

**ETHNIC GEOGRAPHY AND POLITICAL DEVOLUTION:
ASSESSING THE SPATIAL CONDITIONS FOR NON-TERRITORIAL AUTONOMY**

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ABSTRACT

The concept of non-territorial autonomy gives rise to at least two important questions about this particular model of government: the range of areas over which autonomy extends, and the extent to which this autonomy is indeed non-territorial. A widely used early description of this response to ethnic diversity significantly labelled it “national cultural autonomy”, implying that its focus is mainly on cultural matters, such as language, religion, education and family law. In many of the cases that are commonly cited, indeed, “autonomy” may not even extend this far: its most visible expression is the existence of separate electoral registers or quotas for the various groups. Part of the dilemma lies in the difficulty of devolving substantial power on a non-territorial basis: to the extent that devolved institutions are state-like, they ideally require a defined territory in which to operate. Ethnic groups, however, vary in the extent to which they are territorially concentrated, and therefore in the degree to which any autonomous arrangements for them are territorial or non-territorial. This paper explores the dilemma generated by this tension between ethnic geography (the patterns of settlement characteristic of co-existing ethnic groups) and political autonomy. It considers examples from a range of European cases.

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INTRODUCTION

In the long-running debate about strategies for the management or resolution of ethnic conflict, non-territorial autonomy rarely finds itself in a prominent position, though there have been some important recent collective efforts to reassess its significance (Nimni, 2005; Smith and Cordell, 2008). Discussion of conflict management generally focuses on such well-known strategies as devolution, federation or consociation. Why should this be the case? This paper argues that the main reason for the infrequency with which political elites resort to non-territorial autonomy as a solution to ethnic conflict lies in the distinctive relationship between ethnic geography and political structures that is a precondition for non-territorial autonomy. In brief, non-territorial autonomy can be implemented only if the population group at which it is directed is territorially dispersed rather than being territorially concentrated. But ethnic groups whose leaders articulate a demand for autonomy are usually territorially concentrated. The first part of the paper therefore considers the relationship between administrative geography and ethnic demography, focusing on cases where there is a demand for autonomy on behalf of a group which is territorially dispersed.

But there is a second challenging concept embedded in the notion of “non-territorial autonomy”: the question of autonomy itself. The idea that a group has acquired “autonomy” simply because its collective existence has been institutionally recognised falls far short of the commonsense expectation that autonomy implies a minimum degree of self rule. In Russia, for instance, the term is commonly used in this sense; it may apply to something that amounts to little more than a civil society organisation with quasi-official status (Bowring, 2002, 2007; Osipov, 2012). The second part of the paper explores this dimension: the extent to which the standing of a group extends beyond mere recognition of its corporate existence to include also some measure of collective self-government.

ETHNIC GEOGRAPHY

The implications of ethnic geography for strategies of conflict resolution are well known, and have a long-established history. It was religious denominational intermingling in the Ottoman Empire that gave the *millet* system its non-territorial character, and it was linguistic intermingling in the Habsburg Empire that stimulated Karl Renner and his colleagues to propose a scheme of non-territorial “national cultural autonomy” there (Springer, 1902; Renner, 2005 [1899]). In important respects, non-territorial autonomy may be pictured as a kind of “third way” towards ethnic conflict management, where the “first way” is that of conferring autonomy on a territorial basis, and the “second way” is the much more brutal option of accommodating ethnic communities to existing political structures. The non-territorial approach may, then, be considered as an alternative to the other two approaches.

Matching maps to people

One well known and widely canvassed solution to ethnic conflict in the early twentieth century was to seek to remould state structures to match ethnic diversity: the big multinational empires that were home to disparate nationalities should be broken up into national components. This implied the dissolution of the Habsburg monarchy, the removal of the “Turkish yoke” that held together the Ottoman empire, and the liberation of the “prison

of peoples” that was the Romanov empire. The composition of these states at around the turn of the century is reported in table 1, which illustrates the extent to which the dominant group in each state lacked a demographic majority and ruled over an ethnically diverse population. The Turkish data are earlier, and pre-date the events of 1878 that further spurred the disintegration of the Ottoman empire.

Table 1. Nationalities in three European empires, c. 1900 (%)

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

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

Note: All figures are percentages and total 100 vertically.

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

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

Ethnic boundary lines may be unclear at the individual level, in that people may vary in the extent to which they define themselves as belonging to one or other ethnic group, to several, or to none. As the referenda of the period confirmed, furthermore, even where ethnic identity is relatively clearly defined, this will not point unambiguously towards political preferences, or indicate to which state an individual might wish to belong (Qvortrup, 2012). Furthermore, even if it did, there is no automatically “fair” rule for aggregating individual preferences and translating them into a collective choice: the outcome will be highly sensitive to the territorial unit selected as the basis for aggregation, and the ultimate line of any new border will depend on the type of unit chosen (Coakley, 1982).

Nevertheless, the approach followed in central and eastern Europe after 1918, running parallel to a process that was already underway in the Balkans, entailed the creation of new states that would match, in principle, the boundaries of existing nations or ethnic communities. Some problems arose when this principle was violated for economic, political or other reasons: the new Czechoslovakia, for example, was allowed to retain

homogeneously German-speaking districts in the Sudetenland and elsewhere for “historical” reasons. But even where a determined attempt was made to respect ethnic frontiers, it proved impossible to draw lines on the map in such a way that no new minorities were created. Table 2 indicates the extent to which the legacy of this process was a set of new states each of which was profoundly ethnically divided.

Table 2. Nationalities in central and east European successor states, c. 1930

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

Source: Shoup, 1981; Coakley, 1986

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

There was nothing surprising about this outcome, nor has this problem been confined to early twentieth-century Europe; it is a continuing challenge in any attempt to create a new state, or to partition an existing state as part of a process of regionalisation or federalisation. Some of the difficulties are illustrated in table 3. This looks at four ethnically or linguistically divided states and considers the pattern that would emerge if the state were to be partitioned internally with a view to conferring autonomy on constituent groups on a territorial basis. In each case, medium-sized territorial units have been chosen and they have been grouped in such a way that each group is allocated all units where it constitutes a majority or, in a few cases, a plurality of the population. The first numerical column indicates the number of units that have been grouped, and the second their combined population. The three remaining columns report on the three most important features of the resulting territorial agglomerations: the extent to which each is:

- (1) *homogeneous*, in excluding as many non-members of the titular group as possible,
- (2) *inclusive*, in incorporating as many members of the titular group as possible, and
- (3) *compact*, in that it constitutes a more or less coherent territory (on compactness, see Maceachern, 1985, and, as applied to indigenous peoples in Canada, Nieguth, 2009).

Table 3. Theoretical territorial partition scenarios: selected cases

Country and zone	Territorial units	Population (000s)	Titular group as proportion of population	Proportion of titular group within zone	Territorial coherence
<i>Belgium:</i>					
<i>arrondissements, 1947 (1)</i>					
Dutch-speaking	22	5,572	79.2	98.7	high
French-speaking	19	2,940	90.8	74.8	high
<i>Belgium:</i>					
<i>arrondissements, 1947 (2)</i>					
Dutch-speaking	21	4,272	91.0	86.9	fairly high
French-speaking	20	4,240	79.6	94.6	fairly high
<i>Switzerland:</i>					
<i>districts, 1990</i>					
German-speaking	89	3,286	84.9	96.0	high
French-speaking	44	1,219	79.1	95.4	high
Italian-speaking	10	293	83.1	54.2	medium?
Romansch-speaking	4	28	63.9	48.8	medium?
<i>Bosnia-Herzegovina:</i>					
<i>municipalities, 1991</i>					
Ethnic Muslim	53	2,807	56.5	83.3	low
Serbian	36	1,087	61.4	48.9	low
Croatian	20	483	65.0	41.3	low
<i>Penninsular Malaysia:</i>					
<i>districts, 1970</i>					
Malay	54	5,576	67.3	80.5	medium
Chinese	16	3,205	55.2	56.7	medium

Source: Derived from Belgium, 1949-54; Bosnia and Herzegovina, 2005; Malaysia, 1977; Switzerland, 2013.

Note. For Belgium, the first scenario allocates Brussels to the Dutch-speaking zone and the second allocates it to the French-speaking zone. "Territorial coherence" is subjectively defined.

Ideally, each unit should have the values 100%, 100% and "very high" on these three variables. As table 3 shows, however, these conditions are rarely met in reality. The two cases here which come closest to matching these conditions fall slightly short. In Belgium, regardless as to whether Brussels is grouped with the Dutch- or French-speaking zone, the resulting zones are neither entirely homogeneous nor entirely inclusive (though it should be pointed out that in practice Belgium has opted for a three-way partition, with Brussels as a third region, and two homogeneous regions, of which one, Flanders, is also inclusive). In Switzerland, districts may be grouped to produce rather homogeneous and inclusive German- and French-speaking zones which in practice amount largely to agglomerations of cantons, but with Fribourg and Valais partitioned between the two language groups. But the Italian-speaking zone (the canton of Ticino, and two districts in Graubünden), though relatively homogeneous, is not entirely inclusive: almost half of all Italian-speaking residents live elsewhere in Switzerland. This is true to an even greater extent of the small Romansch-speaking zone (four districts in Graubünden; the remainder are allocated to the German-speaking zone, apart from two Italian-speaking ones). Aside from this issue in the case of the two smallest groups, partition of this kind could conceivably work in Switzerland; but there is no demand for any such arrangement.

The two remaining cases illustrate the great difficulty of territorial approaches of this kind. Any attempt to group Bosnia's 109 municipalities¹ according to the three main nationalities as these were distributed in 1991, before the catastrophic demographic consequences of the war of 1992-95, produces three entities that are neither homogeneous, nor inclusive, nor compact. Indeed, in 26 districts there was so much intermingling that there was no majority, and the allocation has been based on the group which constituted a local plurality. The position in peninsular Malaysia in 1970 was similar, except that the third significant group, the Indians, constituted neither a majority nor a plurality in any district. Out of the 70 districts, there was no local majority in 17.

While two of the four cases discussed here lend themselves to some form of territorial autonomy on the basis of constituent linguistic groups, there is a demand for this in only one case, Belgium. There, to the extent that devolution has proceeded along territorial lines, it has "parked" or bypassed the issue of Brussels, by giving it regional status. In the two remaining cases, the extent of intermingling of the population has been such that no formula for territorial partition was ever likely to be successful. Nevertheless, this is precisely what happened in Bosnia-Herzegovina, an outcome for which a very heavy price was paid. This leads to consideration of another approach to the issue of territorial autonomy.

Matching people to maps

The last subsection has discussed a superficially attractive approach to ethnic conflict resolution: let the political-administrative map be redrawn to reflect existing ethnic realities. In practice, this almost always creates problems in respect of one, two or all three of the criteria for successful political-administrative partition discussed here: the resulting entities may be ethnically heterogeneous, they may exclude a large proportion of the titular group, and they may be territorially fragmented. For this reason, another approach has often commended itself to political leaders: let the existing ethnic realities be altered to conform to a new political-administrative map. This entails population displacement, possibly on a large scale, or, put more bluntly, expulsion of people from their homes in the name of a policy that is sometimes described as "ethnic cleansing" (a misleadingly euphemistic label for a barbaric strategy).

The recent experience of Bosnia-Herzegovina is one of several examples that could be cited. The discussion above of its ethnic structure indicates just how unsuitable a candidate it was for the construction of an ethnic state, a path of development implicit in the process by which Yugoslavia dissolved into its six constituent republics. In one of these, Slovenia, minorities were negligible; in two, Croatia and Montenegro, they were small, though the Serbian minority in Croatia became entangled in a bitter struggle with the new state; and in the remaining three they were sufficiently large to be politically contentious. In Macedonia, conflict with the 22% Albanian minority briefly spilled over into violence but was contained by the Ohrid Agreement (2001); in Serbia the Albanian minority of 17% was sufficiently concentrated in Kosovo and had sufficient external support to secure its independence (2008); in Bosnia-Herzegovina the largest group, the ethnic Muslims or Bosniaks, accounted for only 43% of the population, and became engaged in a bitter war with the Serbs (31%) and Croats (17%), each of whom had powerful external allies (Conversi, 2003).

The military conflict in Bosnia resulted ultimately in crude partition into two units and massive population displacement, being concluded only by the externally-imposed Dayton

¹ Including as "municipalities" the urban districts of Sarajevo.

Agreement (1995). The Dayton Agreement substantially recognised existing military realities, but made certain significant adjustments: the Bosniak and Croat controlled areas were merged as the new binational Federation of Bosnia-Herzegovina, while the Serbian controlled areas became the Serbian Republic (*Republika Srpska*); both entities were united in the new federal state of Bosnia-Herzegovina (Belloni, 2010).² This process was accompanied by two major waves of population movement: first, the expulsion of hundreds of thousands of members of local minorities in a process that became notorious as “ethnic cleansing”; and then, following the end of direct military conflict, efforts to resettle most of these refugees and displaced persons (Toal and O’Loughlin, 2009; Toal and Dahlman, 2011).

Table 4. Actual territorial partition scenarios: Bosnia-Herzegovina and Cyprus

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

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

Note: The 1996 Bosnian data are from an “unofficial” census that is likely only to approximate the position, not describe it accurately.

The outcome of the first of these processes is illustrated in table 4. This regroups the Bosnian data in table 3 according to the structures created under the Dayton agreement, and gives an idea of the extent of population movement over the five-year period 1991-96. The massive dip in the number of Bosniaks in the Serbian Republic and of Serbs in the Federation is striking, but there were similar changes in respect of other groups. Furthermore, it should be noted that these are *net* changes: *gross* movement was much greater, but some of it has been “cancelled” because of movement in the opposite direction. It should also be noted that the position reflected in the 1996 data—imperfectly reliable

² Potentially confusing terminology in this area needs to be clarified: the Serbian Republic, one of the two entities of the new state of Bosnia-Herzegovina, is entirely distinct from the Republic of Serbia, formerly one of Yugoslavia’s constituent republics and now a successor state to that state; the Federation of Bosnia-Herzegovina, the other entity, must be distinguished from the similarly named umbrella state, known simply as Bosnia and Herzegovina.

though these figures may be—has been substantially reversed since then, under the programme of resettlement promoted by the UN High Commission for Refugees.

Table 4 also illustrates the position in another country that was partitioned, Cyprus. The long-standing antagonism between the two communities there, the Greek Cypriot majority and the Turkish Cypriot minority, remained for most of the time beneath the surface during the period of Ottoman rule, and this position continued during the period when the island was under British control (1878-1960). The consociational constitution under which Cyprus began its independent life in 1960 suffered strains from the outset, and had collapsed by the mid-1960s. Further deterioration in relations between the two communities (each of which had a powerful external ally, the governments of Greece and Turkey) eventually led to Turkish invasion and partition of the island in 1974 (Joseph, 2010). This was followed by a huge movement of population, as Turks left the South for the North, and Greeks moved in the opposite direction.

Table 4 shows just how stark the final outcome was here. As will be discussed later, the districts of Cyprus were all ethnically mixed, but villages within these districts were highly segregated. Indeed, the level of segregation increased in the early twentieth century. In 1891, most of the island's 600-odd villages were ethnically mixed. By 1931, however, the number of mixed villages (defined as ones which were not wholly Greek or Turkish) had dropped to 252; it declined to 114 in 1960 and to 48 in 1970 (Loizos, 2001 [1987]: 144). The massive dislocation that followed the 1974 invasion produced two new entities, the Republic of Cyprus, its jurisdiction now confined to the areas south of the United Nations controlled "green line", and the Turkish Republic of Northern Cyprus, a new entity whose independent status has never been recognised by the international community. Indeed, the spatial polarisation increased: the small proportion of Greeks in North Cyprus (8.3% in 1975) and of Turks in the South (2.3%) had fallen respectively to 0.2% and 0.1% by 2002 (Coakley, 2003b: 296).

These two examples alone should be sufficient to illustrate the profoundly negative human consequences that are associated with attempts to match people to borders, rather than pursuing solutions that reverse this by seeking to match borders to people. It has also been argued that well-meaning efforts to reverse the process of ethnic cleansing, as in Bosnia-Herzegovina, need to be carefully considered, since they risk aggravating rather than improving people's living conditions (Toal and Dahlman, 2004: 448). Analysis of the consequences of partition in four cases (Ireland, India, Pakistan and Cyprus) suggests that a careful balance needs to be drawn between the level of violence that is tolerable and implementation of the policy of partition; that, depending on how it is implemented, partition may in fact lead to an increase rather than a reduction in violence; and that there are circumstances where refugee movements should be aided, rather than such intervention being seen as simply assisting "ethnic cleansing" (Kaufmann, 1998). A similarly qualified analysis of the case for and against partition warns that it should be considered as a device only when there is a high probability of genocide or mass expulsion, and that the process of preparing for it may itself precipitate the very outcome that it aims to prevent (O'Leary, 2011).

Abandoning maps

The two previous subsections have highlighted the difficulty of seeking to offer autonomy to groups on the basis of a definition of the territory they inhabit. Altogether leaving aside issues of scale, there are formidable potential practical difficulties, not least the reality that ethnic groups commonly lack clearly defined geographical boundaries, so that any effort to specify "their" territories is not just administratively demanding but likely also to be politically

controversial. Where they are implemented, territorial approaches seek to respond to the needs of as large a section of the minority as possible by meeting three criteria, as discussed above: homogeneity, inclusiveness and compactness. In reality, there is a tension between these. To the extent that compactness is pursued (and this is necessary for territorial government), homogeneity, or inclusiveness, or both, are likely to fall victim; in other words, members of other groups are likely to be included, and members of the group itself are likely to be excluded, depending on their geographical distribution and the extent to which this matches the political-administrative boundary. Furthermore, to the extent that inclusiveness is pursued, homogeneity is likely to be compromised, and vice versa; and attempts to maximise either or both of these have negative implications for compactness.

As discussed above, one alternative to drawing borders to match populations is to reverse this process: to shoe-horn whole populations into (or, at least, out of) newly designed territorial entities. Since this approach has little to commend it, except in exceptional circumstances, and since in many cases there continues to be significant minority demand for autonomy, an alternative approach is needed. It is in such circumstances that non-territorial autonomy may have a vital role to play (Nimni, 2007). The circumstances in which non-territorial autonomy may arise as a potential institutional device may be seen in the context of circumstances where a choice needs to be made between it and territorial autonomy. Table 3 has already given an indication of the kinds of issue that arise, using medium-level territorial units. In many states, these may be aggregated into larger units which form the potential basis of a territorial devolution scheme. In fact, it is ethnic geography at different levels that determines the feasibility of territorial or non-territorial approaches. Much depends on the extent of homogeneity of high-level units, such as counties or provinces; but the composition of low-level units, such as communes or municipalities, also matters.

Table 5. Notional forms of ethnic concentration: examples

		Homogeneity of large units	
		High	Low
Homogeneity of Small Units	High	Switzerland	(no cases)
	Low	Cyprus	Northern Ireland

The notional relationship between patterns of ethnic distribution at different levels is illustrated in table 5. The extreme positions are represented by the top left and bottom right cells. In the former, spatial segregation is almost complete: high level administrative units are ethnically homogeneous, and are therefore made up of low-level units that are also homogeneous; territorial autonomy is the only kind that will work. In the latter, high level units are ethnically mixed, and, within each of these, low-level units are also mixed; any form of autonomy will have to be non-territorial. A third category (bottom left) is that in which the high-level units are mixed, but are made up of low-level units that are ethnically homogeneous; territorial autonomy is conceivable, but the requirement of compactness can not be met. The fourth category (top right) is unlikely to have any cases, since if high-level units are homogeneous, they must be substantially made up of homogeneous low-level units.

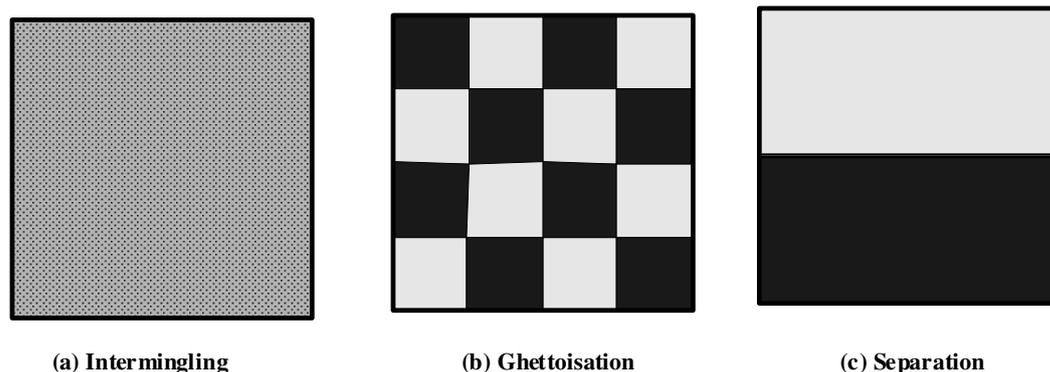


Figure 1. Patterns of ethnic spatial intermingling

Note. It is assumed that there are two groups of equal size; shading represents notional distribution within the state.

A graphic representation of the implications of the three non-empty cells in table 5 is given in figure 1. This is based on the simple assumption that two co-existing ethnic groups are of equal size. The relationship between them in space may be seen as being defined by two polar positions. At one extreme is that of complete intermingling, (a) on the left, where the geographical distribution of the two groups is identical. The other extreme, that of complete segregation into two compact territories, is represented by (c) on the right, where the respective white and black territories are each entirely homogeneous (no-one from the other group is included) and inclusive (no-one from their own group is excluded). In the middle is an intermediate position, (b): neither group has a compact territory of its own, but the groups are entirely segregated at local level, producing a chequer-board effect. The implications of these patterns for choice of autonomy model are clear. In pattern (a) it must be non-territorial; in pattern (c) it must be territorial; and in pattern (b) it may be either—but if it is territorial the resulting entities are likely to fail to meet the criteria of homogeneity, inclusiveness and compactness, and if it is non-territorial there will be a territorial component at local level.

Assessing the prospects for non-territorial autonomy, then, entails measuring the extent to which particular societies, or particular groups within these societies, conform to the patterns presented in figure 1. Some illustrative data are presented in table 6, which explores the position in selected European successor states after 1918 to examine the feasibility of territorial and non-territorial autonomy as a potential response to problems of governing ethnically mixed societies (for further discussion, see Coakley, 1994). During this period, states came under particular pressure from their own minorities, but also from the international community as represented by the League of Nations, to make generous concessions (Smith, 2011: 9-25). The table illustrates the extent to which territorial autonomy was simply not an option in most cases. Particular difficulties were posed when the unit of analysis was the large administrative district (county or province): in almost all cases, the state majority controlled these areas. But even if we are satisfied with a less compact territory and go down to small territorial units (such as communes or municipalities), territorial autonomy was likely to be viable only for a small number of minorities: Swedish speakers in Finland, Russian and Swedish speakers in Estonia and Germans in the Czech lands. For the others (Jews in all three Baltic republics, Germans in Estonia and Latvia, Russians in Latvia and Lithuania, and Poles in Lithuania), the level of geographical dispersal was such that if autonomy of any kind were to be conceded, it would have to be non-territorial.

Table 6. Territorial and non-territorial minorities in selected countries, 1920s

Country, group	Population		Large units		Small units		Comment
	000s	%	No.	GI%	No.	GI%	
<i>Finland, 1920</i>							
Finns	2,754	88.7	8	100.0	466	98.4	majority
Swedes	341	11.0	1	3.1	82	69.2	terr. minority
Other, none	10	0.3			2		
(total)	3,105	100.0	9		550		
<i>Estonia, 1922</i>							
Estonians	956	87.6	10	98.0	389	99.2	majority
Russians	90	8.2	1	43.1	15	57.2	terr. minority
Germans	18	1.7	.	0.0	0	0.0	non-terr. minority
Swedes	8	0.7	.	0.0	6	71.5	terr. minority
Jews	5	0.4	.	0.0	0	0.0	non-terr. minority
Other, none	15	1.4			0		
(total)	1,091	100.0	11		410		
<i>Latvia, 1930</i>							
Latvians	1,395	73.4	19	100.0	540	95.4	majority
Russians	202	10.6	.	0.0	12	32.2	non-terr. minority
Jews	94	5.0	.	0.0	2	2.0	non-terr. minority
Germans	70	3.7	.	0.0	1	2.2	non-terr. minority
Other, none	139	7.3			23		
(total)	1,900	100.0	19		578		
<i>Lithuania, 1923</i>							
Lithuanians	1,702	83.9	23	99.7	296	97.3	majority
Jews	154	7.6		0.0	5	12.6	non-terr. minority
Poles	66	3.2		0.0	2	3.2	non-terr. minority
Russians	50	2.5		0.0	0	0.0	non-terr. minority
Other, none	57	2.8	1		11		
(total)	2,029	100.0	24		314		
<i>Czech lands, 1921</i>							
Czechs	6,727	65.0	14	98.9	213	93.4	majority
Germans	2,972	28.7	2	33.5	124	85.3	terr. minority
Other, none	655	6.3			4		
(total)	10,354	100.0	16		341		
<i>Ireland, 1926</i>							
Catholics	2,751	92.6	31	100.0	3,024	99.7	majority
Protestants	221	7.4	.	0.0	24	4.5	non-terr. minority
(total)	2,972	100.0	31		3,048		

Source: Derived from Finland, 1924: 10-35; Estonia, 1923-25, vols. 4-11; Latvia, 1930: 122-134; Lithuania, 1925: 19-26; Czechoslovakia, 1924-25, vol. 1: 369-375, vol. 2: 133-137; Ireland, 1929, vol. 3.

Note: "Other, none" refers to other groups, and to territorial units in which they constituted a majority, or in which there was no local majority. "GI%" refers to the percentage of the group included in the set of territorial units described.

Table 6 also draws attention to two interesting cases. The first is a "forgotten" minority: the Protestants of southern Ireland. The partition of Ireland in 1921 was designed to separate the largely Catholic "nationalist" population whose leaders were pushing for separation from the United Kingdom from the largely Protestant "unionist" population that remained loyal to the British connection. The new state of Northern Ireland was relatively compact; but in an

effort to maximise inclusiveness of the Protestant population, homogeneity was sacrificed: the incorporation of two predominantly Catholic counties pushed the proportion of Catholics up to 35%. The ultimate failure of the state to accommodate this minority is well known. But the Protestant minority in the South (10% of the population in 1911, 7% in 1926) was too widely dispersed to be able to predominate in any local government structures, or to have any hope of territorial autonomy (indeed, the minority did not pursue non-territorial autonomy either). Ultimately, the separate identity of this group seems to have been undermined, so that an ethnic minority eventually became a mere denominational one (Coakley, 1998).

The second interesting case arises in the Czech lands: the former Austrian provinces of Bohemia, Moravia and Slovenia. Moravia has been hailed as home to the first “modern” experiment in non-territorial autonomy, in 1905. Yet, it is interesting to note that the German-speaking districts of Moravia were concentrated in two relatively compact zones, one in the North and one in the South. The position in 1921, when the change since the last Austrian census in 1921 was modest, is illustrated in the table.³ The Czech zone (defined as the 74 judicial districts with a Czech majority) was homogeneously Czech (96%) and included almost all of the Czechs of Moravia (88%); the two German zones (the remaining 18 judicial districts) between them were overwhelmingly German (79%), and included most of Moravia’s Germans (60%). Nevertheless, the fact that a large minority of Moravia’s Germans were resident in predominantly Czech areas was a significant argument in favour of non-territorial autonomy.

The indicators of homogeneity and inclusiveness used above are easy to compute and to grasp intuitively. More systematic efforts have been made to measure extent of ethnic segregation, a vital consideration when it comes to assessing the relative merits of territorial and non-territorial autonomy. A long-standing index of difference between two groups (the Duncan index) is widely used in this context. The difference index may best be expressed in the form of a mathematical equation, but the manner in which it is computed may be put in words as follows in respect of ethnic groups. First, the proportion of a given ethnic group resident in each unit in the set of territorial units that is used as the basis for computation is calculated. Second, a similar computation is carried out in respect of the comparator group. Third, the absolute value of the difference between the two groups in each territorial unit is computed. Finally, the “index of dissimilarity” is defined as half the value of the sum of these differences by territorial unit. A simple mathematical conversion (division by one minus the proportion of the ethnic group in the state as a whole) may be used to transform the index of dissimilarity into an “index of segregation”, where the comparator group is not another ethnic group but the overall population (Duncan and Duncan, 1955: 494). The index may be generalised to provide a measure of overall segregation in a society (Sakoda, 1981), but for the purposes of this article the individual ethnic group (as a potential candidate for non-territorial autonomy) is the more important unit.

The manner in which this index may be applied in two rather different societies is illustrated in table 7. For Northern Ireland (2011) and Cyprus (1960), the table presents two ways of clustering the two main ethnic groups: by higher-level administrative areas (districts), and by the lowest administrative district for which data are available (wards or villages). The great difficulty of producing a clearly defined territory for either group in either society is clear. At the higher administrative level, it looks as if the level of segregation is modest, since all districts contain sizeable proportions of both ethnic groups (and this is particularly the case in Cyprus, where the Turkish Cypriots did not constitute a majority of the population in any

³ By 1921 the relative proportions of Czechs and Germans in Moravia were 77% and 21%, by comparison with 72% and 28% respectively before the war.

district). At the lower level, unsurprisingly, the level of apparent segregation is much higher, but it is still the case that if territory is allocated to each group depending on which group enjoys a local majority (or, in a very small number of cases, a local plurality), large minorities of the other groups would continue to reside there. Furthermore, large segments of the population of the titular ethnic group would continue to reside elsewhere. In Northern Ireland, for example, if the predominantly Protestant wards were grouped to form a single entity, this would be 71% Protestant (with a large Catholic minority) and it would contain only 80% of Northern Ireland's Protestants (leaving 20% resident in Catholic controlled areas). Furthermore—a consideration that it is not possible to evaluate here—the resulting territorial entity would be highly fragmented, comprising a dominant area of Protestant settlement containing Catholic enclaves, plus a number of disjointed exclaves of varying sizes. It is in these circumstances that the case for some form of non-territorial autonomy is most likely to be made.

Table 7. Measures of territorial concentration, Northern Ireland and Cyprus

Unit	Makeup of zone of dominance			Index of segregation
	<i>Units</i>	<i>Homogeneity</i>	<i>Inclusiveness</i>	
<i>Northern Ireland, 2011</i>				
Protestants, districts (N=26)	13	64.3	62.5	30.1
Catholics, districts (N=26)	13	61.0	71.7	34.1
Protestants, wards (N=582)	326	71.3	80.1	50.0
Catholics, wards (N=582)	256	75.1	75.0	55.4
<i>Cyprus, 1960</i>				
Greeks, districts (N=6)	6	75.6	100.0	8.7
Turks, districts (N=6)	0	-	-	12.0
Greeks, villages (N=636)	486	82.4	98.8	58.6
Turks, villages (N=636)	150	89.5	43.9	61.4

Source: Derived from Cyprus, 1962; Northern Ireland, 2013.

Note. "Homogeneity" refers to population of the group as a proportion of the population of the zone; "Inclusiveness" refers to population of the group as a proportion of all members of the group within the state. The "index of segregation" is as defined in Duncan and Duncan, 1955, and refers in each case to the overall population (not that within a particular ethnic zone).

POLITICAL AUTONOMY

So far, the focus in this paper has been on the first part of the expression "non-territorial autonomy": we have considered the extent to which this institutional device may apply to collectivities that are essentially non-territoria. The principle of membership is "personal", derived from some ascriptive feature or from a subjective decision to opt in, not from the territorial status of one's own locality. It thus corresponds to the distinction in international public law between *jus sanguinis* and *jus soli* (as expressed, for example, in entitlement to citizenship on the basis of descent or on the basis of place of residence). But the second half of the expression also needs to be explored: what exactly is meant by "autonomy"? This question is initially considered in the subsection below, and the paper then goes on to look at the challenge posed by the requirement that examples of non-territorial autonomy are indeed based on entities that are autonomous.

Measuring autonomy

A range of approaches has been used in assessing the extent to which a particular territory or set of territories enjoys autonomy, and there seems in principle to be no reason why these should not be applied also to non-territorial entities. A first, obvious, set of approaches rests on a relatively easily measurable feature of any public authority—its budgetary status. While there may be difficulties in applying such approaches cross-nationally because of variations in reporting standards and conventions, they nevertheless provide a relatively objective measure of the manner in which fiscal resources are distributed. A wide range of indices that seek to measure the relative fiscal importance of central and substate (typically, regional) entities is available, and these have been used both by academics and by policy makers (for a review, see Schakel, 2008; see also Coakley, 2010a). Examples of well-known efforts to use such approaches include Lijphart (1984: 178), who used the proportion of all tax receipts attributed to the central government as an approximate measure of centralisation, and Lane and Ersson (1999: 188), who used the proportion of all public expenditure accounted for by local and regional government as an indicator of sub-national autonomy. Another ambitious effort to assess subnational decentralisation used a more complex measure, incorporating a range of fiscal, administrative and political indicators (Schneider, 2003).

A second set of approaches is more difficult to apply, and more explicitly political. Efforts may be made to assess both the set of institutional powers available to subnational authorities, and the balance between these and the powers of the central government. An early example of this type of approach is Ivo Duchacek's (1986: 112-18) 11-point scale, ranging from the totalitarian, centralised state through such intermediate points as moderate decentralisation and federation to mere associations of states. Lane and Ersson (1999: 187) devised a similar 10-point "institutional autonomy index", using formal measures of territorial autonomy. Perhaps the most comprehensive initiative in this area, however, has been the "regional authority index" devised by Hooghe, Marks and Schakel (2008), and used by them to assess the position in 42 democracies; indeed, they computed the index for each year from 1950 to 2006 (Marks, Hooghe and Schakel, 2008).

The Hooghe-Marks-Schakel scale is a 25-point one, and the "regional authority" that it seeks to measure is divided into two main components, "self-rule" (16 points) and "shared rule" (nine points). The latter is not of direct interest here; it refers to the level of recognition of regions in the national legislature, the role of regional governments in codetermining national policy, the influence of regional representatives on distribution of national tax revenues, and the influence of regions over the process of constitutional change. Of course, for purposes of this paper the word "regions" would need to be replaced by "ethnic groups", on the assumption that they are recognised institutionally; but this dimension clearly has a bearing on other approaches to conflict resolution, such as consociation, rather than on autonomy as such (see Coakley, 2012: 229-39).

It is the four measures of "self-rule" that have the more obvious implications for the study of non-territorial autonomy. These are differently weighted, and may be adapted for application to cases of potential non-territorial autonomy (Hooghe, Marks and Schakel, 2008: 124-31). They range over the extent of regional autonomy, the policy scope of regional governments, the degree of fiscal autonomy of the regions, and the existence of independent regional representative institutions (including an assembly and an executive). These may, however, easily be adapted to refer instead to the autonomy of ethnic groups that are institutionally recognised. Table 8 carries out precisely such an adaptation. In such an exercise, the degree of self-rule or autonomy available to a particular ethnic community will be based on the total number of points awarded, and ranges from cases where there is no institution at all corresponding to the ethnic community to cases where it is endowed with

powerful representative and executive institutions exercising jurisdiction over a very wide range of policy areas. To give some meaning to the scale, the full score of 15 points was awarded for the most recent period (ending in 2006) to the Swiss cantons and the Canadian provinces; the Åland Islands (in Finland), the Faeroe Islands (in Denmark) and the Basque Country (in Spain) were each allocated 14; and Scotland and Wales (within the UK) were allocated respectively 13 and eight points. Of particular interest is the classification of certain sub-state entities in Belgium: the Walloon region was given 13 points, and the Francophone Community (the closest entity in the dataset to a non-territorial authority) was given nine points. In Russia, the republics and *subwekty federacii* were also allocated nine points (Hooghe, Marks and Schakel, 2008).

Table 8. Measurement of the degree of self-rule of an ethnic community

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

A. Institutional depth: existence of a general-purpose administration at the level of the ethnic group:

0: none, or none functioning

1: a deconcentrated one

2: a non-deconcentrated one subject to central government veto

3: a non-deconcentrated one not subject to central government veto.

B. Policy scope of the government of the ethnic community:

0: no authoritative competence over economic policy, cultural-educational policy, or welfare state policy

1: authoritative competence in one of the following areas: economic policy, cultural-educational policy, welfare state policy

2: authoritative competencies in at least two of the following areas: economic policy, cultural-educational policy, welfare state policy

3: meets the criteria for 2 and is endowed with at least two of the following: (1) residual powers (2) regional police force (3) authority over own institutional set-up (4) authority over local government

4: meets the criteria for 3, and has authority over immigration or citizenship.

C. Fiscal autonomy of the government of the ethnic group:

0: none (base and rate of all taxes set by central government)

1: sets the rate of minor taxes

2: sets the base and rate of minor taxes

3: sets the rate of at least one major tax: personal income, corporate, value added, or sales tax

4: sets the base and rate of at least one major tax: personal income, corporate, value added, or sales tax.

D. Representation: assembly of the ethnic group:

0: none

1: indirectly elected assembly

2: directly elected assembly.

E. Representation: executive of the ethnic group:

0: appointed by central government

1: dual executives appointed by central government and the assembly of ethnic group

2: the executive is appointed by the assembly of the ethnic group or is directly elected.

Source: adapted from Hooghe, Marks and Schakel, 2008

Identifying cases of non-territorial autonomy

As indicated above, it is quite easy to identify cases—indeed, many cases—where ethnic minorities do not have a clearly defined territory of their own, but rather are territorially dispersed, and are potential candidates for non-territorial autonomy. Many of these cases, though, are of little further significance: they raise few claims for special treatment, much less non-territorial autonomy, whether a consequence of their small size, their dispersed character or their weak collective sense of identity. The last subsection has given an indication of what is conventionally understood by “autonomy” as this applies to sub-state entities. The question now arises as to the extent to which those groups on which non-territorial autonomy has reportedly been conferred are genuinely “autonomous”.

Clearly, when Renner was outlining his model for the Habsburg monarchy, what he had in mind was a system of dual federalism similar to that later implemented in Belgium, with power devolved simultaneously in two directions: territorially, to the administrations of the crownlands of the empire, and non-territorially, to the national councils of the nations of the empire. In the Belgian case, as indicated above, the Hooghe-Marks-Schekel study allocated a respectable nine points to the Francophone Community. How might other non-territorial entities fare?

To start with, certain difficulties arise from the manner in which the term “non-territorial autonomy” has been used. The first part of the expression is often replaced by such terms as “national cultural”, “cultural”, “personal”, “extraterritorial”, “corporate” and “segmental” (Osipov, 2012: 2). As Osipov (2012: 3) also warns, the term “autonomy” is not used in an unambiguous sense: it may indeed refer to a form of self-rule, but it is also used to refer to a particular form of ethnically based social organisation that is given a degree of institutional or legal recognition. It is clear from case studies of the implementation of “national cultural autonomy” in Russia that the term may be used to describe structures that have little, if any, real administrative significance (Bowring, 2002, 2007).

Profiling the various arrangements that have been made to cater for the demands of ethnic minorities across the globe would be too large a task for this paper. But it is possible to lay down markers as to how authentic cases of non-territorial autonomy might be recognised. Two criteria are of overwhelming importance.

- First, the entity in question must be genuinely non-territorial. This means that its jurisdiction is exercised over a population that either “opts in” by free choice, or is allocated by means of some ascriptive criterion, such as language or religion. Its jurisdiction is confined to such people, and may not extend over a defined territory.
- Second, the level of autonomy must be authentic. In relation to the dimensions discussed in table 8, it would be reasonable to suggest that for “autonomy” to exist the entity must score at least two: it must exercise authoritative competence in the area of culture, and it must have a representative assembly. A case could be made for increasing this by a further two points, by requiring the existence of some kind of general-purpose administration, and of an executive partly appointed by the assembly.

In reality, it would not be impossible to apply a schema of the kind presented in table 8 to a wide range of possible members of the club of non-territorial autonomous entities. This might well challenge the status of some long-standing contenders. The seminal case of Moravia, for example, might well be borderline; some entities within contemporary Russia would probably fail the test; and others, such as the German and Jewish cultural councils in interwar Estonia would comfortably pass. The case for seeking to assess non-territorial

autonomy by using criteria similar to those used in respect of territorial autonomy is, then, a strong one.

CONCLUSION

While this paper has argued for further systematic comparative research into non-territorial autonomy, it is possible to make some generalisation about the current position, and the relatively muted role of this institutional device in contemporary political debate. Given the extent to which so many minorities are territorially dispersed, why has non-territorial autonomy proven to be of such limited value as a conflict management device, or a mechanism for enhancing the cultural standing of minority groups?

First, ethnic geography, and perhaps even ethnic political economy, has a role to play. Dispersed minorities tend to be more assimilable to their surrounding culture than concentrated ones, and even if not assimilated they may, for a variety of reasons, be difficult to mobilise politically. Furthermore, for obvious practical reasons, dispersed linguistic groups tend to be much more assimilable than dispersed religious groups, an important ranking in view of the centrality of linguistic considerations in ethnic mobilisation. Minority groups, then, may not have any interest in autonomy; they may, indeed, pursue integration with the dominant community.

Second, costs: from the perspective of the ruling elite, concession of non-territorial autonomy, or autonomy of any kind, can be seen as threatening the integrity of the state, and recognition of an ethnic boundary may be seen as amounting to reinforcing that boundary. Even from the perspective of the minority, the notion of registering as belonging to a particular group may well be seen as creating a barrier to integration rather than an instrument for group protection. On the other hand, there are states, such as contemporary Russia, where the conferring of "autonomy" on a non-territorial basis may be an unthreatening alternative to the conferring of real self-rule on a territorial basis.

Third, benefits: in practice, it is difficult to devolve substantial powers to a collectivity that lacks a territory of its own. Policing, for example, is more difficult if police jurisdiction is not territorially defined and service provision on a non-territorial basis may turn out to be unacceptably inefficient. Perhaps for these reasons, it is in the area of culture that non-territorial autonomy is most frequently exercised; but this area can be so narrow as to raise the question as to whether the term "autonomy" is indeed merited.

Fourth, historical reputation: while non-territorial autonomy has had its success stories, with Moravia, Estonia, the complex case of Belgium and the experience of indigenous peoples as examples, it also has a darker side. The labelling of minorities as "distinct" may be a stage not in the enhancement of their capacity for self-government, but in their exclusion from mainstream political life, as in South Africa and Israel-Palestine. But such exclusion applies potentially just as much to territorial devolution as to non-territorial autonomy, and unfortunate historical experience should not undermine further research into the implications of and possibilities for this unusual institutional device.

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