

**LEGAL STANDARDS,  
POWER-SHARING  
AND  
AUTONOMY OPTIONS**

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## INTRODUCTION

Conflict results when State claims of sovereignty clash with the democratic aspirations of minority groups demanding self-rule. Decentralization, autonomy, and power-sharing arrangements can effectively help resolve tensions and create an environment for constructive negotiations. To this end, this paper describes international models that may inform the work of both international mediators and parties to a dispute.

*Legal Standards and Autonomy Options* is divided into three parts:

- I. International Standards for Minority Rights;
- II. Global Autonomy Arrangements; and
- III. Autonomy Options.

Section I describes minority rights standards by reviewing relevant United Nations and regional instruments, as well as national constitutions. It focuses on treaties and juridical standards concerning equality and non-discrimination, as well as pro-active measures protecting and promoting the unique identity and characteristics of minorities.

Section II is a summary of global autonomy arrangements. Case studies are illustrative of autonomy models.

Section III offers autonomy options. It does not propose a single solution, but suggests different approaches with footnotes referencing instances where the option has been exercised.

(Note: This draft is adapted from a working paper prepared for the Council on Foreign Relations in March 2005).

## INTERNATIONAL STANDARDS FOR MINORITY RIGHTS

Minority rights have a long history under international law, going back as far as the Treaty of Westphalia in 1648. The League of Nations and the United Nations were both established to promote peace and security by harmonizing the rights of sovereign states with the rights of minorities resident in those states. Over the past fifty years, the international community has developed a broad set of standards for minority rights relevant to all countries.

### Sources

The full array of minority rights have not been aggregated into a single international treaty, but are scattered across various UN and regional instruments as well as national constitutions. From the earliest enumeration of minority rights to the present, the two over-riding issues under international law have been (i) equality/non-discrimination and (ii) protection and promotion of the unique identity of minorities. Equality and non-discrimination have been easily translated into juridical standards and are part and parcel of all of the major human rights treaties.

More nuanced standards, attuned to the differing circumstances of minority groups, may be derived from the practice of states and emerging international instruments. In particular, those autonomy rights proposed for indigenous peoples, the more advanced European instruments relating to minority populations, and a growing body of autonomy precedents provide guidance with respect to the rights of minority groups with historical ties to a specific territory and a history of self-governance.<sup>1</sup>

The principles of non-discrimination and equality are established in the UN Charter and the two major human rights covenants -- the International Covenant on Civil and Political Rights ("CCPR") and the International Covenant on Economic, Social and Cultural Rights ("CESCR") -- and elaborated in the International Convention on the Elimination of all Forms of Racial Discrimination ("CERD"). More specific elaboration of minority rights are rooted in Article 27 of the CCPR, which holds:

In those states in which ethnic, religious or linguistic minorities exist, persons belonging to such minorities shall not be denied the right, in community with the other members of their group, to enjoy their own culture, to profess and practice their own religion, or to use their own language.

Article 27 has been interpreted and developed by the reports and general comments of the body charged with the CCPR's enforcement-- the UN Human Rights Committee ("HRC"). General Comment No. 23, issued by the HRC in 1994, elaborates the content

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<sup>1</sup> See generally, Geoff Gilbert, "Autonomy and Minority Groups: A Right in International Law" 35 *Cornell Int'l L.J.* 307 (2002); Philip Alston "Peoples' Rights: Their Rise and Fall" in (P. Alston ed.) *Peoples' Rights* (2001)

of Article 27, underscoring the affirmative obligations that the Article places on state parties:

Although the rights protected under article 27 are individual rights, they depend in turn on the ability of the minority group to maintain its culture, language or religion. Accordingly, positive measures by states may also be necessary to protect the identity of a minority and the rights of its members to enjoy and develop their culture and language and to practice their religion, in community with the other members of the group.<sup>2</sup>

The HRC has established a Working Group of the Sub-Committee on Prevention of Discrimination and Protection of Minorities to work in coordination with the CERD to monitor compliance of minority rights.<sup>3</sup> In 1992, the United Nations General Assembly adopted a declaration addressing minority rights directly – the Declaration on the Rights of Persons Belonging to National or Ethnic, Religious and Linguistic Minorities (“Declaration on Minority Rights”). In the absence of a UN treaty devoted to minority rights, the Declaration represents a universal baseline standard for minority rights under international law.<sup>4</sup> Standards are also articulated in the Council of Europe’s Framework Convention the Protection of Minorities and through European Union Partnership Agreements and accession criteria.<sup>5</sup>

European states have made additional progress in defining minority rights. The 1990 Copenhagen Document of the Organization for Security and Cooperation in Europe (the “Copenhagen Document”) represents the most comprehensive international standard in the field of minority rights. The OSCE has designated a High Commissioner for National Minorities to work with member states so that they satisfy criteria in the Copenhagen Document.<sup>6</sup>

Indigenous rights offer additional relevant guidance. Of these, the most advanced instruments are International Labor Organization (ILO) Convention 169 Concerning Indigenous and Tribal Peoples in Independent Countries (“ILO 169”), which came into force in 1991 and the UN Draft Declaration on the Rights of Indigenous Peoples. These instruments provide relevant guidance relating to appropriate levels of local control and suggest that the right of self-determination for certain “peoples” may be best met through autonomy arrangements falling short of secession and not posing a threat to territorial integrity.

International law requires that states take certain measures to effect (to those) substantive human rights obligations including minority rights. In particular, states are obligated to:

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<sup>2</sup> HRC, General Comment 23, (1994) (GC#23), para 3.

<sup>3</sup> <http://www.un.org/rights/dpi1774e.htm>

<sup>4</sup> The UN Working Group on Minorities has provided an authoritative interpretation of the Declaration authored by the Working Group’s Chair Asbjorne Eide. (“WG Commentary”)

<sup>5</sup> <http://conventions.coe.int/Treaty/en/Treaties/Html/157.htm>;

<sup>6</sup> <http://www.osce.org/hcnm>

- (i) recognize minority rights in their national laws and policies;<sup>7</sup>
- (ii) adopt legislative and financial measures to ensure the effective implementation of minority rights;<sup>8</sup>
- (iii) adopt legislative and enforcement measures to ensure that minority rights are not threatened by the state or third parties;<sup>9</sup>
- (iv) provide effective remedies for violations of minority rights;<sup>10</sup>
- (v) undertake regular evaluations, planning and oversight to ensure accountability and progressive realization of minority rights.

## Minority Rights Standards

### *Governance*

#### Self-Governance

(a) States shall respect the right of persons belonging to minorities to participate effectively in decisions on the national and regional level concerning the minority to which they belong or the regions in which they live.<sup>11</sup>

(b) States shall respect the rights of minorities to participate effectively in public life, including through elections, holding public office and participating in other political and administrative functions.<sup>12</sup>

(c) States shall respect the rights of minorities to assemble and form associations and political parties and thereby aggregate their interests to make the greatest impact on national and regional decision-making.<sup>13</sup>

(d) States shall duly consider the best manner of achieving effective political participation of minorities, including autonomy arrangements.<sup>14</sup>

(e) States shall respect the right of members of minorities to determine their own political status.<sup>15</sup>

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<sup>7</sup> CCPR, Article 2.2, CESCR, Article 1.2 Minority Rights Declaration.

<sup>8</sup> CERD Article 2

<sup>9</sup> GC #23

<sup>10</sup> CCPR Article 2.3.

<sup>11</sup> Declaration on Minority Rights Article 2(3); European Framework, Article 15; Copenhagen Document, Article 31;

<sup>12</sup> Declaration on Minority Rights Article 2, GC 23, para 7; WG Commentary para 36

<sup>13</sup> Declaration on Minority Rights Article 2, GC 23, para 7; WG Commentary para 36

<sup>14</sup> WG Commentary para 20;

<sup>15</sup> CCPR Article 1.1; CESCR Article 1.1; Draft Declaration on Indigenous Rights, Article 3; European Framework Article 3

(f) In planning and implementing national policies and programs or international programs of cooperation and assistance, states shall give due regard to the legitimate interests of persons belonging to minorities and shall establish advisory or consultative bodies involving minorities within appropriate institutional frameworks.<sup>16</sup>

#### Judiciary

(a) In applying national laws and regulations to certain minority populations, states shall give due regard to their customs or customary laws.<sup>17</sup>

(b) States shall respect the right of certain minority populations to retain their distinctive juridical customs, traditions, and procedures and practices, where these are not incompatible with fundamental rights defined by the national legal system and with internationally recognized human rights.<sup>18</sup>

#### Police and Security

(a) States shall respect the rights of minorities to participate effectively in public security and policing functions.<sup>19</sup>

#### International Representation and Agreements

(a) States shall respect the right of certain minorities to the recognition, observance and enforcement of treaties, agreements, and other constructive arrangements concluded with states or their successors and to the resolution of conflicts arising out of these by competent international bodies agreed to by all parties concerned.<sup>20</sup>

(b) States shall respect the right of minorities to establish and maintain unimpeded contacts among themselves within their country as well as across frontiers with citizens of other states with whom they share a common ethnic or national origin, cultural heritage, or religious belief.<sup>21</sup>

(c) States shall recognize the rights of members of minorities to form and join associations and trade unions.<sup>22</sup>

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<sup>16</sup> Declaration on Minority Rights Article 5(1); WG Commentary para 48; ILO 169, Article 33(2)(a)-(b)).

<sup>17</sup> ILO 169, Article 8.

<sup>18</sup> ILO 169, Article 8(2); Draft Declaration on Indigenous Rights, Article 4.

<sup>19</sup> As included in general right to participate in public life and administrative functions Declaration on Minority Rights Article 2, GC 23, para 7; WG Commentary para 36

<sup>20</sup> Draft Declaration on Indigenous Rights, Article 36).

<sup>21</sup> CCPR, Article 22(1); Declaration on Minority Rights Article 2.5, Copenhagen Document, Article 32(4).

<sup>22</sup> CCPR, Article 8(1)(b); Draft Declaration on Indigenous Rights, Article 18.

## Movement of Peoples

(a) States shall respect the right of members of minorities to liberty of movement within the country, the freedom to choose one's residence and the freedom to leave the country.<sup>23</sup>

(b) States shall refrain from measures which alter the proportions of the population inhabited by persons belonging to minorities and are aimed at altering the rights enjoyed by such minorities.<sup>24</sup>

(c) States shall refrain from policies or practices aimed at assimilation of persons belonging to national minorities against their will and shall protect these persons from any action aimed at such assimilation.<sup>25</sup>

(d) States shall respect the right of members of certain minorities not to be relocated - except in exceptional circumstances - without their free and informed consent.<sup>26</sup>

## *Culture*

### Education

(a) States shall recognize the right of members of minorities equal access to education and shall not establish or maintain separate educational systems on the basis of membership in a minority.<sup>27</sup>

(b) States shall recognize the right of members of minorities to organize their own education programs, including the establishment and maintenance of schools.<sup>28</sup>

(c) States should take measures in the field of education to encourage knowledge of the history, traditions, language, and culture of minorities.<sup>29</sup>

### Language

(a) States shall not discriminate against members of minority groups on the basis of language.<sup>30</sup>

(b) States shall protect the existence and identity of linguistic minorities.<sup>31</sup>

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<sup>23</sup> CCPR, Article 12(1) and 12(2); Universal Declaration of Human Rights, Articles 13(1) and 13(2).

<sup>24</sup> European Framework, Article 17

<sup>25</sup> European Framework, Article 5

<sup>26</sup> ILO 169, Article 16(2).

<sup>27</sup> Covenant Against Discrimination in Education ("Covenant on Education"), Article 1; CERD, Article 5(e)(v).

<sup>28</sup> Covenant on Education, Article 5(1)(b); CESCR, Article 13(3); CCPR, Article 18(3);

<sup>29</sup> Declaration on Minority Rights, Article 4(4). Convention on the Rights of the Child, Article 29.1(c).

<sup>30</sup> Universal Declaration of Human Rights, Article 2; CCPR Article 2(1).

<sup>31</sup> Declaration on Minority Rights, Article 1(1).

(c) States shall take measures to encourage knowledge of, and the ability to take instruction in, the language of minorities existing within their territory.<sup>32</sup>

(d) States shall recognize the right of members of minorities to establish and maintain educational systems providing education in their own languages and should to the extent possible provide subsidies for such schools.<sup>33</sup>

(e) States shall adopt measures to inform members of minority groups of their rights and duties in their own language.<sup>34</sup>

(f) States shall respect the rights of a member of a minority to be informed of any criminal charges and to defend him or herself against such charges in a language which he or she understands and to have the free assistance of an interpreter if necessary.<sup>35</sup>

(g) In areas traditionally inhabited by substantial numbers of a particular minority, states shall endeavor to display traditional local names, street names and other topographical indications intended for the public in the minority language.<sup>36</sup>

## Religion

(a) States shall not discriminate against members of minorities on the basis of religion.<sup>37</sup>

(b) States shall respect the right of members of minorities to manifest their religious beliefs and to establish religious institutions, organizations and associations.<sup>38</sup>

(c) States shall respect the rights of members of minorities to establish and maintain contact with individuals and communities in matters of religion at the national and international levels;

(d) States shall respect the rights of members of minorities to make, acquire and use articles and materials related to religious beliefs.<sup>39</sup>

## Media

(a) States shall ensure by legislation that members of minority groups are not discriminated against in their access to the media.<sup>40</sup>

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<sup>32</sup> Declaration on Minority Rights, Article 4.3 and 4(4).

<sup>33</sup> Declaration on Minority Rights, Article 4.3; WG Commentary para 63; Convention Against Discrimination in Education, Article 5(1)(c); Draft Declaration on Indigenous Rights, Article 15;

<sup>34</sup> Declaration on Minority Rights.

<sup>35</sup> European Framework, Article 10.

<sup>36</sup> European Framework, Article 11.

<sup>37</sup> CCPR, Article 2(1), 26; CESCR, Article 2; Declaration on Minority Rights, Article 2.1: Universal Declaration of Human Rights, Article 2.

<sup>38</sup> CCPR, European Framework, Article 8, Copenhagen Document, Article 33.

<sup>39</sup> The Declaration on the Elimination of all Forms of Intolerance and Discrimination Based on Religion or Belief. (UNG.A. Res. 36/55, UN GAOR, 36<sup>th</sup> Sess. (1981))

(b) States shall adopt adequate measures to facilitate access to, and the possibility of creating and using, the media for members of minorities.<sup>41</sup>

### Cultural Identity

(c) States shall respect the right of members of minorities to freely determine their cultural identity and to freely pursue their cultural development.<sup>42</sup>

(d) States shall undertake to promote the conditions necessary for members of minorities to maintain and develop their culture, and to preserve the essential elements of their identity, namely their religion, language, traditions and cultural heritage.<sup>43</sup>

(e) States shall undertake initiatives in the field of education in order to encourage knowledge of the culture of minorities existing within their territory.<sup>44</sup>

### *Economy*

#### Economic Development

(a) States should consider appropriate measures so that persons belonging to minorities may participate fully in the economic progress and development of their country.<sup>45</sup>

#### Natural Resources

(a) States should consult and ensure the effective participation of members of a minority with regard to the development of land and natural resources which affect them.<sup>46</sup>

(b) States should respect the rights of certain minorities to own, develop, control and use the natural resources on those territories that they have traditionally occupied.<sup>47</sup>

(c) In cases in which the State retains the ownership of mineral or sub-surface resources of lands occupied by certain minorities, governments shall consult them

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<sup>40</sup> European Framework Article 9.

<sup>41</sup> European Framework Article 9.

<sup>42</sup> CCPR, Article 1; CESCR, Article 1; Draft Declaration on Indigenous Rights, Article 3.

<sup>43</sup> CESCR, Article 15; Convention on the Elimination of Racial Discrimination, Article 2(2); ILO Convention no. 107, Article 27(2)(a); ILO Convention no. 169, Article 4.1; UN Declaration on the Rights of Minorities, Article 1(1), Article 4.2; Copenhagen Document, Article 33, 35.

<sup>44</sup> UN Declaration on the Rights of Minorities, Article 4(4).

<sup>45</sup> Declaration on Minority Rights Article 4.5.

<sup>46</sup> Declaration on Minority Rights Article 2.3; WG Commentary para 71; ILO, CCPR 27, GC 23#7, ILO Convention No. 169, Article 1(1), .

<sup>47</sup> Draft Declaration on Indigenous Rights, Articles 26 and 28.

before exploiting such resources and such minorities should benefit in any exploitation of such resources.<sup>48</sup>

#### Property and land management

(a) States shall recognize the rights of ownership and possession of certain minorities over the lands which they have traditionally occupied and shall penalize the unauthorized intrusion on such lands.<sup>49</sup>

(b) States shall respect the rights of collective ownership and use of land which are established by the customs of certain minority populations.<sup>50</sup>

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<sup>48</sup> ILO 169, Article 15.2.

<sup>49</sup> ILO 169 Articles 17 and 18; CCPR Article 27 and GC#23 para 3.2.

<sup>50</sup> ILO 169 Articles 13 and 17, Draft Declaration on Indigenous Rights, Article 13.

## **GLOBAL AUTONOMY MODELS\***

### **ÅLAND ISLANDS**

The Åland Islands is an autonomous entity under the sovereignty of Finland. The archipelago is comprised of 6,554 islands located between Sweden and Finland in the Baltic Sea, and is home to approximately 25,500 Swedish-speaking inhabitants. Originally part of Sweden, the Åland Islands were ceded to Russia in 1809, and then made part of newly independent Finland in 1917. The Åland Islands' autonomy was first legislated by Finland in 1920, and was last amended in 1991. Under the Act of Autonomy, Åland Islands have authority over matters of health, education, regulation of occupation, housing, social welfare, conservation, public entertainment, and public order and security. The Finnish central government has authority over issues of constitutional law, foreign relations, general taxes and payments, criminal and civil law, the judiciary, social insurance, navigation and aviation, and communications.

### **BASQUE**

Basque Country is an autonomous community of Spain located on the Spanish and French boarder along the coast of the Bay of Biscay. Basque Country is made up of the Spanish provinces Alva, Guipuzcoa and Vizcaya, with a total land area of 7,261 square kilometers. Basque is home to over 3 million inhabitants. In 1979, Basque became Spain's first autonomous region with the passing of the Guernica Statute, which granted the Basque region autonomy over finances and local police forces, and provided that Basque language would be the official language of the region. The Basque government is the only regional government in Spain to have authority over all taxes. It also retains authority over internal security, industry, economic planning, banking, transport, energy resources, rural and urban development, agriculture and fisheries, social services, culture and public works. The Spanish central government has authority over the Basque judicial system and services such as water ports, airports and immigration.

### **BELGIUM**

Belgium is an independent, sovereign state divided into two three Cultural Communities and three territorial Regions. The three Communities and Regions are organized according to the three official language communities in Belgium: the French, Dutch, and German-speaking communities. Belgium first initiated the concept of separate Communities in 1970 with the establishment of two Cultural Communities and territorial Regions for the French and Dutch-speaking populations. A German Community was established in 1973. The Community/Region structure is enshrined in the 1993 Coordinated Constitution of Belgium.

\* Summaries are illustrative not comprehensive.

## CATALONIA

Catalonia is an autonomous community of Spain located in Spain's northeastern corner, bordered by France to the north and the Mediterranean Sea to the east. Catalonia is made up of the Spanish provinces Gerona, Barcelona, Tarragona, and Lleida with a total land area of 31,930 square kilometers. The autonomous region has a population of 4.5 million. In 1640 Catalonia successfully revolted against Spain, and placed itself under the protection of France until the Treaty of the Pyrenees in 1659. The region experienced countless rebellions in the 1800s, and in 1873 Catalonia declared itself an independent state. Catalonia resubmitted itself to the authority the Spanish government in 1876. With the passing of the Catalanian Autonomy Statute, it became the only region in Spain to obtain autonomy during the Second Republic in 1932. Francisco Franco rescinded the 1932 Statute when he came to power after the 1939 Civil War. This statute formed the foundation for a 1979 Statute of Autonomy, which granted Catalonia its current autonomous status. Residents of Catalonia are deemed Catalan citizens, and they obtain all rights reserved for Catalans should they reside outside of Catalonia or Spain. While the Spanish central government holds control over foreign affairs, Catalonia maintains representative offices in various countries to conduct trade and tourism activities and it has representative offices in international organizations including UNESCO. The Catalanian regional government, the *Generalitat*, has authority over natural resources, environmental policy, local police forces, health services, education, transportation, and cultural matters. Most economic affairs, including commercial and labor legislation, merchant shipping, foreign trade and tariffs, economic planning and finances, are under the supervision of the Spanish central government.

## CHITTAGONG HILL TRACTS

The Chittagong Hill Tracts making up an autonomous region in eastern Bangladesh are comprised of hill districts called Bandarba, Khagrachari, and Rangamati. The Hill Tracts are located on the border with Myanmar, occupy an area of 8,149 square kilometers, and are home to 13 distinct tribes collectively referred to as the Jumma people. Of Sino-Tibetan descent and predominantly Buddhist, the tribes differ greatly from the rest of the Bangladeshi population, who are Bengali and Muslim. In the 19<sup>th</sup> century, when the region was under British rule, the British gave the Hill Tracts a degree of self-rule. In 1955 the Hill Tracts were under the absolute control of Pakistan as part of East Pakistan. They then came under control of the newly established Bangladesh government, following independence from Pakistan in 1971. In 1997, a Peace Accord established the Chittagong Hill Tracts Regional Council (CHTRC) with responsibility over issues including vocational training, primary education and secondary education, land and land management, local police, tribal law and social justice, youth welfare, environmental preservation and management, local tourism, improvement trust and other local government organizations, licensing for local trade and business, water resources, money lending and trade, and taxation.

## **COOK ISLANDS**

The Cook Islands form a self-governing entity in free association with New Zealand. The entity is comprised of 15 islands, divided into the Northern Cooks and the Southern Cooks. The islands cover a total area of 237 square kilometers and are home to a population of 19,989 inhabitants. The Cook Islands were a British protectorate during the time of the British Empire, which established an association with New Zealand, the closest British colony to the islands. The Cook Islands voluntarily continued their free association with New Zealand after Britain decolonized New Zealand. The Cook Islands are self-governing, and have full right to independence at any time.

## **FAROE ISLANDS**

The Faroe Islands are an autonomous entity in a federal relationship with the Kingdom of Denmark. The Islands form an archipelago of 18 islands located 300 kilometers northwest of Scotland in the North Atlantic. The islands have a total area of 1,399 and a population of 41,834 people. They have been province of Denmark since 1360. Autonomy for the Faroe Islands was first established under the Home Rule Act of 1948. Under the Home Rule Act the Faroe Islands government has authority over issues including those of local taxes, the postal system, social services, environmental policies, education, transportation, and cultural affairs.

## **GAGAUZIA**

Gagauzia is an autonomous region in the Republic of Moldova. It is located in the southeastern Moldova, bordering Ukraine, and covers a land area of 1,800 square kilometers. Gagauzia is home to 169,300 people, of whom 83% are Gagauz. Gagauz are Turkic Orthodox Christians, and speak a language influenced by Romanian. Shortly after Moldovan independence from the Soviet Union, Gagauzia declared itself independent from the newly formed Republic of Moldova. The Moldovan government repeatedly took actions to prevent secessionist movements by Gagauzia, climaxing in 10,000 Moldovan troops being sent to the region. Negotiations successfully averted violent conflict, and, in 1994, Gagauzia was granted extensive autonomy powers under The Special Status of the Gagauz Act. Under the Act, Gagauzia has authority over issues including science, culture, education, housing, municipal economy and improvements, public health, sport, economics, ecology, labor relations, and social security.

## **GIBRALTAR**

Gibraltar is a dependent territory of the United Kingdom. The small territory is of great strategic importance because of its location at the tip of Spain in the Strait of Gibraltar, where it sits as the link between the Mediterranean Sea and the North Atlantic Ocean. Gibraltar was part of Spain from 1462 until the British acquired it under the Treaty of Utrecht in 1713. Made a British colony in 1830, the new 1969 Constitution established Gibraltar as a dependent territory of the United Kingdom. Control of Gibraltar lies ultimately with the sovereign of England (currently Queen Elizabeth II), and is vested to

the governor of Gibraltar. Local government handles issues of health, education, and social services. Other issues are handled by the United Kingdom.

## **GREENLAND**

Greenland is self-governing overseas administrative division of Denmark. It has a land area of 2,175,600 square kilometers and a population of 55,000 people. Of the inhabitants of Greenland, 87% are Greenlandic, and the remaining 13% are Danish or of other Scandinavian decent. Greenland has been under Danish control since 1380. Greenland's self-governing status was established in 1979 with passage of the Greenland Home Rule Act. The Danish government is represented in Greenland by a High Commissioner who is appointed by the Danish Crown, but who has no veto power or vote in local executive or legislative issues. The High Commissioner's primary role is liaison between Greenland and the Danish government. Greenland handles issues involving telecommunications, taxation, natural resources, environmental policy, education, and cultural affairs.

## **JAMMU AND KASHMIR**

Jammu and Kashmir is an autonomous entity within India. India's claim of sovereignty over Jammu and Kashmir is contested by Pakistan, and the region has been at the center of conflict between India and Pakistan since 1947. India, Pakistan and China all exert influence and control over different sections of the region. Together, Jammu and Kashmir have a total land area of 222,237 square kilometers and a population of approximately 8.8 million. Of the region's inhabitants 64% are Muslim and 32% are Hindu. Autonomy status for Jammu and Kashmir is enshrined in the Indian Constitution of 1957 and the Kashmir Constitution of the same year. The Indian Constitution identifies Jammu and Kashmir as a unique state within India. In 1996, Kashmiri state elections voted in a pro-Indian government, which governs the region by elected government rather than by direct rule from Delhi. The local government has exclusive authority over police, gas, education, hospitals, unemployment, land tenure and the running of local government. The government of Jammu and Kashmir also has the power to regulate movement of peoples to and from Jammu and Kashmir.

## **FEDERATED STATES OF MICRONESIA**

The Federated States of Micronesia (Micronesia) is an associated state of the United States of America. There are 607 islands that comprise Micronesia, located in the North Pacific Ocean. The islands are home to approximately 129,658 residents. Micronesia became an associated state of the United States in 1982 under the Compact of Free Association. The United States ended its formal administration of Micronesia in 1983, following a local plebiscite and ratification of the Compact of Free Association,. The United States assists the government of Micronesia only in certain issues of foreign relations. All other issues are handled by the Micronesian government.

## **NAVAJO**

The Navajo are a Native American people in the United States with a population of approximately 219,000. The Navajo control territory known as the Navajo reservation, located across Arizona, New Mexico, Utah and Colorado, and has a total land area of 650,000 square kilometers. It is a partially self-governing territory. Approximately 150,000 Navajo people live on the Navajo reservation. The right to self-government of Native American peoples was first established in 1823 following a series of decisions by United States Supreme Court Chief Justice John Marshall, which held that Native American nations were entitled to some form of self-government. These decisions also confirmed that native peoples were under the jurisdiction of the federal government and not the states in which they reside. The 1934 Indian Reorganization Act formally recognized Native American people's right to self-government, and the 1968 Indian Civil Rights Act guaranteed Native Americans certain constitutional rights. The Navajo nation's self-governing body, the Navajo Tribal Council, is responsible for governing the Navajo reservation. Within the boundaries of the Navajo reservation, tribal government has authority over the judicial system, taxation, policing, chartering of Navajo schools, and cultural matters.

## **NETHERLANDS ANTILLES**

The Netherlands Antilles is an autonomous entity linked to the Kingdom of the Netherlands. It is comprised of two separate groups of Caribbean Islands; one group is located north of Venezuela and the other is east of the Virgin Islands. The total land area of the islands is 798 square kilometers, with a population of 205,693 persons. Some portion of the islands has been under Dutch control since the 1630s, and all came under Dutch sovereignty by 1816. Netherlands Antilles gained full autonomy for internal affairs under the Charter of the Kingdom of the Netherlands in 1954. It also has membership in a number of international organizations. The Kingdom of the Netherlands has authority over all foreign affairs and defense issues for the Netherlands Antilles.

## **NORTHERN IRELAND**

Northern Ireland is part of the United Kingdom of Great Britain and Northern Ireland. The region is comprised of the six northern most provinces on the island of Ireland in the North Atlantic Ocean. Northern Ireland was the only region in Ireland that did not gain independence following the 1916 Easter Uprising and the establishment of an Irish Free State in 1921. Violence between separatist Catholics and unionist Protestants has plagued the region. Attempts at reconciliation and accommodation intensified in the mid-1980s and continued with little result until 1996. At that time, pressure from the international community and international mediation resulted in two years of multi-party negotiations to resolve the conflict. The negotiations culminated in the 1998 Good Friday Agreement, which established a complex governance system whereby different matters affecting the region are dealt with by different governing institutions. Northern Ireland handles some matters through self-rule, while others are undertaken through joint action by Northern Ireland and Ireland, shared jurisdiction between Northern Ireland and

the United Kingdom, sole authority of the United Kingdom, or under the jurisdiction of the European Court of Human Rights.

## **NUNAVUT**

Nunavut is a territory of Canada, located in the Canadian northwest. The total area of Nunavut is 1,968,000 square kilometers, with 25,000 inhabitants, of whom 85% are Inuit, a native people often referred to as “Eskimos.” Nunavut was created under the 1993 Nunavut Land Claims Agreement (later codified as the Nunavut Land Claims Agreement Act, the “Nunavut Act”), which provided that the Canadian government would set aside a section of the Inuit people’s ancestral homeland, and transfer a significant level of self-government. The transfer of control from the Canadian government to Nunavut is a gradual process. The first transfers began in 1999, and complete transfer is scheduled to be completed by 2008. As with other Canadian provinces, Nunavut has its own locally elected government, with its own executive, legislature, and courts. The Nunavut government is responsible for issues such as administering justice, maintaining law and order, providing education, managing cultural affairs, and providing social services. Like other provinces in Canada, Nunavut is under the ultimate authority of the federal government.

## **PALESTINE**

Present-day Palestine is comprised of the Gaza Strip, on the east coast of the Mediterranean Sea, and the West Bank, west of the Jordan River. The total area of Palestine is 10,100 square kilometers, and has a population of approximately 2,000,000 Palestinian Arabs. The joint Declaration of Principles on Interim Self-government Arrangements was announced in Oslo, Norway in 1993. The Palestinians–Israeli Interim Agreement on the West Bank and the Gaza Strip was announced in 1995. The 1993 Declaration provided for a Palestinian interim government comprised of a Palestinian Council and Executive Authority, which would handle governmental affairs for the Palestinians for five years, at which time the two parties would meet to negotiate the establishment of a separate Palestinian state. The 1995 Agreement transferred governing powers to the Palestinian Council and the Executive Authority. It also established a Palestinian police force and other organs for public security.

## **PUERTO RICO**

Puerto Rico is an island in the Caribbean Sea under the authority of the United States. Puerto Rico has a land area of 8,959 kilometers and is home to 4,000,000 inhabitants, 99% of whom are Hispanic. In 1952 a Puerto Rican constitution incorporated the island into the US federal system. The constitution provided that Puerto Rico would hold powers of self-government with respect to education, police, courts, public works and internal communications. The US retained control over customs, interstate commerce, postal service, the coast guard, television and radio licensing and foreign relations. Puerto Rican residents have US citizenship, but do not hold the right to vote in US presidential elections, and Puerto Rico does not have representation in Congress. In 1998,

the US-Puerto Rico Political Status Act was passed by the US House of Representatives, calling for a referendum in Puerto Rico to decide their preferred political status. A majority of Puerto Ricans submitted a “protest vote” against the wording of the ballot in December of the same year; Puerto Rico’s political status of the island remains unchanged.

## **QUEBEC**

Quebec is a province of Canada. It is located between the Canadian province Ontario to the west and the Canadian Maritime provinces to the east. Quebec has a total land area of 1,356,790 square kilometers and is home to over 6,500,000 people. One in four Canadian’s live in Quebec. Originally a French colony founded in 1534, Quebec has a culture rooted in French language and tradition. There is a significant percentage of the population who believe that Quebec can only preserve its unique culture through independence from Canada. Two referenda on Quebec’s political status were held, first in 1980 and again in 1995. Neither received the required majority to trigger secession from Canada. In 1987, the Canadian government amended the Canadian constitution to give greater powers to the Quebec provincial government. No concessions were made to Quebec following the 1995 referendum, though it was narrowly defeated by a vote of 50.6% against to 49.4% in favor of independence.

## **SCOTLAND**

Scotland is a distinct state within the United Kingdom of Great Britain and Northern Ireland. It has a total land area of 78,775 square kilometers, and is located at the northern most tip of the British Islands. Scotland is home to 5,112,100 people. Scotland has been united with England and Wales in the United Kingdom since the 1707 Act of Union. The Act of the Union provided that Scotland would retain a separate legal system, church, national bank, currency and flag. Additionally, Scotland was reserved a fixed percentage of representation in the British Parliament and home rule in local government, education and social functions. Following a 1997 Scottish referendum, the Scotland Act was passed in 1998, establishing a separate Scottish Parliament, the first since 1707. Under the Act, the United Kingdom retained responsibility over foreign policy with Europe, defense and national security, economic stability, common markets for goods, employment legislation, social security and transport safety regulations. Scotland has authority in all other areas.

## **SOUTH TYROL**

South Tyrol is the northernmost province of Italy. Located on the Italian-Austrian border, the province has a total land area of 7,400 square kilometers and a total population of approximately 430,568 people. Of the current population, 64% are German-speaking, 30% Italian-speaking, and 4% Ladin-speaking. Originally part of the Habsburg Empire, South Tyrol was incorporated into Italy in 1919. In 1946, Austria and Italy signed the De Gasperi-Gruber Accord. The agreement stipulated guarantees for German-speaking inhabitants of South Tyrol, including elementary and secondary teaching in German,

equal status of German and Italian languages for official purposes, and equal opportunity for German-speakers in public office. Italy's failure to uphold its obligations under the Accord led Austria to apply pressure through the United Nations for Italy to address the rights of German-speaking peoples in South Tyrol. Terrorist attacks in the region in the 1960s further intensified the issue. In 1972, the Autonomy Statue was passed giving South Tyrol authority over issues of regional government offices, local economy, public works, education, public welfare, environment and natural resources, local transportation, and local communications. Additionally, a 1989 amendment to the Autonomy Statue provides for certain tax revenues to be directly distributed to the region. South Tyrol also has significant authority to legislate the use of mother tongue languages.

## **TATARSTAN**

Tatarstan is an autonomous state within the Russian Federation. It has a total land area of 68,000 square kilometers, and is home to 3,766,500 people, of whom 51% are Tartars, 43.3% are Russians, and 3.7% are Chuvashes. Originally one of the 20 autonomous regions of the former Union of Soviet Socialist Republics (USSR), Tatarstan adopted its own republican constitution in 1992. When the Russian Federation was created and a Russian constitution was drafted in 1993, Tatarstan refused to be included as a state within the new federation. Tatarstan is of great strategic and economic value to Russia, producing 79% of Russia's oil and manufacturing a large proportion of its heavy machinery, including military equipment. As a result, Russia was anxious to retain access to Tatarstan, and, in 1994, Russian and Tartar representatives negotiated the Treaty on the Demarcation of Powers Between the Agencies of State Power of the Russian Federation and the Republic of Tatarstan. Under the treaty, Tatarstan is considered a state within Russia, but retains a high degree of autonomy. Tatarstan continues to have its own constitution, laws, budget, taxes, governmental institutions, and bank. It shares with Russia joint responsibility over some areas state, including defense of individual rights and freedoms, ethnic minority issues, management of sovereignty and territorial integrity, military production and sale of weapons, coordination of foreign trade, pricing policy, monetary policy and transport and communications policy.

## **TORRES STRAIT ISLANDERS**

The 20 islands that comprise the Torres Strait Islands are territory of Australia. The Islands are located in the Torres Strait, which runs between the Australia's northern coast and Papua New Guinea, and are home to approximately 10,000 people. The Torres Strait Islanders are native inhabitants of the islands, similar to the Aboriginal peoples on the Australian mainland. In 1989 the Australian government passed the Aboriginal and Torres Strait Islander Commission Act, which set up the Aboriginal and Torres Strait Islander Commission (ATSIC), a body designed to provide a level of self-government for Aboriginal and Torres Strait Islands peoples. The ATSIC is made up of 17 elected commissioners, one chairperson and a chief executive officer, who is appointed by the Australian Minister for Aboriginal and Torres Strait Islander Affairs. Within the ATSIC was created an Office of Torres Strait Islander Affairs (located in the Australian capital Canberra), which deals with issues affecting the Torres Strait Islanders.

## AUTONOMY OPTIONS

### GOVERNANCE

Governance protects the rights of citizens and creates an environment for cultural promotion. As the guardians of autonomy, local self-governing institutions give voice to local concerns by institutionalizing their representation and upholding local interests. Self-governing institutions can include a local executive, legislature, judiciary, and mechanisms to ensure security such as the local police. Autonomous entities may also have international representation and participate in international agreements.

### SELF-GOVERNANCE

#### Local Executive

##### *Chief Executive:*

- The local executive is independent of the State.<sup>51</sup>
- The local executive is under the supervision of the State.<sup>52</sup>

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<sup>51</sup> Åland Islands (Finland): See the Åland Islands, where executive power is held by the Executive Council, headed by a prime minister.

Basque Country (Spain): See the Basque Country, where executive power is vested in the president of Basque.

Catalonia (Spain): See Spain's 1979 *Autonomy Statute of Catalonia*, Article 29, which holds that executive power in Catalonia is held by the president of the Catalonian government and with an Executive Council.

Greenland (Denmark): See Denmark's 1979 *Greenland Home Rule Act*, Section 1(2) and 3, which provides that executive power is held by an Executive Council, headed by a prime minister.

Micronesia (United States): See Micronesia's 1979 Constitution, Article X Section 1, which provides for a Micronesian president as the executive of the Micronesian government.

Navajo (United States): See the Navajo reservation, where the executive power of the reservation is held by the Navajo Tribal Council, headed by a chairman.

Puerto Rico (United States): See Puerto Rico's 1952 Constitution, Article IV, Sections 1 and 2, which holds that the head of the executive branch of the Puerto Rico government is the governor.

<sup>52</sup> Cook Islands (New Zealand): See the Constitution of the Cook Islands, Article 13(2), which provides for a prime minister of the Cook Islands, elected from the Cook Islands' parliament and appointed by the representative of the Queen of England.

Gagauzia (Moldova): See Moldova's 1994 *Special Status of Gagauz Act*, Article 14(1),(2),(4), and (8), which states that Gagauzia's highest official is the governor, elected directly by the people of Gagauzia, who, once elected, is also a member of the government of Moldova, and must report daily to the Moldovan legislature.

- The executive is appointed by the State.<sup>53</sup>
- The executive is the chairman of a regional council, whose members are appointed by both the autonomous entity and the State.<sup>54</sup>

*Executive Body:*

- The separate local executive body for all powers of the autonomous entity.<sup>55</sup>

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Jammu and Kashmir (India): See India's 1952 *Ministry of Law and Order No. C O 44*, which states that the head of State in Jammu and Kashmir shall be a governor, appointed by the president of India, on the recommendation of the legislature of Kashmir. Jammu and Kashmir also has a Chief Minister, who is the head of the Council of Ministers, and who advises the governor. The governor is obliged to act on the advice of the Chief Minister.

<sup>53</sup> Gibraltar (United Kingdom): See the Constitution of Gibraltar, Article 45(1), which states that the executive of Gibraltar is the Queen of England, whose authority is vested in the governor of Gibraltar.

Netherlands Antilles (Netherlands): See the Netherlands Antilles, where the executive is the sovereign of Netherlands.

<sup>54</sup> Chittagong Hill Tracts (Bangladesh): See the 1997 Peace Accord between India, Bangladesh and refugee leaders of the Chittagong Hill Tracts, Article C(4), which states that the chairman of the Chittagong Hill Tracts Regional Council assumes the executive position for affairs of the Chittagong Hill Tracts, and members of the Regional Council are appointed by representatives of the Hill Tracts indigenous people and the Bangladesh government.

<sup>55</sup> Åland Islands (Finland): See the Åland Islands, where the Executive Council acts independently of the State on all matters reserved for the autonomous entity under the *Act on the Autonomy of Åland*.

Basque Country (Spain): See Basque Country, where executive power is vested in both the Executive Council and the Basque President.

Catalonia (Spain): See Spain's 1979 *Autonomy Statute of Catalonia*, Article 29, which holds that executive power is held by an Executive Council and by the president of the Catalanian government.

Gagauzia (Moldova): See Moldova's 1994 *Special Status of Gagauz Act*, Article 15(1), which provides for an Executive Committee to assist the governor of Gagauzia.

Greenland (Denmark): See Denmark's 1979 *Greenland Home Rule Act*, Section 1(2), which holds that executive power in Greenland shall be held by the Executive Council.

Jammu and Kashmir (India): See Jammu and Kashmir, where the local executive body is the Council of Ministers.

Micronesia (United States): See Micronesia's 1979 Constitution, Article X Section 1, which provides for the executive body of the Micronesian government

Navajo (United States): See the Navajo reservation, where the executive power of the reservation is held by the Navajo Tribal Council.

Netherlands Antilles (Netherlands): See the Netherlands Antilles, which has a local executive body, the Netherlands Antilles Council of Ministers.

- The separate local executive body is under the supervision of the State.<sup>56</sup>
- The regional council is appointed by representatives for the autonomous entity and by the State.<sup>57</sup>
- There is no local executive body for the autonomous entity.<sup>58</sup>

*Make-up of the Executive Body:*

- Members of the executive must be minorities.
- Members of the executive body must be persons who have lived in the autonomous entity for a specified period.
- Membership of the executive body is subject to quotas.<sup>59</sup>
- No restrictions exist on membership in the executive body.

*Selection of the Executive:*

- The local executive is elected by the citizens of the autonomous entity.<sup>60</sup>

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<sup>56</sup> Cook Islands (New Zealand): See the Constitution of the Cook Islands, Article 22(1), which provides for a Cook Islands Executive Council, made up of the representative of the Queen of England and parliament members, and may only be convened by the Queen's representative or the prime minister.

<sup>57</sup> Chittagong Hill Tracts (Bangladesh): See the 1997 Peace Accord between India, Bangladesh and refugee leaders of the Chittagong Hill Tracts, Article C(1), which states that the Chittagong Hill Tracts Regional Council oversees and coordinates administration, development, and law and order for the Chittagong Hill Tracts. Members of the Regional Council are appointed by representatives of the Hill Tracts indigenous people and the Bangladesh government.

<sup>58</sup> Gibraltar (United Kingdom): See the Constitution of Gibraltar, Article 46, which provides for a Gibraltar Council, made up of representatives of the United Kingdom.

<sup>59</sup> Chittagong Hill Tracts (Bangladesh): See the 1997 Peace Accord between India, Bangladesh and refugee leaders of the Chittagong Hill Tracts, Article C(4), which states that 15 out of the 22 members of the Chittagong Hill Tracts Regional Council must be tribal members, and the remaining members must be non-tribals or Bengali settlers.

<sup>60</sup> Gagauzia (Moldova): See Moldova's 1994 *Special Status of Gagauz Act*, Article 14(2), which states that the governor of Gagauzia shall be elected by the people of Gagauzia.

Micronesia (United States): See Micronesia's 1979 Constitution, Article VI, which states that elections of federal officials shall be conducted by popular vote.

Navajo (United States): See the Navajo reservation, where the Navajo Tribal Council is elected by popular vote.

Netherlands Antilles (Netherlands): See the *Charter for the Kingdom of the Netherlands*, Article 46, which holds that locally elected officials in the Netherlands Antilles are elected by residents of the Netherlands Antilles.

Puerto Rico (United States): See Puerto Rico's 1952 Constitution of the Commonwealth of Puerto Rico, Article IV, Sections 1 and 2, which holds that the governor shall be directly elected by the people of Puerto Rico.

- The local executive is selected by the government of the autonomous entity with no interference by the State.<sup>61</sup>
- The local executive is selected by the local government of the autonomous entity in a process that is supervised by the State.<sup>62</sup>
- The local executive is selected by the State.<sup>63</sup>

*Executive Powers:*

- The autonomous entity determines the powers of the executive.<sup>64</sup>
- The executive body presents bills to the autonomous government, without interference from the State.<sup>65</sup>
- The State determines the powers of the executive.

*Governor:*

- A governor, with limited powers is appointed by the State with the approval of the autonomous entity.<sup>66</sup>

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<sup>61</sup> Åland Islands (Finland): See the Åland Islands, where the Executive and the Executive body are selected from members of the legislature, and then must be accepted by a vote in the legislature.

Basque Country (Spain): See Basque Country, where the president of Basque is elected by members of the Basque parliament.

Greenland (Denmark): See Denmark's 1979 *Greenland Home Rule Act*, Section 1(2), which holds that the executive is elected by the legislature.

<sup>62</sup> Catalonia (Spain): See Spain's 1979 *Autonomy Statute for Catalonia*, Article 36(1), which states that the president of Catalonia shall be selected from the members of the Catalanian parliament, and formally appointed by the King of Spain.

<sup>63</sup> Gibraltar (United Kingdom): See the Constitution of Gibraltar, Article 45(1), which states that the executive of Gibraltar is the Queen of England, whose authority is vested in the governor of Gibraltar.

<sup>64</sup> Catalonia (Spain): See, Spain's 1979 *Autonomy Statute of Catalonia*, Article 37(1), which states that executive powers shall be determined by the Law of Catalonia.

Jammu and Kashmir (India): See Jammu and Kashmir, where local executive powers are determined by the local legislative powers.

<sup>65</sup> Åland Islands (Finland): See the Åland Islands, where the Åland Islands' Executive Council is responsible for presenting bills to the legislature.

Micronesia (United States): See Micronesia, where the executive presents bills to the local legislature, without interference from the United States.

Gagauzia (Moldova): See Moldova's 1994 *Special Status of Gagauz Act*, Article 17(2), which gives the Executive Committee the right to submit legislation to the Gagauz legislature.

<sup>66</sup> Greenland (Denmark): See Denmark's 1979 *Greenland Home Rule Act*, Section 1, which provides that the Queen of Denmark shall appoint a representative, the High Commissioner, to serve as governor of

- A governor with executive powers is appointed by the State, subject to consultation with the autonomous entity.<sup>67</sup>
- A governor with executive powers is appointed by the State.<sup>68</sup>
- No governor exists.

### Legislative

- The local legislative body is independent of the State.<sup>69</sup>
- The local legislative body is under the supervision of the State.<sup>70</sup>
- The local legislative body includes representatives of the State and locally elected representatives.<sup>71</sup>

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Greenland. The High Commissioner may only participate in local legislative debates following an invitation by the Greenland legislature.

<sup>67</sup> Åland Islands (Finland): See Finland's 1991 *Act on the Autonomy of Åland*, Section 52, which holds that the State shall appoint a governor to the Åland Islands, but may do so only after consulting with the Speaker of the Åland Islands executive.

Jammu and Kashmir (India): See India's 1952 *Ministry of Law Order No. C O 44*, which states that the government of India shall appoint a governor on the recommendation of the legislature of Jammu and Kashmir.

<sup>68</sup> Gibraltar (United Kingdom): See the Constitution of Gibraltar, Article 45(1), which states that the executive of Gibraltar is the Queen of England, whose authority is vested in the governor of Gibraltar.

<sup>69</sup> Basque Country (Spain): See Spain's 1979 *Statute of Autonomy for Basque Country*, Article 25(1), which states that the legislative power in Basque Country is exercised by the Basque parliament.

Catalonia (Spain): See Spain's 1979 *Autonomy Statute for Catalonia*, Article 30(1), which states that legislative authority in Catalonia is vested with the Catalanian parliament.

Gagauzia (Moldova): See Moldova's 1994 *Special Status of Gagauz Act*, Article 7, which provides for a National Assembly, the legislative body of the Gagauz government.

Greenland (Denmark): See Denmark's 1979 *Greenland Home Rule Act*, Section 4, which states that legislative power in Greenland shall be held by a 31 member legislature (the "Landsting").

Jammu and Kashmir (India): See Jammu and Kashmir, which has its own separate legislature.

Micronesia (United States): See Micronesia's 1979 Constitution, Article IX Section 1, which states that the legislative body of Micronesia is the Congress of Micronesia.

Netherlands Antilles (Netherlands): See the Netherlands Antilles, which has a local parliament, the Staten, that handles matters for which it has authority.

Puerto Rico (United States): See Puerto Rico's 1952 Constitution of the Commonwealth of Puerto Rico, Article IV, Sections 1 and 2, which provides for a bicameral legislature.

<sup>70</sup> Cook Islands (New Zealand): See the Constitution of the Cook Islands, Article 27(2), which states that legislative authority for the Cook Islands is located in the Cook Islands parliament, but all bills must be approved by the representative of the Queen of England before they can become law.

- No separate local legislative body exists.<sup>72</sup>

*Selection of local legislature:*

- The local legislature is elected directly by the persons eligible to vote in the autonomous entity.<sup>73</sup>
- The local legislature is made up of elected officials and representatives appointed by the State/<sup>74</sup>
- The local legislature is made up of representatives appointed by the State.

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<sup>71</sup> Gibraltar (United Kingdom): See the Constitution of Gibraltar, Articles 24 and 25, which states that the legislature of Gibraltar shall consist of the Gibraltar Assembly and the governor, and the Gibraltar Assembly will be made up of representatives of the United Kingdom, appointed by the governor, as well as 15 other members elected by popular vote.

<sup>72</sup> Chittagong Hill Tracts (Bangladesh): See the Chittagong Hill Tracts, where all legislative power for the Chittagong Hill Tracts is held by the Bangladesh government.

<sup>73</sup> Åland Islands (Finland): See Finland's 1991, *Act on the Autonomy of Åland*, Section 13, which holds that the legislature of the Åland Islands shall be elected by secret ballot, with universal suffrage for persons of the Åland Islands over 18 years.

Basque Country (Spain): See Spain's 1979 *Statute of Autonomy for Basque Country*, Articles 25(1) and 26(1), which states that the Basque Parliament is elected directly by the persons of Basque eligible to vote.

Cook Islands (New Zealand): See the Constitution of the Cook Islands, Article 39(1), which states that the parliament of the Cook Islands shall be elected by the persons of the Cook Islands eligible to vote.

Gagauzia (Moldova): See Moldova's 1994 *Special Status of Gagauz Act*, Article 8(1), which holds that members of Gagauzia's legislative body, the National Assembly, shall be elected by the Gagauz people eligible to vote.

Greenland (Denmark): See Denmark's 1979 *Greenland Home Rule Act*, Section 2(1), which states that Greenland's local legislature shall be elected directly by the persons of Greenland eligible to vote.

Micronesia (United States): See Micronesia, where local government officials are elected by direct popular vote by the persons of Micronesia eligible to vote.

Netherlands Antilles (Netherlands): See the Netherlands Antilles, where members of the local legislative parliament are elected by the persons of Netherlands Antilles eligible to vote.

Puerto Rico (United States): See Puerto Rico's 1952 Constitution of the Commonwealth of Puerto Rico, Article IV, Sections 1 and 2, which holds that the Puerto Rico legislature shall be directly elected by the persons of Puerto Rico eligible to vote.

<sup>74</sup> Gibraltar (United Kingdom): See the Constitution of Gibraltar, Articles 24 and 25, which states that the legislature of Gibraltar shall consist of the Gibraltar Assembly and the governor, and the Gibraltar Assembly will be made up of representatives of the United Kingdom, appointed by the governor, and 15 other members elected by popular vote by persons of Gibraltar eligible to vote.

### *Legislative Power:*

- The local legislature is independent of the State.<sup>75</sup>
- The local legislature is under the supervision of the State.<sup>76</sup>
- The local legislature is independent of the State, and where local legislative acts conflict with State legislative acts, the State acts prevail;<sup>77</sup>
- The autonomous entity has no legislative power;<sup>78</sup>

### *Veto power:*

- The State has veto power over any laws passed by the autonomous entity that exceed the powers given to the autonomous entity;<sup>79</sup>

### Judiciary

- The local judiciary is independent of the State for all matters where jurisdiction is reserved for the autonomous entity.<sup>80</sup>

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<sup>75</sup> Catalonia (Spain): See Spain's 1991 *Autonomy Statute for Catalonia*, Article 30(1), which states that the Catalanian parliament shall exercise the legislative powers assigned to it under the Spanish Constitution and the *Autonomy Statute for Catalonia*.

Gagauzia (Moldova): See Moldova's 1994 *Special Status of Gagauz Act*, 12(2), which states that the Gagauz National Assembly has the power to make laws in five clearly defined areas.

Greenland (Denmark): See Denmark's 1979 *Greenland Home Rule Act*, Section 4 and Schedule, which indicates that the Greenland legislature shall have independent legislative authority.

Micronesia (United States): See Micronesia, where the local legislature, the Congress of Micronesia, has legislative authority independent from the United States government.

<sup>76</sup> Cook Islands (New Zealand): See the Constitution of the Cook Islands, Article 44(1), which states that all bills passed by the parliament must be approved by the representative of the Queen of England.

Gibraltar (United Kingdom): See the Constitution of Gibraltar, Article 33, which states that laws passed by the Gibraltar legislature must be approved by the Queen of England or the governor of Gibraltar on the Queen's behalf.

<sup>77</sup> Jammu and Kashmir (India): See Jammu and Kashmir, where the Kashmiri legislature may legislate on all issues for the region, but where legislation conflicts with Indian government legislation, the Indian legislation prevails.

<sup>78</sup> Chittagong Hill Tracts (Bangladesh): See the Chittagong Hill Tracts, where all legislative power is held by the Bangladesh government.

<sup>79</sup> Åland Islands (Finland): See the Åland Islands, where all laws passed by the Åland Islands government that exceed the powers vested with the Åland Islands government by the *Act on the Autonomy of Åland* must be approved by the Finnish President, who has final veto power.

<sup>80</sup> Micronesia (United States): See Micronesia's 1979 Constitution, Article XI Section 1, which holds that the Micronesia shall have its own separate judiciary.

- The local judiciary is under the supervision of the State.<sup>81</sup>
- The autonomous entity has no separate judiciary, but there does have local assessors, for minor local cases.<sup>82</sup>
- The autonomous entity has no separate judiciary, but it has some authority over State judicial bodies in the autonomous entity.<sup>83</sup>
- No separate judiciary exists.<sup>84</sup>

### *Administration of Justice*

- Administration of justice is the responsibility of the autonomous entity.<sup>85</sup>

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<sup>81</sup> Cook Islands (New Zealand): See the Constitution of the Cook Islands, Article 47(2) and Article 52, which provides for a separate Cook Islands' court system, in which the Chief Justice of the High Court and one or more judges in the High Court are appointed by the representative of the Queen of England.

Gagauzia (Moldova): See Moldova's 1994 *Special Status of Gagauz Act*, Article 20(1) and (2), which provides for a separate Gagauz judiciary, in which judges are appointed by the President of Moldova on the recommendation of the Gagauz National Assembly.

Gibraltar (United Kingdom): See the Constitution of Gibraltar, Article 56, which provides for a separate Gibraltar judiciary, over which the Queen of England has final jurisdiction.

Jammu and Kashmir (India): See Jammu and Kashmir, which has a separate judiciary, and the judiciary's high court judges are appointed by the prime minister of India after consultation with the chief minister of Jammu and Kashmir and the chief justice of India.

Navajo (United States): See the *Iowa Mut. Ins. Co. v. LaPlante*, 480 U.S. 9 (1987), which affirms that tribal courts shall be used for matters concerning the Navajo nation, and questions concerning tribal members will only be addressed by non-tribal courts after all tribal remedies are exhausted.

Puerto Rico (United States): See Puerto Rico's 1952 Constitution of the Commonwealth of Puerto Rico, Article V, Sections 1 and 2, which provides for a separate judicial system for Puerto Rico, where the Supreme Court of Puerto Rico is the court of last resort. However, decisions by the Puerto Rico Supreme Court may be reviewed by the United States Supreme Court.

<sup>82</sup> Greenland (Denmark): See Greenland, where there is no separate judiciary, but there are 18 court districts overseen by local assessors, handling civil and criminal cases.

<sup>83</sup> Basque Country (Spain): See the Basque Country, where the territory has no separate judiciary and the islands are covered under the Spanish judicial system, but the Basque government participates in the appointments of judges for Basque Country courts. Under the *Statute of Autonomy of the Basque country*, Article 34(1), a special High Court, under the authority of the Spanish government, is the supreme court exclusively for Basque Country issues.

Netherlands Antilles (Netherlands): See the Netherlands Antilles, where the justices of the Joint High Courts of the Netherlands Antilles are appointed by the Netherlands government, with the consent of the governments of the Netherlands Antilles.

<sup>84</sup> Åland Islands (Finland): See the Åland Islands, which is under the Finnish judicial system.

<sup>85</sup> Basque Country (Spain): See Basque Country, where the Basque government administers justice.

- Administration of justice in the autonomous entity is in accordance with the laws of the State.<sup>86</sup>
- Administration of justice is the responsibility of the State.<sup>87</sup>

### Public Security

- The autonomous entity is responsible for public security and safety.<sup>88</sup>
- The State is responsible for public security and safety.<sup>89</sup>

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Cook Islands (New Zealand): See the Cook Islands, which has responsibility for the administration of justice.

Micronesia (United States): See Micronesia, where the authority is vested with the Micronesian government.

Navajo (United States): See the Navajo, where tribal courts are responsible in the Navajo reservation.

<sup>86</sup> Åland Islands (Finland): See the Åland Islands, where the administration of justice is handled in accordance with the laws of Finland.

Netherlands Antilles (Netherlands): See the *Charter for the Kingdom of the Netherlands*, Article 39(1), which holds that the administration of justice in Netherlands Antilles must be regulated as close as possible to that of the Netherlands.

<sup>87</sup> Greenland (Denmark): See Greenland, where the administration of justice is the responsibility of Denmark.

<sup>88</sup> Åland Islands (Finland): See the Åland Islands, which has responsibility for their own public security and safety.

Basque Country (Spain): See Spain's 1979 *Statute of Autonomy for Basque Country*, Article 25(1), which states that internal police forces are administered by the Basque government.

Chittagong Hill Tracts (Bangladesh): See the 1997 Peace Accord, Article C(9)(a) and (c), which states that the Chittagong Hill Tracts Regional Council has authority over law and order.

Cook Islands (New Zealand): See the Cook Islands, where the Cook Islands government maintains law and order on the Islands.

Jammu and Kashmir (India): See India's Constitution, State List, which holds that the police force in Jammu and Kashmir is controlled by the Kashmiri government.

Micronesia (United States): See Micronesia's 1979 Constitution, Article IX Section 2, which states that the government of Micronesia has authority over policing and security for Micronesia.

Navajo (United States): See Navajo, which maintains its own police force for law and order on the reservation.

Netherlands Antilles (Netherlands): See the Netherlands Antilles, which has its own police force.

Puerto Rico (United States): See Puerto Rico, which has its own police force and national guard.

- The autonomous entity and the State share responsibility for public security and safety.<sup>90</sup>
- The autonomous entity has legislative authority over public security and safety.<sup>91</sup>
- The State has legislative authority for public security and safety.<sup>92</sup>

### International Representation

#### *Participation in International Organizations:*

- The autonomous entity may seek membership in international organizations.<sup>93</sup>
- The autonomous entity may have representatives only in certain international organizations.<sup>94</sup>
- The autonomous entity is not allowed to be a member of any international organizations.<sup>95</sup>

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<sup>89</sup> Gibraltar (United Kingdom): See the Constitution of Gibraltar, Article 73(1)(a), which states that the governor of Gibraltar shall have responsibility for appointing a police commissioner.

<sup>90</sup> Catalonia (Spain): See Catalonia, where the Catalan government is provided the right to create its own police force, but the Spanish government oversees the recruitment and training of this force, and a State security force has responsibility for nationwide investigations including within Catalonia.

Greenland (Denmark): See Greenland, where the police force is composed of Danes and Greenlanders, and formal responsibility for policing is given to the Danish government.

<sup>91</sup> Åland Islands (Finland): See Finland's 1991 *Act on the Autonomy of Åland*, Section 18(6), which states that the Åland Islands shall have legislative control over all matters of public order and security.

Micronesia (United States): See Micronesia's 1979 Constitution, Article IX Section 2, which holds that the Micronesian Congress has the power to define national crimes and prescribe penalties.

<sup>92</sup> Jammu and Kashmir (India): See India's Constitution, Concurrent List, which holds that procedure for law and order is under the jurisdiction of the Indian government.

<sup>93</sup> Cook Islands (New Zealand): See the Cook Islands, which is a member to multiple international organizations.

Micronesia (United States): See Micronesia, which has chosen to be a member of numerous international organizations including the United Nations. The United States has agreed to support any application for membership submitted by Micronesia to any international organization.

<sup>94</sup> Åland Islands (Finland): See the Åland Islands, which has representation in the Nordic Council.

Gibraltar (United Kingdom): See Gibraltar, which is a member of the European Community and the sub-bureau of Interpol, but for all other international organizations it is represented through the United Kingdom.

<sup>95</sup> Basque Country (Spain): See Basque Country, where the Spanish government has exclusive control over all international relations, including membership in international organizations.

Chittagong Hill Tracts (Bangladesh): See the Chittagong Hill Tracts, which has no authority to join international organizations.

- The autonomous entity has its own relations with international organizations, though no laws exist regulating this right.<sup>96</sup>

### Movements of Peoples

- The autonomous entity has authority over movement of persons to/from the autonomous entity.<sup>97</sup>
- The autonomous entity and the State share authority over movement of persons.
- The State has authority over movement of persons.

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Gagauzia (Moldova): See Gagauzia, which has no authority to join international organizations.

Jammu and Kashmir (India): See Jammu and Kashmir, which has no authority to join international organizations.

Navajo (United States): See the Navajo, which has no authority to participate in international organizations.

<sup>96</sup> Catalonia (Spain): See Catalonia, which has direct relations with the European Community and UNESCO even though the Spanish Constitution reserves authority for all foreign affairs to the Spanish government.

Netherlands Antilles (Netherlands): See Netherlands Antilles, which participates in international organizations, though the Netherlands has authority over foreign affairs.

Puerto Rico (United States): See Puerto Rico, which has relationships with a number of international organizations, though the United States government has authority over Puerto Rico's foreign policy and there are no laws giving the island this right.

<sup>97</sup> Jammu and Kashmir (India): See Jammu and Kashmir, where the Kashmiri government has authority to control movement of peoples to and from other parts of India into Jammu and Kashmir.

Micronesia (United States): See the *Compact of Free Association*. August 24, 1989, U.S. Fed-St of Micronesia T.I.A.S., No. 11,660, Article V, Section 251, which states that Micronesia shall have control over all immigration and emigration issues concerning Micronesia.

Navajo (United States): See the Navajo, which has the right to control entry into and residence within the reservation. See also the Navajo Trib. Code Tit. 17, Ch. 5, Subch. 5 (Supp.1984-85), which holds that the right to exclude non-Navajos is part of the sovereignty of the Navajo nation.

## ECONOMY

Economy activities provide the resources necessary for public well-being and to support functioning of an autonomous entity. Control over the economic affairs may be handled by the State, provided to the government of the autonomous entity, or jointly handled by both. The development of natural resources, taxes and revenue, trade, employment, and ownership of land are the foundations of an economy. Varying degrees of control over these areas dictates the level of autonomy.

### Natural Resources

#### *Development of natural resources:*

- The autonomous entity has authority over all its natural resources.<sup>98</sup>
- The autonomous entity has authority over specific natural resources.<sup>99</sup>
- The autonomous entity has authority over specific natural resources, and shares rights over other resources with the State.<sup>100</sup>
- The development of natural resources requires an agreement between the autonomous entity and the State.<sup>101</sup>

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<sup>98</sup> Cook Islands (New Zealand): See the Cook Islands, which have exclusive right over management of its natural resources.

Navajo (United States): See the Navajo, which as authority over its natural resources.

Netherlands Antilles (Netherlands): See the Netherlands Antilles, which has control over its natural resources.

Puerto Rico (United States): See Puerto Rico, which has control over its natural resources.

<sup>99</sup> Basque Country (Spain): See the Spanish Constitution, Article 10(8-11), which states that Basque Country shall have authority over woodland and forestry, livestock, agriculture, fishing, shellfish, hunting, hydraulic projects, canals and irrigation within Basque Country.

Catalonia (Spain): See Spain's *Autonomy Statute for Catalonia*, Article 9(9, 10, and 17), which holds that Catalonia has authority over territorial and costal planning, woodlands, forestry resources, livestock, protected nature areas, mountain zones, fishing, shellfish, aquaculture, and hunting.

<sup>100</sup> Åland Islands (Finland): See Finland's *Act on the Autonomy of Finland*, Section 18(17 and 19), 19 and 27(17), which hold that the Åland Islands government has authority over agricultural production, farming, forestry, hunting and fishing, farmlands, forests, and fishing waters, and the Åland Islands government and the Finnish government share authority over mineral finds and mining.

<sup>101</sup> Greenland (Denmark): See Denmark's 1978 Greenland Home Rule Act, Section 8(1), which holds that Greenland has fundamental rights to its natural resources, and any development of natural resources must be agreed between the Greenland government and the Danish government. Additionally, a joint committee of representatives from the Greenland government and the Danish government advise on issues regarding natural resources.

- The autonomous entity and the State have joint authority over natural resources.<sup>102</sup>
- The State has authority over natural resources.<sup>103</sup>

## Taxes and Revenue

### *Tax collection:*

- The autonomous entity may levy taxes and the State does not levy any additional tax.<sup>104</sup>
- The autonomous entity may levy taxes and the State levies additional taxes.<sup>105</sup>
- The autonomous entity has authority to levy specific taxes.<sup>106</sup>
- The autonomous entity may levy taxes, subject to the laws of the State.<sup>107</sup>

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<sup>102</sup> Jammu and Kashmir (India): See India's Constitution, Union List and State List, which state that the management of natural resources in Jammu and Kashmir shall be the joint responsibility of the Kashmir government and the Indian government.

<sup>103</sup> Faroe Islands (Denmark): See the Faroe Islands, where the Danish government has control over the Islands' natural resources.

<sup>104</sup> Basque Country (Spain): See Basque Country, which has the authority to levy all taxes.

Puerto Rico (United States): See the Constitution of the Commonwealth of Puerto Rico, Article VI, Sections 2 and 3, which hold that Puerto Rico has the right to levy its own taxes. Puerto Ricans are not subject to United States federal taxes.

Micronesia (United States): See the Federated States of Micronesia Constitution, Article VIII, Section 3, which holds that Micronesia may impose income taxes. See also the *Compact of Free Association*, Aug. 24, 1989, U.S.-Fed. St. of Micronesia, T.I.A.S., No. 11,660, Article V, Section 252, which holds that Micronesian citizens are exempt from United States taxes

Cook Islands (New Zealand): See the Cook Islands, which levies its own taxes.

Netherlands Antilles (Netherlands): See the Netherlands Antilles, which levies taxes, and the Netherlands does not levy any additional taxes.

<sup>105</sup> Faroe Islands (Denmark): See Denmark's 1978 *Home Rule Act*, Section 6, which states the Faroese government administers taxes, and the Danish government levies additional taxes.

Greenland (Denmark): See Denmark's 1978 *Greenland Home Rule Act*, which states that the Greenland government levies taxes and the Danish government levies additional taxes.

<sup>106</sup> Chittagong Hill Tracts (Bangladesh): See the Chittagong Hill Tracts, which has authority to impose taxes and fees for registration fees for non-mechanical transport, the purchase and sale of goods, holdings from land and buildings, the sale of domestic animals, fees for cases of social justice, holding tax on governmental and non-governmental industry, royalty from forest resources, supplementary tax from entertainment, royalties from the exploration and extractions of mineral resources, tax on business, tax on the lottery, and tax on fishing.

<sup>107</sup> Catalonia (Spain): See the Spanish Constitution, Article 133(1-2), which holds that while the Spanish government has the original power to levy taxes, autonomous entities such as Catalonia shall have the right to levy certain taxes in accordance with the Constitution. Additionally, the 1980 *Organic Law of*

- The autonomous entity has limited authority to levy taxes, and certain revenues from taxes levied by the State are returned to the autonomous entity.<sup>108</sup>
- The State has authority to levy specific taxes, and the autonomous entity has the right to levy all other taxes.<sup>109</sup>
- The autonomous entity levies certain taxes and the State may levy additional taxes. Additionally, the autonomous entity receives additional grants, loans, and subsidies from the central government.<sup>110</sup>
- The autonomous entity levies taxes, and the State imposes taxes on the autonomous entity, the collection of which is delegated to the autonomous entity.<sup>111</sup>
- The autonomous entity has no right to levy tax.<sup>112</sup>

*Customs:*

- The autonomous entity has authority over customs.<sup>113</sup>
- The State has control over customs, and must inform the autonomous entity of State legislation which affects customs matters of the autonomous entity.<sup>114</sup>
- The autonomous entity and the State have joint control over customs.<sup>115</sup>

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*the Financing of the Autonomous Communities* provides a mechanism for the autonomous entities of Spain to coordinate their tax policy with the Spanish government.

<sup>108</sup> South Tyrol (Italy): See South Tyrol, which has limited authority over taxes, and revenues from taxes levied by the Italian government are automatically applied to South Tyrol in accordance with the *Autonomy Statute*.

<sup>109</sup> Jammu and Kashmir (India): See India's Constitution, Union List, which specifies the areas where India may levy taxes for Jammu and Kashmir, and Jammu and Kashmir shall have authority to levy all other taxes.

<sup>110</sup> Åland Islands (Finland): See Finland's *Act on the Autonomy of Finland*, Sections 45-51 and 18(5), which holds that the Åland Islands may levy taxes on income, trade, entertainment and municipal taxes. The Finnish government also levies additional taxes, and provides the islands with special grants and subsidies.

<sup>111</sup> This model was practiced by Ethiopia for the then autonomous region of Eritrea (Eritrea became independent in 1994). The regime was established by a 1950 General Assembly of the United Nations resolution (General Assembly Resolution 390A (V)).

<sup>112</sup> Northern Ireland (United Kingdom): See Northern Ireland, which has no right to levy taxes; all taxes are levied by the United Kingdom.

<sup>113</sup> Cook Islands (New Zealand): See the Cook Islands, which has authority over customs.

Micronesia (United States): See Micronesia, which has authority over customs.

<sup>114</sup> Basque Country (Spain): See Spain's 1979 *Statute of Autonomy of the Basque Country*, Article 20(6), which holds that the Spanish government must inform the Basque government of any legislation that affects the customs of Basque Country.

<sup>115</sup> Faroe Islands (Denmark): See the Faroe Islands, where the Faroe Islands government and the Danish government have joint authority over imports and exports.

- The autonomous entity has no explicit authority over customs.<sup>116</sup>

## Trade

### *Foreign Trade:*

- The autonomous entity has authority over its foreign trade.<sup>117</sup>
- The autonomous entity has authority to handle limited issues related to foreign trade.<sup>118</sup>
- The autonomous entity has authority to conduct designated foreign trade activities, and the State and the autonomous entity must consult with the other on issues of foreign trade that affect the other party.<sup>119</sup>
- The autonomous entity maintains representative offices for the purpose of promoting trade.<sup>120</sup>
- The State authorizes the autonomous entity to sign certain categories of trade agreements with states or international organizations.<sup>121</sup>

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<sup>116</sup> Åland Islands (Finland): See Finland's *Act on the Autonomy of Finland*, Section 27(41), which holds that the Finnish government maintains border guards for the Åland Islands, and the Åland Islands have no authority over customs.

Chittagong Hill Tracts (Bangladesh): See the Chittagong Hill Tracts, which has no authority over customs.

Greenland (Denmark): See Greenland, where the Danish government controls customs as it would any other part of Denmark.

Jammu and Kashmir (India): See India's Constitution, Union List, which states that India has sole authority over customs for the Indian territory, including Jammu and Kashmir.

Northern Ireland (United Kingdom): See Northern Ireland, where the United Kingdom controls the customs of the region.

Puerto Rico (United States): See Puerto Rico, where United States laws apply to customs.

South Tyrol (Italy): See South Tyrol, where the Italian government has authority over customs for the region.

<sup>117</sup> Micronesia (United States): See Micronesia, which has authority over its own foreign trade.

<sup>118</sup> South Tyrol (Italy): See the Italy's *Autonomy Statute*, Article 8(20), which holds that South Tyrol shall be given authority over issues of foreign trade related to the promotion of tourism.

<sup>119</sup> Greenland (Denmark): See Denmark's 1979 *Greenland Home Rule Act*, Section 13 and Section 16(2) which holds that the Greenland government and the Danish government must consult with the other on any foreign trade agreement which affects the interests of the other entity.

<sup>120</sup> Catalonia (Spain): See Catalonia, which maintains representative offices in other countries to promote trade and tourism.

<sup>121</sup> Palestine (Israel): See the *Israeli-Palestinian Interim Agreement on the West Bank and the Gaza Strip* (1995) (Article 9(5)), which provides the right of Palestine to manage certain categories of foreign trade.

- The State has authority over foreign trade.<sup>122</sup>

*Banking:*

- The autonomous entity regulates all banks and financial institutions.
- The autonomous entity must cooperate with the State with regard to problems involving banking and foreign exchange policy.<sup>123</sup>
- The State regulates all banks and financial institutions for the autonomous entity.<sup>124</sup>

*Currency:*

- The autonomous entity has its own currency, and has authority over its currency.
- The autonomous entity has its own currency, and must cooperate with the State with regard to its currency.<sup>125</sup>
- The autonomous entity has the right to issue its own currency upon agreement with the State.<sup>126</sup>
- The autonomous entity uses its own currency and the State currency.<sup>127</sup>
- The autonomous entity uses its own currency as well as the State currency, and the State prints and distributes both currencies.<sup>128</sup>
- The autonomous entity uses the State currency, and the State has sole control over the currency.<sup>129</sup>

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<sup>122</sup> Basque Country (Spain): See Spain's Constitution, Article 149(13), which states that the Spanish government has authority over foreign trade for all of Spain.

<sup>123</sup> Netherlands Antilles (Netherlands): See the *Charter of the Kingdom of the Netherlands Antilles*, Article 3(c)(1), which holds that the Netherlands Antilles government must cooperate with the Netherlands government regarding problems with the banking system and foreign exchange.

<sup>124</sup> Jammu and Kashmir (India): See India's Constitution, Union List, which holds that India shall regulate all banks and financial institutions in Indian territory, including in Jammu and Kashmir.

<sup>125</sup> Netherlands Antilles (Netherlands): See the Netherlands Antilles, where the official currency is the Netherlands Antilles guilder. See also the *Charter of the Kingdom of the Netherlands Antilles*, Article 3(c)(1), which holds that the Netherlands Antilles government must cooperate with the Netherlands government regarding problems with its currency.

<sup>126</sup> Micronesia (United States): See the *Compact of Free Association*, Aug. 24, 1989, U.S.-Fed. St. of Micronesia, T.I.A.S., No. 11,660, Article V, Section 251, which holds that Micronesia may issue its own currency, the terms of which must be agreed with the government of the United States. Micronesia elects to use the United States dollar.

<sup>127</sup> Cook Islands (New Zealand): See the Cook Islands, where the official currencies are the Cook Islands dollar and the New Zealand dollar.

<sup>128</sup> Faroe Islands (Denmark): See the Faroe Islands, where the official currencies are the Faroe Islands krone and the Danish krone, both printed by the Danish government.

## Employment

### *Authority over labor matters:*

- The autonomous entity has authority over labor matters.<sup>130</sup>
- The autonomous entity has the right to implement preferential hiring policies.<sup>131</sup>
- The autonomous entity and the State share authority over labor matters.
- The State has authority over labor matters.

## Property and Land Ownership

### *Land ownership*

- Only citizens of the autonomous entity may own land in the autonomous entity.<sup>132</sup>

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<sup>129</sup> Åland Islands (Finland): See Finland's *Act on the Autonomy of Finland*, Section 18(5), which holds that the currency of the Åland Islands is the Finnish markka, and the Finnish government retains total control over the currency.

Basque Country (Spain): See Basque Country, where the official currency is the Spanish peseta. See also the Spanish Constitution, Article 149(11), which states that the Spanish government shall have control over currency within Spain.

Catalonia (Spain): See Catalonia, where the official currency is the Spanish peseta. See also the Spanish Constitution, Article 149(11), which states that the Spanish government shall have control over currency within Spain.

Chittagong Hill Tracts (Bangladesh): See the Chittagong Hill Tracts, where the official currency is the Bangladesh taka.

Greenland (Denmark): See Greenland, where the official currency is the Danish krone, and the Danish government has authority over the krone.

Northern Ireland (United Kingdom): See Northern Ireland, where the official currency is the British pound sterling, and the United Kingdom has authority over the pound.

Puerto Rico (United States): See Puerto Rico, where the official currency is the United States dollar, and the United States government has authority over the dollar.

South Tyrol (Italy): See South Tyrol, where the official currency is the Italian lira, and the Italian government has authority over the lira.

<sup>130</sup> South Tyrol (Italy): See Italy's 1972 *New Autonomy Statute*, Section 8(23) and 9(5), which holds that South Tyrol has authority over labor issues.

Faroe Islands (Denmark): See the Faroe Islands, where the Faroe Islands government administers labor issues.

<sup>131</sup> Chittagong Hill Tracts (Bangladesh): See the Chittagong Hill Tracts, where the Chittagong Tribal Council has authority over hiring practices, and may give priority to tribal citizens.

- No land, except for specified land owned by the State, may be transferred or sold without the permission of the autonomous entity.<sup>133</sup>
- Land may be reserved by the State for members of a minority group.<sup>134</sup>
- The autonomous entity has no control over land rights.<sup>135</sup>

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<sup>132</sup> Jammu and Kashmir (India): See Jammu and Kashmir, where only citizens of Jammu and Kashmir may own land.

<sup>133</sup> Chittagong Hill Tracts (Bangladesh): See the Chittagong Hill Tracts, where no land except for specified land, owned by the Bangladesh government, may be transferred or sold without permission from the local district councils.

<sup>134</sup> Malaysia: See Malaysia's autonomous regime for ethnic Malays, established under the Malaysian Constitution (Article 89), which holds that the Malaysian government may reserve land for minority groups.

<sup>135</sup> Sammi People (Finland/Norway): See the autonomous regimes governing the Saami people (Lapps) of northern Sweden, Norway, and Finland.

## CULTURE

Common culture is the basis of group identity. The overarching objective of autonomy arrangements is to protect and promote distinct minority cultures. Responsibility for ensuring cultural autonomy may be reserved by the national government, allocated to the governing authority of the autonomous entity or shared between them. Varying degrees of autonomy are typically allocated to cultural expression in the areas of language, education, religious matters, and symbols of cultural identity.

### Cultural Autonomy

#### *Legal recognition:*

- The autonomous entity has a legal guarantee protecting the right of ethnic minorities to cultural autonomy.<sup>136</sup>
- The autonomous entity has no legal guarantee protecting the right of ethnic minorities to cultural autonomy.

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<sup>136</sup> Latvia: See Latvia's 1991 *Law of the Unrestricted Development and Right to Cultural Autonomy of Latvia's nationalities and Ethnic Groups*.

Åland Islands (Finland): See Finland's *Act of Autonomy of Åland*, Section 18(14), which holds that responsibility for all matters relating to culture in the Åland Islands are reserved for the Åland Island government.

Catalonia (Spain): See Spain's 1980 *Autonomy Statute for Catalonia*, Article 9(24), which gives power over all cultural issues to the government of Catalonia.

Faroe Islands (Denmark): See Denmark's 1948 *Home Rule Act*, which states that the Faroe Islands government has full control over cultural issues for the Faroe Islands.

Gagauzia (Moldova): See Moldova's 1994 *Special Status of Gagauz Act* Article 17(1)(h), which gives full control over laws and regulations regarding culture to the Gagauz local government, the National Assembly.

Greenland (Denmark): See Denmark's 1979 *Greenland Home Rule Act*, which provides that Greenland's local government have authority over the cultural affairs of the autonomous entity.

Nunavut (Canada): See the Canadian *Constitution Act* (1867), Sections 91(10) and 91(13), which hold that Nunavut has authority to promote the Nunavut culture.

Palestine (Israel): See the 1995 *Palestinians-Israeli Interim Agreement on the West Bank and the Gaza Strip*, Annex III, Appendix 1, article 32, which gives authority over cultural and religious affairs in Palestine to the Palestinian Authority.

South Tyrol (Italy): See Italy's 1972 *Autonomy Statute*, which states that the South Tyrol government has full control over all cultural affairs.

## Education

- Education is the responsibility of the autonomous entity.<sup>137</sup>
- Education is the responsibility of the autonomous entity, subject to conditions set by the State.<sup>138</sup>
- Responsibility for education is shared by the autonomous entity and the State.<sup>139</sup>

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<sup>137</sup> Åland Islands (Finland): See Finland's 1991 *Act of Autonomy of Åland*, Section 18(14), which holds that responsibility for education is reserved for the government of the Åland Islands.

Catalonia (Spain): See Spain's 1980 *Statute of Autonomy*, Article 9(14), which gives power to Catalonia for all regulation and administration for all issues concerning the region's education.

Greenland (Denmark): See the example of Greenland, where education is administered by Greenlanders, by the Director of Education for Greenland.

Micronesia (United States): See the 1983 Federated States of Micronesia Constitution, Article IX, Section 2, which holds that the Micronesian government has full authority to provide and promote education.

Netherlands Antilles (Netherlands): See the example of the Netherlands Antilles, where education is regulated by the Netherlands Antilles Council of Ministers.

Northern Ireland (United Kingdom): See the example of Northern Ireland, where education is administered by the Northern Ireland Parliament.

Palestine (Israel): See the 1995 *Palestinians-Israeli Interim Agreement on the West Bank and the Gaza Strip*, Annex III, Article 9, which gives authority over education in Palestine to the Palestinian Authority.

Puerto Rico (United States): See the example of Puerto Rico, which has authority over all education issues.

<sup>138</sup> Nunavut (Canada): See the Canadian *Constitution Act* (1867), Section 9 (28), which provides that Nunavut has authority over education, subject to conditions of the central government.

Quebec (Canada): See the Canadian *Constitution Act* (1867), which holds that each Canadian province, which Quebec is one, has authority over education as long as local legislation does not interfere with federal legislation on education.

<sup>139</sup> Faroe Islands (Denmark): See the example of Denmark, where the 1948 *Home Rule Act* designates education a responsibility of the Faroe Islands, but the Faroe government elects to share responsibility for education issues with the Danish government.

Navajo (United States): See the example of the Navajo, who are guaranteed education as American citizens by the United States government under *Myers v. Board of Education of the San Juan School District*, 23 Indian L. Rep. 3045 (D. Utah 1995), but who also may establish their own schools and colleges.

Tatarstan (Russian Federation): See the *Treaty on Demarcation of Powers Between the Agencies of State Power of the Russian Federation and the Republic of Tatarstan* (1994), which holds that responsibilities for education are shared by the governments of Russia and Tatarstan.

Jammu and Kashmir (India): See the example of Jammu and Kashmir, where the Kashmiri government administers education over the residents of Kashmir, and the Indian government also influences education through funding and formulation of education policies.

- Education is the responsibility of the State.<sup>140</sup>

#### *Construction of Schools:*

- The autonomous entity has authority to construct new schools.<sup>141</sup>
- The autonomous entity and State each have authority to build new schools.<sup>142</sup>
- Only the State may construct new schools.

#### *Employment and Supervision of Teachers:*

- The autonomous entity has authority to employ and supervise teachers for autonomous schools.<sup>143</sup>
- Teachers hired by the autonomous entity must be approved by the State.
- The State has authority to hire and supervise teachers for autonomous schools.<sup>144</sup>

#### *Development of Curricula:*

- The autonomous entity has authority to develop curriculum.
- The autonomous entity has authority to develop curriculum, and the curriculum is approved by the central government.
- The autonomous entity has authority to develop curriculum for limited subjects.
- The State has authority to develop curriculum.

### Language

#### *Official status of minority language(s):*

- The local language of the autonomous entity is the only official language of the autonomous entity, and is also one of the official languages of the State.<sup>145</sup>

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<sup>140</sup> Torres Strait Islands (Australia): See the example of the Torres Strait Islands, where the Australian government holds responsibility for education on the Island.

<sup>141</sup> South Tyrol (Italy): See the example of South Tyrol, which has legislative control over school construction.

<sup>142</sup> Navajo (United States): See the example of the Navajo, who are guaranteed education as American citizens by the United States government under *Myers v. Board of Education of the San Juan School District*, 23 Indian L. Rep. 3045 (D. Utah 1995), but who also may establish their own schools and colleges.

<sup>143</sup> Estonia: See Estonia's 1920 Constitution (Section 2), which guarantees minorities in Estonia the right to organize, administer, and supervise public and private schools.

<sup>144</sup> South Tyrol (Italy): See Italy's autonomous regime for South Tyrol/Alto Adige, 1972 New Autonomy Statute (Sections 8(26-29), 9(2), and 19).

<sup>145</sup> Åland Islands (Finland): See Finland's *Åland Guarantee Act* (Section 36), which states Swedish is the only official language of the Åland Islands while both Swedish and Finnish are the official languages of Finland.

- The local language of the autonomous entity is the only official language of the autonomous entity, and is not an official language of the State.<sup>146</sup>
- The local language of the autonomous entity and the State language are official languages of the autonomous entity.<sup>147</sup>
- The local language of the autonomous entity has no official status.<sup>148</sup>

*Language at schools:*

- Students in the autonomous entity are entitled to instruction in their mother tongue.<sup>149</sup>
- The local language must be used in schools.<sup>150</sup>

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Jammu and Kashmir (India): See the example of Jammu and Kashmir, where the official language is Urdu.

Quebec (Canada): See the example of Quebec, where French is only the official language of the province, French and English are co-official languages of Canada.

<sup>146</sup> Navajo (United States): See the example of the Navajo Reservation, where the official language is Navajo.

<sup>147</sup> Basque Country (Spain): See Basque Country in Spain, where the local language “Euskera” and Castilian Spanish are co-official languages of the region.

Gagauzia (Moldova): See Moldova’s 1994 *The Special Status of Gagauz Act*, which holds that Moldovan, Russian and Gagauz are the official languages of Gagauzia.

Greenland (Denmark): See the example of Greenland, where both Greenlandic and Danish are official languages for the autonomous entity.

Micronesia (United States) See the example of the Federated States of Micronesia, where the official languages are English and all local languages, including Trukese, Pohnpeian, Yapese, Kosrean, Kapingi, Ulithian, Wolian, and Nukuoran.

Puerto Rico (United States): See the example of Puerto Rico, where English and Spanish are both official languages.

Tatarstan (Russian Federation): See the Tatarstan Constitution, Article 49, which states that Russian and Tatar languages are both official languages of Tatarstan.

<sup>148</sup> Netherlands Antilles (Netherlands): See the example of the Netherlands Antilles, where the only official language is Dutch and the minority languages have no official status.

Palestine (Israel): See the example of Palestine, where the official language of Israel is Hebrew, and there is no official status of Arabic, the language spoken by Palestinians.

Torres Strait Islands (Australia): See the example of the Torres Strait Islanders, where English is the only official language for the Torres Strait Islands.

<sup>149</sup> Chittagong Hill Tracts (Bangladesh): See the example of the Chittagong Hill Tracts, where students in the Hill Tracts, are entitled to be educated in their mother tongue.

<sup>150</sup> Åland Islands (Finland): See Finland’s *Åland Guarantee Act* (Section 40), which states that Swedish is the language of education for all schools maintained or funded by state within the Åland Islands.

- The State language must be used in schools.<sup>151</sup>
- Both local and State languages must be used in schools.<sup>152</sup>
- The local language is the language of instruction and the State language must be taught to each student.<sup>153</sup>
- The State language is the language of instruction and the local language must be taught to each student.
- No language requirements exist for schools.

*Language proficiency for students:*

- Students in the autonomous entity do not need to be proficient in the State language.<sup>154</sup>
- Students in the autonomous entity must become proficient in the State language.

*Language proficiency for teachers:*

- Teachers must be proficient in State and local languages, and must be native speakers of the primary language taught at schools.<sup>155</sup>
- Teachers do not need to be proficient in both State and local language.

*Language proficiency for State government officials*

- State officials working in the autonomous entity must be proficient in the local language.<sup>156</sup>

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Latvia: See Latvia's Law on the Education of National Minorities (1919), which holds that each ethnic minority has a right to educate its children in its mother tongue.

<sup>151</sup> Gibraltar (United Kingdom): See the 1969 Constitution of Gibraltar, Article 12(1), which provides that English is the language used in schools.

Netherlands Antilles (Netherlands): See the example of the Netherlands Antilles, where all teaching is in Dutch.

Puerto Rico (United States): See the example of Puerto Rico, where school instruction is conducted in English.

<sup>152</sup> South Tyrol (Italy): See Italy's 1972 *New Autonomy Statute*, Section 29, 2<sup>nd</sup> paragraph, which provides that separate instruction shall be given for German, Italian, and Ladin in schools, and that teaching in the other main language is obligatory.

<sup>153</sup> Faroe Islands: See the example of the Faroe Islands, where Faroese is the language of school instruction and Danish must be taught to all students.

<sup>154</sup> Åland Islands (Finland): See Finland's *Act of Autonomy of Åland*, Section 41, which states that the Åland Islands students may graduate from Finnish institutions without proficiency in Finnish.

<sup>155</sup> South Tyrol (Italy): See the example of South Tyrol, where all teachers must be proficient in the languages taught in South Tyrol Schools (Italian and either German or Ladin), and must be native speakers of the primary language taught in a specific school.

- State officials working in the autonomous entity do not need to be proficient in the local language.
- The executive of the autonomous entity must be fluent in the State and local language.<sup>157</sup>

*Language used with autonomous government bodies:*

- The local language must be used with local autonomous authorities.<sup>158</sup>
- The State language must be used with local autonomous authorities.
- Either the local language or the State language may be used with autonomous authorities.<sup>159</sup>

*Language used for the autonomous government's official documents:*

- The local language must be used for official documents of the autonomous government.<sup>160</sup>
- The State language must be used for official documents of the autonomous government.
- Documents of the autonomous government must be in both State and local languages.
- Either the local or State language may be used for documents of the autonomous government.

*Language used with local State government representatives:*

- The local language must be used with State representatives or in local organs of State, and non-minorities may use the State language with State representatives.<sup>161</sup>

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<sup>156</sup> Åland Islands (Finland): See Finland's *Act of Autonomy of Åland*, Section 42, which states that all state officials in the Åland Islands must be proficient in Swedish.

<sup>157</sup> Tatarstan (Russian Federation): See the Tatarstan Constitution, Article 108, which states that the Tatarstan president must be fluent in both Russian and Tatar.

<sup>158</sup> Åland Islands (Finland): See Finland's *Åland Guarantee Act*, Section 36, which states that Swedish must be used for all communications with organs of self-government.

<sup>159</sup> Faroe Islands (Denmark): See the example of the Faroe Islands, where both Faroese and Danish may be used for official matters.

Puerto Rico (United States): See the example of Puerto Rico, where both Spanish and English are used in local government affairs.

Tatarstan (Russian Federation): See the Tatarstan Constitution, Article 62, which states that local deputies may use the language of the majority of the population in their region.

<sup>160</sup> Åland Islands (Finland): See Finland's *Åland Guarantee Act* Section 36, which states that Swedish must be used for all documents issued by or to organs of self-government in the Åland Islands, and non-Swedish speakers may request a translation of the documents into Finnish.

- The State language must be used with State representatives.<sup>162</sup>
- Either the local or State language may be used with State representatives or in local organs of State, and local authorities must respond in the language in which the citizen has addressed them.<sup>163</sup>

*Language used for the local State government's official documents:*

- The local language must be used for official documents of the State, and non-minorities may request a translation of documents into the State language.<sup>164</sup>
- The State language must be used for documents of the State.
- Documents of State must be in both the local and State language.
- Either the local or the State language may be used for documents of State government.

*Language used in legal proceedings:*

- The local language must be used for legal proceedings.
- The State language must be used for legal proceedings.<sup>165</sup>
- Either the local or State language may be used for legal proceedings.<sup>166</sup>

*Language used for official legal documents:*

- The local language must be used for official legal documents, and non-minorities may request a translation of legal documents into the State language.<sup>167</sup>

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<sup>161</sup> Åland Islands (Finland): See Finland's *Åland Guarantee Act*, Section 36, 38, and 39, which states that Swedish must be used for all communications by state organs that deal with the Åland Islands, including those communications that take place outside the Åland Islands, excepting non-Swedish speakers, who may use Finnish with state representatives.

<sup>162</sup> Gagauzia (Moldova) See the example of Gagauzia, where Moldovan or Russian must be used with Moldovan agencies of public administration.

Puerto Rico (United States): See the example of Puerto Rico, where English is used for all business conducted by United States federal government institutions.

<sup>163</sup> South Tyrol (Italy): See Italy's 1972 New Autonomy Statute (Sections 8(26-29), 9(2), and 19 autonomous regime for South Tyrol.

<sup>164</sup> Åland Islands (Finland): See Finland's *Åland Guarantee Act*, Section 36, which states Swedish must be used for all official documents issued by state organs that deal with the Åland Islands.

<sup>165</sup> Puerto Rico (United States): See the example of Puerto Rico, where business conducted by the United States federal courts is conducted in English.

<sup>166</sup> Åland Islands (Finland): See Finland's *Åland Guarantee Act* (Section 36, 38, and 39) which states that Swedish is used for all legal proceedings dealing with the Åland Islands, including proceedings in the Finnish Supreme Court that deal with the Åland Islands, except for non-Swedish speakers; in which case, Finnish may be used in a court of law.

- The State language must be used for official legal documents.
- Legal documents must be in both the local and State language.
- Either the local or State language may be used for official legal documents.

*Language used in the media:*

- The local language must be used in the media.
- The State language must be used in the media.
- The local and State languages must receive equal time for media programming.
- Either the local or State language may be used in the media.<sup>168</sup>

Religion

- The autonomous entity regulates religious issues.
- The autonomous entity protects religious freedoms and protects access to holy sites.<sup>169</sup>
- The autonomous entity maintains places of worship and religious education.<sup>170</sup>
- The autonomous entity writes and disseminates relevant religious publications.<sup>171</sup>
- The autonomous entity establishes and maintains communications with individuals and communities in matters of religion or belief at the national or international levels.<sup>172</sup>
- The autonomous entity is guaranteed the right to free exercise of religion, subject to the preservation of public order, morality, and health.<sup>173</sup>

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<sup>167</sup> Åland Islands (Finland): See Finland's Åland Guarantee Act (Section 36, 38, and 39), which states, Swedish must be used for all legal documents dealing with the Åland Islands, including decisions issued by the Finnish Supreme Court that deal with the Åland Islands, and non-Swedish speakers may request a translation of court documents into Finnish.

<sup>168</sup> Åland Islands (Finnish): See the example of the Åland Islands, where either Swedish or Finnish may be used for television or radio broadcasts, as well as in newspapers. In practice, all newspapers and television broadcasts are in Swedish, and all but one of the radio broadcasts are in Swedish.

Puerto Rico (United States): See the example of Puerto Rico, where there is no stipulated language requirement, but most local media use Spanish.

<sup>169</sup> Palestine (Israel): See the 1995 *Palestinians-Israeli Interim Agreement on the West Bank and the Gaza Strip*, Annex III, Appendix 1, article 32, which holds that Palestinians shall have authority to protect the freedom of religious worship and access to holy sites.

<sup>170</sup> See the *UN Declaration on the Elimination of All Forms of Intolerance and Discrimination Based on Religious Religion or Belief*, Article 6.

<sup>171</sup> See the *UN Declaration on the Elimination of All Forms of Intolerance and Discrimination Based on Religious Religion or Belief*, Article 6.

<sup>172</sup> See the *UN Declaration on the Elimination of All Forms of Intolerance and Discrimination Based on Religious Religion or Belief*, Article 6.

<sup>173</sup> See the Indian Constitution, Articles 25 and 26 which guarantees the free exercise of religion, subject to the preservation of public order, morality, and health.

- The autonomous entity is guaranteed the right to practice religion without interference of the State, but not to proselytize.<sup>174</sup>

## Symbols

### *Flag:*

- The autonomous entity may have its own flag, and may have legislative powers with respect to the use of its flag.<sup>175</sup>
- Flags of the autonomous entity may be freely used at the discretion of the autonomous entity, but must be flown alongside and at the same height as the State flag.<sup>176</sup>
- There are no provisions for a separate flag for the autonomous entity.<sup>177</sup>
- The State flag must be flown in the autonomous entity, and the autonomous entity may have its own flag, subject to approval by the central government.<sup>178</sup>

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<sup>174</sup> See the Malaysian Constitution, Article 11(4), which protects practicing and professing religion from state interference, but which allows for restriction of proselytizing by the state.

<sup>175</sup> Åland Islands (Finland): See Finland's *Act of Autonomy of Åland*, Section 18(3), which states that the Åland Islands has legislative powers with respect to its flag and its coat of arms.

Greenland (Denmark): See Greenland's 1948 *Home Rule Act*, Article 12, which states that the Faroe Islands may have and fly its own flag.

Jammu and Kashmir (India): See the example of Jammu and Kashmir, which has its own state flag.

Micronesia (United States): See the example of Micronesia, which has its own flag.

Netherlands Antilles (Netherlands): See the example of the Netherlands Antilles, which has its own territorial flag.

Puerto Rico (United States): See the Constitution of the commonwealth of Puerto Rico, Article VI, Section 15, which states that the Puerto Rican Legislative Assembly determines all matters concerning the flag.

Quebec (Canada): See the example of Quebec, which has its own provincial flag.

Tatarstan (Russian Federation): See the Tatarstan Constitution, Article 160, which holds that Tatarstan shall have its own flag.

<sup>176</sup> Basque Country (Spain): See the example of Basque Country, where the Basque flag may be flown freely, but must be flown alongside the Spanish flag.

Catalonia (Spain): The Catalan flag may also be flown freely, but must likewise be flown alongside the Spanish flag.

<sup>177</sup> Chittagong Hill Tracts (Bangladesh): See the example of the Chittagong Hill Tracts, where there is no legal provision for a separate Chittagong Hill Tracts flag.

Torres Strait Islanders (Australia): See the example of the Torres Strait Islanders, for whom there is no separate flag.

- Displaying certain flags is outlawed by the State.<sup>179</sup>

*Seal:*

- The autonomous entity may have its own seal, and authority over the use of its seal.<sup>180</sup>
- The autonomous entity may have its own seal, subject to the approval of the central government.<sup>181</sup>
- The autonomous entity may not have its own seal.

*Anthem:*

- The autonomous entity may have its own anthem, and authority over the use of its anthem.<sup>182</sup>
- The autonomous entity may have its own anthem, subject to the approval of the central government.<sup>183</sup>
- The autonomous entity may not have its own anthem.

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<sup>178</sup> South Tyrol (Italy): See Italy's 1972 *Autonomy Statute*, Article 3, which states that the Italian flag must be flown in South Tyrol, and South Tyrol may have its own flag, which must be approved by the Italian President.

<sup>179</sup> Northern Ireland (United Kingdom): See the example of Northern Ireland, where the displaying of the Republic of Ireland flag is prohibited by the government of the Kingdom.

<sup>180</sup> Puerto Rico (United States): See the Constitution of the commonwealth of Puerto Rico, Article VI, Section 15, which states that the Puerto Rican Legislative Assembly determines all matters concerning the seal.

Quebec (Canada): See the example of Quebec, which has its own provincial seal.

Tatarstan (Russian Federation): See the Tatarstan Constitution, Article 160, which holds that Tatarstan shall have its own coat of arms.

<sup>181</sup> South Tyrol (Italy): See Italy's 1972 *Autonomy Statute*, Article 3, which states that the Italian flag must be flown in South Tyrol, and South Tyrol may have its own seal, which must be approved by the Italian President.

<sup>182</sup> Puerto Rico (United States): See the Constitution of the commonwealth of Puerto Rico, Article VI, Section 15, which states that the Puerto Rican Legislative Assembly determines all matters concerning the anthem.

Tatarstan (Russian Federation): See the Tatarstan Constitution, Article 160, which holds that Tatarstan shall have its own anthem.

<sup>183</sup> South Tyrol (Italy): See Italy's 1972 *Autonomy Statute*, Article 3, which states that the Italian flag must be flown in South Tyrol, and South Tyrol may have its own anthem, which must be approved by the Italian President.