

AUTONOMY

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FLEXIBLE SOLUTIONS TO
ETHNIC CONFLICTS

Ruth Lapidot



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In memory of our son Michael, 1959–1982

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FOREWORD

Across the globe—from Sri Lanka to northern Iraq, Chechnya to Bosnia—minority groups are asserting their distinctive ethnic, religious, or national identity and demanding greater control over the expression of that identity, not only in cultural and social matters but in political and economic areas as well. Much of that assertion is based on “the right of self-determination of peoples.” Heard less often are pleas for accommodation and self-restraint. Indeed, such pleas are more typically heard from those whose authority is being challenged—the governments of ethnically heterogeneous states—but all too frequently such official declarations of restraint seem intended to support an embattled status quo or even at times to disguise government attempts to repress dissent.

This disdain for give-and-take and accommodation is usually counter-productive, spawning only greater antagonism and leading frequently to bloodshed. Those minorities that insist upon seceding from the states within which they find themselves almost always fail in their ambitions, unable either to overcome the opposition of the state or to sustain themselves as an independent entity. Those states that dismiss the notion of compromise must usually reckon with prolonged and violent opposition from the disaffected minority. The erroneous assumption that the right of self-determination of peoples includes within it the right of secession serves to confuse the dialogue and interfere with the process of accommodation.

There is reason to believe that those minorities and governments willing to negotiate in good faith with one another may find that by not insisting on their maximum demands, they can actually secure significant gains. For such parties, “autonomy” rather than secession can be an invaluable means of institutionalizing and enshrining mutual accommodation. Indeed, as Ruth Lapidoth demonstrates in this innovative and authoritative volume, flexibility and compromise are the very hallmarks of success when it comes to resolving ethnic differences peacefully through the establishment of autonomous regimes. “Autonomy,” Professor Lapidoth emphasizes, “is not a panacea, but only a tool or a framework that can constitute an adequate compromise if the parties are looking for one. . . . Autonomy cannot create the wish for compromise, but it can help shape its content. Like any tool, it must be used in accordance with the special circumstances of each case.” Obviously, the term “autonomy” is a flexible one, whose details must be ironed out in the negotiating process.

The American experience has historically minimized the role of group rights. Our emphasis has been on individual rights. Individuals are free to assemble in groups as they wish (or not to do so) and can as individuals or within groups publish, speak any language they wish, attend any church they wish, express their cultural and ethnic loyalties, participate in or form political movements, or engage in any other non-violent activities that do not strongly offend community sensibilities. In this manner, we have as a nation generally avoided the divisiveness that has characterized other areas of the world where the concept of group rights has been dominant.

Indeed, the sum total of individual rights for the group seeking respect and identity is no less than can be achieved by the group when it emphasizes group rights. This is particularly true once it is clear that secession is not an alternative without violence or the consent of the existing government.

Minority groups that are seeking greater political identification and acknowledge their limitations can thus achieve modest but nonetheless concrete gains by opting for autonomy—for gaining control over their own affairs in some areas while remaining subject to the authority of the state in other matters. From the perspective of the state, the granting of autonomy may be the only workable, peaceable solution to the problems posed by a minority whose demands for secession must be rejected because they threaten the unity and well-being of the state, yet

whose aspirations for cultural or ethnic respect and even self-government cannot be silenced or satisfied within the existing system of governance. Within this context, Professor Lapidoth's study is of immense service to stability and respect for law.

With a scholar's attention to analytical precision, factual accuracy, and scrupulous objectivity, and with a policymaker's appetite for useful knowledge and practicable options, the author details and explores the protean character of autonomy as both a concept and a practice. Autonomy inhabits a famously imprecise area of international law and international relations, one in which there is little or no agreement on the meaning of even such basic terms as "peoples" and "minorities." With welcome clarity, Ruth Lapidoth lays out the conceptual landscape, presenting the diversity of scholarly opinion, distinguishing among autonomy's subtypes, contrasting autonomy with other arrangements for the diffusion of power within heterogenous societies, and offering her own definition of the concept.

These theoretical insights are then applied to concrete situations. Convinced that autonomy has the potential to help in the peaceful resolution of ethnic conflicts, the author examines more than a dozen case studies—some of which have rarely been dealt with before—to assess the circumstances, terms, and development of these autonomous arrangements. Although the cases she investigates are extremely varied—ranging from Greenland to Eritrea, from the Baltic States to the West Bank—Professor Lapidoth makes clear that they do not illustrate all the relevant situations in which autonomy in one form or another has been, or might be, contemplated. However, the cases are more than varied enough to exemplify her contention that "one of the great advantages of autonomy is its flexibility. It includes a wide range of possibilities—from a minimum of competence, on the one hand, to a great number of powers just short of full independence, on the other hand."

The last part of the book spells out a host of issues to be considered when establishing an autonomous regime and identifies those factors that may increase the chances for success. The author is both pragmatic and precise; her detailed recommendations are likely to prove invaluable in stimulating the inventiveness of negotiators on both sides of the table and of policymakers from interested third parties.

Professor Lapidoth's ability to address the concerns of policymakers and practitioners as well as academics and analysts is very much in keeping with the United States Institute of Peace's interest in bridging

the gap between the policymaking and scholarly communities. In terms of subject matter too, there is a clear correspondence between *Autonomy* and the work of other Institute authors: among the Institute's more recent publications are Ted Robert Gurr's *Minorities at Risk: A Global View of Ethnopolitical Conflicts*, Patricia Carley's *Self-Determination: Sovereignty, Territorial Integrity, and the Right to Secession*, and Timothy Sisk's *Power Sharing and International Mediation in Ethnic Conflicts*.

In addition, the Institute sponsored a conference on U.S. responses to self-determination movements in 1996, and two recent grants deal directly with autonomy: John McGarry of King's College, Ontario, and Brendan O'Leary of the London School of Economics are assessing a range of options for regulating ethnic conflict, and Paul Williams of the University of Cambridge is investigating the legal and political consequences of state breakup and issues of secession.

In more general terms, it seems entirely fitting that Ruth Lapidot should have begun writing *Autonomy* during her tenure as a peace fellow in the Institute's Jennings Randolph Program for International Peace, for the author's hope "that this study may assist policymakers and practitioners in the search for ways to settle disputes and to ease tensions by compromise" reflects an important dimension of the mandate conferred on the Institute by Congress.

Max M. Kampelman
Vice Chairman, Board of Directors
United States Institute of Peace



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et diversité (Paris: Pedone, 1980); "Autonomy" (in Hebrew), *Mishpat Umimshal* 1 (1992); "Autonomy: Potential and Limitations," *International Journal on Group Rights* 1 (1994); "Sovereignty in Transition," *Journal of International Affairs* 45 (1992); and "Redefining Authority: The Past, Present, and Future of Sovereignty," *Harvard International Review* 17 (1995).

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