is a national regional autonomous region in China, and yet very clearly that means close to zero in terms of any aspect of self-determination. And so, terminology is not always helpful. On the other hand, what can be useful is to think in terms of what powers, what responsibilities does a region or a people wish to have for themselves? What do they wish to share with other peoples, other regions, or with a central or a federal government? What is the most effective way to respond to the needs of your population? If you look at Europe, clearly, decisions have been made by European countries that were entirely independent in terms of the political concept, to share certain powers, share certain competencies, delegate certain decision making to a common body, and to devolve certain other decision making powers on other matters, to more regional bodies, within their states. I am not suggesting that the European model is something that

should be used everywhere else. But in other words, there is logic, to thinking that certain things can better be done at a local, very local level, and certain things can be done at a larger level than that with which you only deal. And the trick is really, and the importance is really, to find out which aspects are best dealt with at what level and how that can maximize the benefit for the people in that respect.

Now, I know this all sounds fairly theoretical in cases where you're struggling for years against the government that simply doesn't want to listen to you. Perhaps a useful way of approaching the subject is also one which is gaining in acceptability internationally and that is to talk about shared sovereignty. In other words, it puts the accent on the "shared". It maintains the concept of "sovereignty", which I think is important, especially from the perspective that sovereignty, from the concept, philosophical and realistic, that sovereignty lies with the people, so you're not giving up sovereignty, but you're sharing it with other entities that are supposed to represent aspects of sovereignty. And then to decide which aspects of that sovereignty are to be shared, which aspects of it should be exercised by a people or a region, call it autonomous, call it federal, it doesn't really matter, and which should be exercised at another level, both in terms of executive powers, in terms of judicial powers, in terms of legislative powers.

A lot of emphasis is put, in discussions on autonomy and in negotiations on autonomy, on the division of competencies in terms of who has the power and responsibility, for example, for education. Is it in the central government or is it in the local autonomous government or federal unit? Who has the responsibility for culture or for sports? There are no rules in terms of the negotiation of agreements for self governance, autonomy, etc. There are no rules about what is possible and what is not possible, and I think that's the key aspect. There is no model of autonomy that says this is what the people or the local government or the region will have and this is what a central government will have. It is entirely up to the result of the negotiation between the parties and therefore of course also the relative power relationship between the parties. That is where mediators and third parties become very important, because they need to balance out some of the asymmetries, some of the imbalance between the parties to ensure that negotiations are fair and that all parties get out an agreement that is useful to them, and not that the stronger party gets more than the weaker party.

In other words, if you were to make a list of all the different competencies, the different areas of government, the different areas of responsibility, you can make a very long list of things that ranges from things such as culture and education to issues of environment, infrastructure, economics, trade, even to issues relating to sharing of sovereignty on aspects of defence, security, international relations. Areas that traditionally have been entirely reserved for the central state are today being shared with regions, with autonomous entities, with federal units, and so nothing is excluded in terms of the kind of arrangement that can come out of negotiations on autonomy, federation. And I think that's very important to keep that in mind. It doesn't mean that the outcome of the negotiations is that all powers are going to be with the region and with you and nothing with the state. It is a negotiation and each side is going to have its own interests, and the question is what is essential for the central government to maintain control of, and what is essential for the regional entity to have control of, and where can you then find a middle path, a middle way of negotiations that it makes it acceptable for both sides to have an agreement.

You brought up very well this morning that all this can be very nice but you don't want to be granted, quote on quote, certain self governance, autonomy, one day and it gets taken away by the same minister or another minister the next day. What also happens very often is that an agreement is reached. It looks good on paper. It may even be implemented reasonably well in the beginning, although the record of autonomy agreements being implemented properly is extremely disappointing, but it can happen. And then there is a change of government, or change of regime, and then everything that is gained is suddenly turned over. It's a real problem and it's a major issue in terms of implementation of any peace agreement.

With Kreddha we've held an expert meeting on that problem two years ago, and published a book on it, which I can show you later if you're interested, which looks at the problems of implementing agreements that involve autonomy and how serious they are. And some recommendations came out that we're still working on in terms of developing, so there is no set answer to it. But one aspect of the answer is precisely what you mentioned earlier, which is certain kinds of guarantees. Depending on what kind of country you are talking about, it can be extremely important to entrench the agreement, or entrench the essential aspects of the agreement into the Constitution of that country. In other words, not to accept an agreement that is only an agreement between the two parties, when the government changes they can change it as well, or new laws can be brought in that change the arrangement, but to ensure that it is put in the Constitution in such a way, that nothing in the agreement can be changed without the consent of both parties, in other words, without the consent also of the autonomous entity in the future. And there are ways of doing this and it has been done in a number of places fairly successfully.

Now again, it depends somewhat on the kind of regime that you are talking about, and the kind of country that you are talking about, but that's one kind of way to guarantee, to solidify an agreement once it is made. At the same time, a successful autonomous or federal agreement is one that adapts to changes through the years, and so it can also not be made too solid, because if it is too solid and situations internationally, or nationally or within the region change, then you also do not have the ability to move with the times of the change. You cannot increase your autonomy or change it and the state cannot reduce it or increase it or change it. And so that also is not good and it leads to tensions after a number of years. It leads to new demands perhaps for autonomy that are not solvable within the process that you have set up.

In Italy, the autonomous system that was set up for example in South Tyrol is one of an evolving nature. There, the emphasis has been more on the process of continuing discussions, than on the division of competencies, and that is an extremely useful approach. Processes and institutionalizing them within the agreements and the institutions that are set up to ensure the autonomy such as the different kinds of parliaments that you can set up, like the regional parliaments or others, the institutions of the executive and the institutions of the judiciary are more important even than the division of the competencies, cause if the institutions are properly set up, and that has to do with the detail of the agreement, more than with the general principles., that the institution are well set up and are entrenched in the law and in the Constitution and perhaps in international guarantees, then the division of competencies can be modified later because then there's a process and institutions that can take care of that. And that can mean an expanded autonomy if the situation permits. It can mean a change in the nature of the relationships with other entities within the states and with the central government.

Again to emphasize that legitimate claims for self-determination, including independence, cannot be excluded for a number of situations in the world and the more extreme the situation, the more justification there is for not wanting to continue to remain within a state. I think Chechnya is a good example. I think every 50 years the Chechens are wiped out for a large part and every time they try to struggle without using violence, they are put down again with tremendous and overwhelming amount of violence. So there comes a time when a people do not feel that they have a way to determine their own destinies within the framework of a state that has consistently treated them badly. And this may be true of other situations as well. But given that there is the possibility to try and find ways to move forward according to your agenda and your overall aspirations, without necessarily giving up your aspirations, steps towards increasing the empowerment of your own people to determine their own futures, are things that should not be rejected and that should be taken as far as they can go. In other words, that should be used when the opportunity is there. From a strategic, political perspective that can be an important thing for you to decide. From a human perspective, the

least suffering those individuals, that are part of your communities, but also of other communities, the least suffering through violence, through conflict and through struggle is the preferred road. And therefore, if small steps can lead towards your aspirations without as much suffering among your people, which can also be a consideration that is important to move forward your agenda.

The word interdependent has been used already today I think by Marino. Today I think the world is more characterized by interdependence than it is by dependence. I think it is unrealistic, and I'm not saying this for any political reasons, it is simply unrealistic to conceive in today's world of political and legal independence of a state as being anything except a slogan as well. In other words, most states, if not all states, are not truly independent. They are dependent on each other. They are dependent on larger powers. They are dependent on the environmental situation they are in and no country can make decisions without taking into account what the consequences are for the rest of the international community. So we are not really in a world where independent units exist, but we are in a world where all the units that exist are interdependent. And so perhaps an approach is to say, in the interdependent context, what is it that your people wish to cooperate and work with others, whether it is the state that you're in or others outside of it, to achieve the objectives of your people and which areas do you want, as much as possible to regulate among yourselves, and how most efficiently to do this? And this is really more a question of a power continuum, of relative power, relative responsibilities, relative autonomy or independence, than it is a black or white thing. It is a question of degree. It is a question of interdependent cooperation.

And to come back to a comment that was made before and I think it was an important one, about the small proportion of women in the room, and again without being critical about it, in my experience I have discovered that in terms of this really essential step of moving from political concepts and slogans to identifying the real needs of the people in practical terms and negotiating from that basis, women tend to have an advantage over men. And it has to do with a number of things in psychology that I am not going to get into, but they tend to have an advantage, and therefore, in terms of negotiating effective agreements, I can't emphasize how important it is to ensure that there is a balance, and I don't mean 50:50, but that there is a balance in terms of the representation, of the way in which women tend to approach these issues and problems, and the way in which men tend to approach them. And that is of course different in different cultures, but there is this element that can be very important in trying to make a breakthrough in negotiating precisely these kinds of agreements.

Thank you.