

TERRITORIAL AUTONOMY AS A MINORITY RIGHTS REGIME IN POST-COMMUNIST SOCIETIES

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The vast majority of the new states that were established in 1991 on the territory of the former Soviet Union have proclaimed themselves as ‘nation-states’. This is the term by which democratic states in the Western world are designated, and among former Soviet citizens transition to national statehood is often regarded as inseparable from democratisation and de-communisation. Instead of the communist dictatorship they have suffered for most of the twentieth century their country shall now shall be ruled by the people itself, by the ‘nation’.

A major problem with this kind of reasoning, however, is that the concept of ‘nation’ is ambiguous. While it may indeed be conceived as being synonymous with ‘the people itself’, the *demos*, in Eastern Europe the nation is at the same time very often seen as identical with ‘the ethnic community’. In ethnically homogeneous countries like Iceland such an ambiguity would have few practical consequences, but hardly any states in Eastern Europe belong to this category (which is the exception rather than the rule among the states of the world). At the time of the collapse of the USSR, all the former Soviet republics except Armenia had sizable ethnic minorities among their population (between 17 and 60 per cent). When political independence was proclaimed in the name of the ‘people’ and ‘the principle of national self-determination’, the

status of these minorities was unclear. In some documents and declarations, in particular those that were designed for an international audience, they were spoken of as full-fledged members of the nation. When it came to practical policies, however, the situation was somewhat different. Nation-building -- that is, the actual policies that are pursued to bring about the desired nation-state -- took the language, culture, and traditions of the majority population as its starting point.¹

Up to a point, this was hardly avoidable. As Will Kymlicka has pointed out, a state may well tolerate a plethora of religions and other cultural identities among the population, but when it comes to such a crucial matter as language, it can hardly remain completely neutral. It is impractical and costly to institutionalise more than one language for government business (the 'state language' or 'official language').² In the vast majority of states there is only one official language which is also the language of the majority population.³ With the exception of Belarus, all former Soviet republics conform to this pattern.⁴ In addition, nation-building is geared towards the identity and interests of the titular nation also in a number of areas in which ethnically neutral solutions could have been found.

Given the lack of congruity between *demos* and nation in post-Communist states, there is an in-built tension between what Juan Linz and Alfred Stepan have called the 'conflicting logics of

¹ Pål Kolstø, 'Nation-Building In The Former USSR', *Journal Of Democracy* 7, 1 (1996): 118--132; Pål Kolstø, *Political Construction Sites: Nation-building in Russia and the post-Soviet States* (Boulder, Colorado: Westview press, 2000).

² Will Kymlicka, 'Introduction', in Will Kymlicka, ed., *The rights of minority cultures* (Oxford: Oxford University press, 1996, 10. To be sure, exceptions do exist, such as bilingual Belgium, quadrilingual Switzerland, and so on.

³ A few states of the world have chosen either a minority language (Indonesia) or the language of the former colonial power as official language, precisely in order not to favour one major group over the others.

democracy and nation state'.⁵ One possible way to address this problem is to allow the minorities to pursue, as it were, their own nation-building on a smaller scale within the larger nation-state. A cultural group that constitutes a minority in the total population of the state will often form a majority in certain areas. Such areas may be designated as the 'homeland', and given the status as 'their' autonomous unit. If they perhaps cannot expect to hear their language spoken from the rostrum of the national parliament, they may be given a legislative assembly of their own within this autonomous territory, in which the traditional language of their group is the working language. This assembly could be invested with jurisdiction over such matters as education, language policy and other issues that may be decided locally.

In international political science literature territorial autonomy (henceforth abbreviated as TA) has been held forth by a number of experts as one possible conflict-reducing mechanism among others.⁶ IGOs have been more cautious in recommending this device, but in 1990 the Copenhagen meeting of the Conference of the Human Rights Dimension of the CSCE pointed to 'appropriate local or autonomous administrations corresponding to the specific historical and territorial circumstances' as a way of protecting or promoting the ethnic, cultural, linguistic, or religious identity of 'certain national minorities'.⁷ This resolution, however, was not followed up

⁴ The 1990 Belarusian language law proclaimed Belarusian as the sole official language in the Belarusian Soviet republic, but in a referendum in May 1995, Russian was introduced as a second state language alongside Belarusian.

⁵ Juan J. Linz and Alfred Stepan, *Problems of Democratic Transition and Consolidation. Southern Europe, South America, and post-Communist Europe* (Baltimore and London: John Hopkins University press, 1996), 401ff.

⁶ Timothy D. Sisk, *Power Sharing and International Mediation in Ethnic Conflicts* (Washington DC: United States Institute of Peace, 1997): 49--53; John McGarry and Brendan O'Leary: *The politics of ethnic conflict regulation*, (London: Routledge, 1997), 11--16; Graham Smith, ed., *Federalism. The multiethnic challenge* (London: Longman, 1995); John Coakley, ed., *The Territorial Management of Ethnic Conflict* (London: Frank Cass, 1993).

⁷ *The Document of the Copenhagen Meeting of the Conference of the Human Rights Dimension of the CSCE*, (Copenhagen 1990): page 41.

by the Council of Europe when this organization adopted its Framework Convention for the Protection of National Minorities in 1995, and has been described as ‘unusual . . . in the field of minority protection’.⁸

Even so, an increasing number of West European states are adopting TA as a part of their minority protection repertoire. In addition to the long-established Swiss federation a number of other states are evolving towards an ethno-federal model -- the prime examples being Spain, Belgium, and, most recently, the United Kingdom. The time when the prototypical Western democratic state was based on the centralized, unitary model (the Republic of France as modular case) seems to have passed.

In the post-Soviet space and in post-Communist Eastern Europe demands for TA have been set forth by a number of ethnic minority leaders but they have rarely been met. The political authorities in the new states usually aver that they are willing to go to great lengths to accommodate their minorities, but they draw an absolute line at territorial autonomy. The very mentioning of these two words by a minority leader is often taken as a sign of his or her untrustworthiness and disloyalty towards the state. Mainly two reasons are given for this total rejection. First, territorial autonomy is seen as a stepping stone to secession. Any concession of this kind will jeopardize the territorial integrity of the newly established nation-state. TA is rejected as contrary to *raison d'état*.

⁸ Jan Wright, ‘The OSCE and the protection of minority rights’, *Human rights Quarterly*, vol. 18, 1996, 197.

Second, it is pointed out that, as a rule, the putative minority homeland is no more culturally homogeneous than is the state as a whole. Sometimes it is populated by a second-order minority, other times by sizable groups of the majority population (or both). These groups will not feel comfortable with a TA arrangement designed to cater for the needs of one particular ethnic group. For second-order minorities it might mean then, for instance, that they have to learn not two but three languages -- their own, the state language, and the official language of the autonomous unit in which they are living. Thus, the entire problem of minority discrimination which TA is supposed to remedy, is reproduced and perhaps even magnified by this political device. TA, then, may be dismissed not only by *raison d'état* but also by human rights arguments.

In this chapter I will discuss the validity of these two objections to TA in the post-Soviet states against the background of the history of TA in the Soviet Union and the actual experiences with TA in the successor states. People's attitudes and perceptions towards TA will inevitably be coloured by their previous experiences with this arrangement. And these attitudes and perceptions will to a large degree determine how well TA may work at the present.

The Soviet legacy

Vladimir Lenin, the founder of the Soviet state, was a staunch believer in state unitarism. As he saw it, reasons of control and efficiency dictated the need for strong centralization. Territorial autonomy would pander to nationalist sentiments in the population and be detrimental to the building of socialism. It is true that in 1903 he had insisted that the Bolshevik party should include in its program a clause guaranteeing the right of the nations to self-determination, but this

should not be interpreted as an acceptance of TA. Rather, it was a promise that those nations in the multinational Russian empire that did not want to remain in the state after the revolution which he was determined to bring about, should be granted the right to secede altogether. But this promise was not made in good faith. Rather it was a sop thrown to the disgruntled minorities in the Russian empire to harness them to the cause of a Bolshevik revolution.⁹

Lenin, however, was also very much a pragmatist willing to bend his principles to the contingencies of the day, or abandon them altogether. During the first years of Soviet power he became convinced that TA needed to be granted to the major non-Russian minorities to quell dissent and win them over to the cause of Bolshevism. Thus, when the Soviet Union was established in 1922, this state was given a federal structure after all. Lenin and his advisors reasoned that nothing much was lost by that: real power in the Soviet Union rested not with the state structures anyhow, but with the Communist Party, and the party remained strictly centralized.

The Soviet federation was an extremely complex structure, with no less than four levels of autonomous units. At the top were the Union republics, then followed autonomous republics, autonomous oblasts (counties), and national (later renamed autonomous) okrugs (districts). Each category had its own set of prerogatives and rights, fewer the further down in the hierarchy one descended. In the West there was a strong tendency among Soviet nationality experts to dismiss these rights as fictitious, and indeed they were far less wide-ranging in real life than on paper. The Union republics had their own legislative assembly; government; legal code; state insignia,

⁹ Hélène Carrère d'Encausse, *The Great Challenge: Nationalities and the Bolshevik State, 1917--1930* (London: Holmes and Meier, 1992).

and even a constitutional right to secede, but they were still in many respects treated as ordinary administrative regions ruled from Moscow. This was particularly true with regard to economic policy.

At the same time, it seems clear that during some periods of time this federal framework was filled with a certain amount of real content. This was the case during the so-called *korenizatsiia* or 'indigenisation' period in the 1920s, when decentralization took place by design, and again in the late Brezhnev era, when decentralization took place by decay. During those periods the local elites were able to influence life in the republics in three policy areas in particular: language, education, and recruitment to top position in the party and state apparatus. In all three areas the members of the titular ethnic group and their culture were given preferential treatment.¹⁰

While the Soviet population censuses operated with more than a hundred ethnic groups, only some fifty of them had an autonomous unit of their own.¹¹ Indeed, many ethnic groups in the USSR were so small that the establishment of a separate autonomy for them was out of the question, but importantly, also some larger groups had to do without their own homeland. These were the diasporas, such as the Poles, Koreans, Bulgarians, and Greeks. In most cases these diaspora groups did not live on a compact territory, but were indeed dispersed.¹² Besides, these

10. Some observers believe that this was more typical of the Asian than the European Union republics. See Rasma Karklins, *Ethnic Relations in the USSR: The Perspective From Below* (Boston: Unwin Hyman, 1989), 77--100.

11. The number varied from census to census, reflecting changing political winds in Moscow as well as the effect of assimilatory processes on the ground. See Francine Hirsch, 'The Soviet Union as a Work-In-Progress', *Slavic Review* 56, no. 2 (1997): 251--78.

12. And if they did have their own distinct settlements in the inter-war period, they no longer did so after having been forcibly deported to Central Asia during World War II.

groups belonged to nations that had their own separate nation-states elsewhere, such as Poland, Korea, Bulgaria. Nobody could be entitled to more than one homeland, it was felt.

The ‘internal Soviet diasporas’ -- Ukrainians outside Ukraine, Tatars living outside Tataria, and so on -- enjoyed no cultural protection or linguistic rights.¹³ The only exception to this rule were the 25 million Russians living outside the RSFSR. They could read Russian-language newspapers, send their children to Russian-language schools, and so on, but this was not the result of any special minority rights protection. Rather it followed from the fact that Russian was the dominating culture in the Soviet Union and the Russian was *de facto* (but not *de jure*) the official language of this state.¹⁴

Contrary to received opinion, it seems fair to say that for long periods more ethnic groups enjoyed more linguistic and cultural rights in the Soviet Union than in most multinational states in the modern world.¹⁵ The Soviet nationality model was also exported to some, but not all, states in the Eastern bloc. In casu, the Yugoslav federation was closely patterned on the Soviet model and was filled with even more substance than its prototype after Tito’s break with Stalin.

Romania, under its leader Gheorghe Gheorghiu-Dej, introduced a separate autonomous district for the Székelys (ethnic Hungarians) of Transylvania but this arrangement was scrapped under

13. Some Ukrainian-language schools existed in Northern Caucasus and Moldova under Stalin, but the last of these were scrapped under Khrushchev.

¹⁴ Paul Kolstoe (Pål Kolstø) *Russians in the Former Soviet Republics* (Christopher Hurst: London /Indiana University Press: Bloomington, 1995); and Pål Kolstø ‘Territorialising Diasporas: The Case of Russians in the Former Soviet Republics’, *Millennium -- Journal of International Studies*, 28, 3 (1999), 607--631.

¹⁵ Yuri Slezkine, ‘The USSR as a Communal Apartment, or How a Socialist State Promoted Ethnic Particularism’, *Slavic Review* 53, 2, 414--452; Ronald Grigor Suny, *The Revenge of the Past: Nationalism, Revolution, and the Collapse of the Soviet Union* (Stanford, Ca: Stanford University Press, 1993). Many Soviet nationality experts will disagree wildly with this assessment. See e.g. Robert Conquest, ed., *The Last Empire. Nationality and the Soviet Future* (Stanford, Ca, Hoover Institution press); Bohdan Nahaylo

Nicolae Ceausescu. Czechoslovakia remained a strongly centralized state under the Stalinist regime of Antonin Novotny, but was partially federalized in 1969 as the only lasting result of the Prague Spring.¹⁶ The Soviet minority model was even exported to some Communist countries outside Europe, and can still be found in adapted versions in the state structure of Vietnam and the People's Republic of China.¹⁷

Thus, all across the Communist bloc minority rights were given a territorial form. This is one important reason why TA has been high on the demands list of national minorities in both the former Soviet Union and former Eastern Europe after the fall of Communism. TA is simply the only kind of minority rights regime they have any experience with. Minority leaders fully recognize that even if they are granted TA this may well turn out to be just another 'Potemkin village', sheer tokenism, as was the case during high Stalinism. Still, they reason, all alternative arrangements will give them even fewer guarantees against assimilatory or marginalizing policies in the new nationalizing states.

TA in the Soviet Successor states

While all the new states in Eurasia share a common Soviet legacy of nationality policy, their preconditions for minority rights regimes in general and for TA in particular differ in many other

and Victor Swoboda, *Soviet Disunion: A History of the Nationalities Problem in the USSR* (London: Hamish Hamilton, 1990).

¹⁶ While the Slovaks received a separate territorial unit as a result of this arrangement, a number of other groups did not -- the Hungarians in southern Slovakia, the Ruthenians (Ukrainians) in Eastern Slovakia, or the Moravians in the Eastern Czech lands.

¹⁷ Walker Connor, *The National Question in Marxist-Leninist Theory and Strategy* (Princeton, Princeton University press, 1984).

respects: in terms of the number and size of the minorities; the degree to which the minorities live in compact groups or are dispersed all over the territory of the state; and so on. As we have seen, the Soviet legacy did not affect all the ethnic groups in a uniform way. There were different kinds of TA arrangements, and some groups had no TA at all. Furthermore, some post-Soviet minority groups seem to have a strong sense of common identity and strongly nationalist leaders. They have made vocal demands for TA, and are even been prepared to fight for it with weapon in hand, while others are not. Finally, the reactions of the authorities in the new states have also varied considerably, both between states and over time, from complete rejection of TA to various degrees of accommodation and compromise. The few TA arrangements that have been offered have different content and structure.

All this makes it extremely difficult to generalize about TA as a conflict-reducing and justice-promoting mechanism in the Soviet successor states. In order to introduce some simplicity and structure in the below presentation, I will arrange them according to two binary variables: TA versus no TA, and before versus now. This gives us a fourfold typology:

	had TA in the USSR	did not have TA in the USSR
has TA today	1	3
does not have TA today	2	4

1. The highest number of TA arrangements -- in the Soviet period and today -- are found in the Russian Republic. Russia is the only Soviet successor states that is formally proclaimed as a

federation, and ethnicity is a basic structuring element in its federal structure. No ethnic group that enjoyed the status as titular nationality in an autonomous republic, autonomous oblast, or autonomous okrug in Soviet Russia has been deprived of this status after the fall of Communism (and no new groups have been granted this status either). This, however, does not mean that the federal arrangement in Russia has been static. On the contrary, there has been a constant tug-of-war over the prerogatives the autonomous units, the so-called subjects of the Federation, shall enjoy. This struggle started already under perestroika when all autonomous republics in Russia, as well as most of the autonomous oblasts, unilaterally upgraded their status to 'republic'. This unilateralism was accepted by the central authorities and this is the status these units enjoy in the current Russian constitution.

In addition to the constitutional provisions regulating the relationship between central authorities and the republics in Russia, Moscow has concluded bilateral treaties with a large number of federation subjects, in which different degrees of rights and prerogatives have been enshrined.¹⁸ As a result, more minority groups enjoy more rights in Russia than in any other Soviet successor state. Some Russian politicians believe that these rights are excessive and want to trim them down, even to the point of abolishing the federal structure of the state altogether. This latter solution, however, is simply not feasible under current conditions, and no responsible politician in Russia is seriously advocating it. The structure of the Russian federation is still in the process of being negotiated but it is clearly here to stay.¹⁹ Most Western experts seem to agree that TA

¹⁸ *Asimmetrichnaya federatsiya: Vzglyad iz tsentra, respublik i oblastey* (Asymmetrical federation as seen from the centre, the republics and from the oblasts), (Moscow: Izdatel'stvo instituta sotsiologii RAN, 1998).

¹⁹ Kolstø, *Political Construction Sites*.

arrangements in Russia have played a stabilizing role in transition politics in Russia (the major exception to this is of course Chechnia).²⁰

Also Uzbekistan, Tajikistan, and Georgia have inherited TA arrangements from the Soviet period that continue to exist: Karakalpakia, Gorno-Badakhshan, and Ajaria, respectively. In Uzbekistan, this arrangement seems to have as much of a pro forma character today as it had under Communism; in Tajikistan, the Gorno-Badakhshan autonomous oblast is the home of a number of Ishmaelite mountain tribes and became one of the strongholds of the Islamist opposition in the civil war that ravaged the country in 1992--95.²¹ This TA arrangement appears to have been one factor that increased the mobilizational possibilities of the opposition and has thus arguably contributed to the fragmentation of the state. Ajaria is the home of Georgian-speaking Muslims and is today the only one of three TA arrangements in Georgia that is still functioning.

2. Besides Ajaria, Georgia inherited from the Soviet period the autonomous oblast of South Ossetia and the autonomous republic of Abkhazia, both of which have been abolished by central authorities in Tbilisi. The autonomous status of South Ossetia was repealed in December 1990 under the erratic Georgian president Zvia Gamsakhurdia, an act that immediately unleashed a civil war.²² The autonomous status of Abkhazia disappeared from the constitutional arrangement of Georgia when the Georgian national assembly in February 1992 decided to re-enact the pre-

²⁰ Helge Blakkisrud, *Den russiske føderasjonen i støpeskjeen* (The Russian federation in the melting pot), (Oslo: Spartakus, 1997); Graham Smith, 'Russia, Multiculturalism and Federal Justice', *Europe-Asia Studies* 50, 8 (December 1998).

²¹ Barnett R. Rubin, 'Russian hegemony and state breakdown in the periphery: causes and consequences of the civil war in Tajikistan', in Barnett R. Rubin and Jack Snyder eds., *Post-Soviet political order. Conflict and state building* (London and New York: Routledge, 1998).

²² Stephen Jones, 'Georgian: The trauma of statehood', in Ian Bremmer, and Ray Taras, eds., *New States, New Politics. Building The Post-Soviet Nations* (Cambridge: Cambridge University Press, 1997): 512.

Communist constitution of 1921 that assigned no formal status to Abkhazia. Abkhazia reacted in July the same year by reinstating the 1925 constitution for Soviet Abkhazia which gave Abkhazia the status as a Soviet Union republic outside Georgia. Civil war in Abkhazia broke out the next month.²³ The Abkhazians won with the help of Russian troops. Both Abkhazia and South Ossetia are today *de facto* independent under Russian protection.²⁴

3. In three instances TA arrangements have been granted to groups in a former Soviet republic that did not previously enjoy them. These are Crimea in Ukraine, and the republics of Gagauzia and Dniestria, both in Moldova. Crimea had enjoyed an autonomous status within the Russian Federation between 1921 and 1944 but when this predominantly Russian-populated peninsula was transferred from the jurisdiction of the RSFSR to the Ukrainian Soviet Republic in 1954 it had already been downgraded to an ordinary oblast (county). In January 1991, local Crimean authorities arranged a referendum on autonomy, a motion that received overwhelming support in the local population. Ukrainian authorities accepted the results of this referendum, and the republic of Crimea was established as a constituent part of Ukraine.

Crimean autonomy politics, however, have not only been plain sailing. In the protracted and complicated tug-of-war over the delineation of prerogatives between Crimean and Ukrainian

²³ The Georgians and Abkhazians have a long history of hostility, stretching back at least to the early decades of this century when the Abkhazians supported the Russian Bolsheviks against the Georgian Mensheviks. It would therefore be wrong to see the Georgians' abolishment of Abkhazian autonomy in 1992 as the prime *causa belli*.

²⁴ I omit from this survey any discussion of the two autonomous republics of Nakhichevan in Azerbaijan. The population of Nakhichevan is compactly Azeri, that is, the same ethnic group as in Azerbaijan proper. This autonomous unit was not established as a minority rights regime, but for foreign policy reasons (to accommodate Kemalist Turkey in the 1920s). The other TA arrangement in Azerbaijan, the Armenian-populated Nagorno-Karabakh autonomous oblast, is also in many ways a special case. It has indeed

authorities, both parties have occasionally tried to pull the rug from under the other party. In May 1992, Kiev unilaterally reduced the competence of Crimean organs of power, an act to which the Crimean Supreme Soviet reacted promptly by adopting a declaration of independence and a separate constitution for the peninsula, on 14 May. Since that time Crimean separatism has ebbed and flowed several times, with a high water mark in 1994. What seems to be a lasting solution was finally reached in December 1998 when a compromise formula for a Crimean constitution was adopted by the legislators in both Kiev and Simferopol, the capital of Crimea. While the politics of Crimean autonomy have passed through several serious crises, according to one knowledgeable observer, 'in the first seven years of Ukrainian independence, Crimean political autonomy [has] played a significant role in maintaining political stability and preventing ethno-regional conflict'.²⁵

In neighbouring Moldova, the Turkish-speaking Gagauz as well as the Russian and Ukrainian minorities reacted sharply against the strong ethnocentric tendencies in Moldovan nation-building under the Popular Front regime in 1989--1991. In August 1990, the Gagauz-dominated areas in Southern Moldova were proclaimed a sovereign republic outside Moldova but inside the Soviet Union. One month later the Slavic-dominated region on the left (eastern) bank of the Dniester river followed suit. Military conflict around Gagauzia was prevented by the intervention of

unleashed an ethnically motivated war with tens of thousands of casualties, but this is not a civil war. It is a war fought between two internationally recognized independent states, Armenia and Azerbaijan.

²⁵ Gwendolyn Sasse, 'State-Building in Divided Societies: Crimean Regional Autonomy as a Means of Conflict-Prevention', paper presented at the fourth annual convention of the Association for the Study of Nationalities, New York, 15--17 April 1999, 27.

Soviet military units, while the Dniester conflict escalated into full civil war, claiming approximately one thousand lives in 1991 and 1992.²⁶

A solution to the Gagauz conflict was found in December 1994 when a special law established Gagauz Yeri as the homeland for the Gagauz, complete with its own constitution and legislative assembly. While this arrangement has been hailed by some as one of the most liberal minority regimes in Europe, other observers point out that the meagre financial resources at the disposal of the local Gagauz authorities give them very few actual possibilities to promote their own culture and language.²⁷

The Dniester conflict still awaits its final resolution. A bilateral agreement between the Moldovan and Russian presidents in July 1992 provided for a 'special status' for the Dniester region within a single Moldovan state. Both parties to the conflict, as well as the OSCE Mission to Moldova that has been trying to negotiate between them, agree that any future solution for Dniestria must be based on such a 'special status'. In 1995 the parties went one step further and agreed that the region shall be granted 'a legal status as a state' (*gosudarstvenno-pravovoi status*), but that is also as far as the agreement goes. During the seemingly endless negotiations the Moldovan side has made several important concessions but balked at any arrangement that to them looks like cementing and sanctioning the *de facto* independence that Dniestria enjoys today. To the Dniester

²⁶ Pål Kolstø and Andrei Edemsky with Natalya Kalashnikova, 'The Dniestr Conflict: Between Irrendentism and Separatism', *Europe-Asia Studies*, 45, 6 (1993), 973--1000.

²⁷ For an upbeat assessment see Vladimir Socor, 'Gagauz Autonomy in Moldova: A Precedent for Eastern Europe?', *RFE/RL Research Report* 3, 33 (26 August 1994), 20--28. For other viewpoints, see Charles King, 'Gagauz Yeri and the Dilemmas of Self-Determination', *Transition*, 1, 19 (20 October 1995); Paula Thompson, 'The Gagauz in Moldova and their Road to Autonomy', in Magda Opalski, ed., *Managing Diversity in Plural Societies. Minorities, Migration and Nation-building in Post-Communist Europe* (Nepean, Ontario: Forum Eastern Europe, 1998), 128--147.

leaders this means that Moldova must be transformed into a confederation in which each constituent part is free to conduct its own foreign policy and join other international organizations than the other party.²⁸ There is a strong suspicion among outside observers that the Dniester leaders are not really interested in achieving any final solution at all. As long as the parties continue to negotiate, the region can hold on to its *de facto* independence.

4. Finally, some regionally based cultural groups in the former Soviet Union which did not enjoy TA in the Soviet period have presented demands in the 1990s for such autonomy that have not been met. In this category we find Rusyns (Ruthenians) in the Transcarpathian oblast of Ukraine; Russians in the north-eastern part of Estonia (the Ida-Viru county with the towns of Narva and Sillamäe); ethnic Poles in the Wilenszczyzna district outside Vilnius in Lithuania; and Russophone Europeans in some oblasts in Northern Kazakhstan, *in casu* Pavlodar and Eastern Kazakhstan.

A referendum in Transcarpathia in December 1991 gave overwhelming support for TA in this oblast.²⁹ Initially some Ukrainian politicians signalled willingness to accept this demand, but at present Ukrainian authorities are holding out no offer of TA or any other kind of autonomy for

²⁸ Pål Kolstø and Andrei Malgin, 'The Transnistrian Republic -- A Case of Politicized Regionalism', *Nationalities Papers* 26, 1 (1998), 103--127. In a conversation with this author in May 1995 the foreign minister of the self-proclaimed Dniester-Moldovan republic, Valery Litskai, suggested that Dniestria's relationship with Chisinau could also be modelled on Åland's relationship with Finland or on Liechtenstein's relationship with Switzerland.

²⁹ Roman Solchanyk 'Centrifugal Movements in Ukraine on the Eve of the Independence Referendum', *Report on the USSR*, 3, no. (29 November 1991), 8--13.

the Transcarpathians. In fact, the Ukrainian state does not even recognize the Rusyns as a separate ethnic group, insisting that they are Ukrainians, plain and simple.³⁰

In July 1993 the townships of Narva and Sillamäe arranged a local referendum on ‘national-territorial autonomy’. Support for this proposal was over 95 per cent in both cities (with a turnout of 54 per cent and 60 percent, respectively).³¹ Estonian authorities, however, do not accept any kind of territorial autonomy for the Russian-speaking region, and the referendum was declared illegal by the Estonian state court. Considering the fact that some 70 per cent of Narva's population (1998), due to their lack of proficiency in the Estonian state language, do not qualify for Estonian citizenship and cannot participate fully in political life, Ida-Viru continues to enjoy less real local government than other Estonian counties.

In May 1991 local community leaders in the Polish-dominated Wilenszczyzna district outside Vilnius unilaterally proclaimed the establishment of a ‘national-territorial Polish region’, replete with its own flag, national anthem, and national bank. In August the same year Lithuanian authorities cracked down on this initiative on the grounds that Polish leaders in the area had supported the failed Communist coup in Moscow. In what many Poles in Lithuania see as an attempt to deny them any kind of self-rule whatsoever, Lithuanian authorities have designed (but not yet implemented) a redrawing of municipal borders in such a way that the Wilenszczyzna district will be split up and added to neighbouring municipalities.³²

³⁰ Author's interview with officials of the Ukrainian ministry of migration and national minorities, in September 1995.

³¹ Neil J. Melvin, *Russians Beyond Russia. The politics of National Identity* (London: Royal Institute of International Affairs, 1995): 49.

³² Jørn Holm-Hansen, *Polish Policies in the European Borderlands. Ethnic institutionalisation and transborder co-operation with Belarus and Lithuania* (Oslo: NIBR, 1999), 149--155.

In Northern Kazakhstan, groups that push for TA are branded as separatist, and outlawed. This has particularly hit a number of Cossack units. In all regions in Kazakhstan, including the north, ethnic Kazakhs are replacing Russians and other Russophones in leading administrative positions.³³ Kazakh apparently regard the threat of separatism as real. On 19 November 1999 22 men were arrested in East Kazakhstan Oblast reportedly having planned to organize an armed rebellion in the towns of Pavlodar, Oskemen, and Leninogorsk with the aim of establishing an 'Independent Republic of Russian Altai'.³⁴

TA as a minority rights regime in post-Soviet states: pros and cons

This brief outline of the history of TA in the post-Soviet states indicates that the worst one can do is to take TA away from a group that enjoyed this kind of minority protection in the Soviet period. The chances that this will lead to civil war are great. It seems less problematic to deny TA to groups that cannot point to any historical precedence for such an arrangement in their area. True, the case of Dniestria, which was offered special status only after war had broken out, might indicate denying TA to strong groups that did not enjoy it previously, may indeed be fraught with violent consequences. Violence, however, has been avoided in all cases discussed under point 4 above, although usually at the expense of clear infringements of minority rights.

³³ Ian Bremmer, 'Nazarbaev and the north -- state-building and ethnic relations in Kazakhstan', *Ethnic and Racial Studies*, 17, 4 (1994), 619--35; Pål Kolstø, 'Anticipating Demographic Superiority: Kazakh Thinking On Integration And Nation Building', *Europe-Asia Studies*, 50, 1 (1998), 51--69.

³⁴ RFE/RL Newline, 22 and 23 November 1999.

The granting of TA to a new group has yielded good results so far in two cases -- Gagauzia and Crimea -- but not as yet in the third case, Dniestria. It may be argued that differences in timing can account for this difference in outcomes. To hold out a promise of autonomy after a violent conflict through which mutual animosity and suspicion has been greatly enhanced is not quite the same as to do so before any blood has been shed. To the extent that state authorities in the post-Soviet states fear secessionist tendencies in parts of their territory, they might therefore perhaps consider TA as a pre-emptive move.

However, national authorities in the new states will usually insist that as a strategy of pre-emption TA is unlikely to lead to the desired goal, rather to the contrary: groups that are granted TA will tend to use this as a jumping ground to achieve full independence. The Dniester case will be taken as proof of this, together with the Armenian-dominated Nagorno-Karabakh region in Azerbaijan and Chechnia in Russia, and Kosovo in Yugoslavia. Both Nagorno-Karabakh and Chechnia enjoyed autonomous status in the Soviet period, as an autonomous oblast and autonomous republic, respectively. The struggle for control over these regions has unleashed two of the worst wars in the post-Soviet space, with 20,000 deaths in the one case and 100,000 in the other. In both of these cases, then, it seems that the separatists will be content with nothing short of complete secession.

In terms of principle, secession and TA are qualitatively different solutions, but in terms of practical politics they often shade into one another. S.W.R de A. Samarasinghe has remarked that 'a separatist movement with modest aims that do not extend beyond devolution of power within

the existing state can easily devolve into a full-blown secessionist movement'.³⁵ But, as Allan Buchanan has pointed out, the reverse may also be the case: a demand for a right to secede may merely be a strategic bluff to extract gains while remaining within the political union.³⁶ In retrospect we can see that this apparently was the case with the vast majority of independence declarations passed in the autonomous republics of the Russian Federation in the early 1990s (except Chechnya), possibly also with the independence declaration passed by the Dniester republic in 1991.

Ironically, the clearest evidence in support of the suggestion that territorial autonomy within a state may be exploited as a springboard to achieve full independence, is provided by the Soviet successor states themselves. During perestroika the leaders in the Union republics made maximum use of the territorial autonomy granted them in the Soviet constitution, and managed to engineer the dissolution of the Soviet state.³⁷ The political authorities in the successor states seem to be saying: since *we* misused TA, we cannot give TA to you, the current minorities.³⁸

But even if the minorities may somehow provide credible commitments or guarantees that they will refrain from stepping up the demand for TA into a demand for full political independence, they may be suspected of misusing in another way the limited political authority granted to them. In their autonomous unit they may discriminate against second degree minorities and/or against

³⁵ S.W.R de A. Samarasinghe, 'Introduction', in R. Premdas, S.W.R de A. Samarasinghe and A. Anderson, eds., *Secessionist Movements in Comparative perspective* (London: Pinter, 1990), 2.

³⁶ Allen Buchanan, *Secession. The Morality of Political Divorce from Fort Sumter to Lithuania and Quebec*. Boulder, (Colo: Westview, 1991), 2.

³⁷ In a referendum organized by Mikhail Gorbachev in March 1991, 70 per cent of those who participated voted in favour of retaining a single Soviet state.

members of the majority population living in the area. Even worse, they may try to expel them.

What is the record of TA arrangements in the post-Soviet space in this respect?

Sad to say, it is not a particularly good one. Many of the same exclusionary ruling techniques employed by the new majorities in the successor states indeed seem to be duplicated by the minorities whenever they get the chance. A common socio-psychological mechanism seems to be ‘winner takes all’. In electoral politics this means that whoever wins in a national poll will feel entitled to fill all the most prestigious and well-paid jobs in the state with their supporters and dismiss the incumbents if they do not belong to their group. In autonomy politics it means that whoever gets control over a certain area will assume a right to give preferential treatment to their own group, not only culturally, but also in terms of political and economic power. Sovietologists are prone to call this the ‘kto-kogo’ syndrome, after Vladimir Lenin’s dictum that deep down ‘who gets whom’ is what politics is all about. A Western term to describe the same phenomenon is that politics is a zero-sum game.

In the ethnically defined subjects of the Federation in Russia the titular national group often manages to dominate local politics far out of proportion to their share of the total population. For instance, to the State Council of the Republic of Tatarstan elected in 1995, 73 per cent Tatars and 25 per cent Russians took seats, although both groups are about equal in size.³⁹ An even more remarkable case is Bashkortostan where the titular group, the Bashkirs, constitute a small numerical minority. There are some 22 per cent Bashkirs, 29 Tatars and 39 Russians in the

³⁸ It is only fair to point out that the author of these lines is a Norwegian, that is, a member of a nation which achieved political independence under circumstances not too different from the Soviet republics, by pressuring the Swedes to accept a dissolution of the Swedish-Norwegian Union in 1905.

republics -- and yet, as of March 1995 the legislative assembly of the republic was composed of 55 per cent Bashkirs and only 21 per cent Russians and 15 per cent Tatars.⁴⁰ In this case, the titulars had managed to outmanoeuvre both the majority ethnic group in the larger state (the Russians) and a numerically strong second degree minority, the Tatars.

In Crimea, the indigenous population of Crimean Tatars, returning from their war-enforced deportation to Central Asia, find themselves without political clout on the peninsula that is their ancestral home.⁴¹ They also face enormous economic difficulties that they ascribe to systematic discrimination by the Slavic majority population. In the Dniester republic in Moldova many ethnic Moldovans complain that pro-Moldovan political parties are banned and they are not allowed to use their Moldovan language as they wish.⁴² In Gagauzia the Gagauz are accused of discriminating against a second order minority, the Bulgarians.⁴³

The situation in the Caucasian region is even worse. When Chechen nationalists took over in Chechnia in 1991 many Russians -- not without reason -- feared for their safety and left in droves. From Nagorno-Karabakh in Azerbaijan and from Abkhazia in Georgia, tens of thousands of Azeris and Georgians have fled since the Armenians, respectively the Abkhazians, took

³⁹ Valery Tishkov, *Ethnicity, Nationalism And Conflict In And After The Soviet Union, The Mind Aflame* (London: Sage, 1997), 256--57.

⁴⁰ Il'dar Gabdratifov, *Respublika Bashkortostan. Model' etnologicheskogo monitoringa* (Moscow: Institut etnologii i antropologii RAN, 1998), 35.

⁴¹ In 1994 the Tatars were granted a special quota in the Crimean Supreme Soviet in excess of their share of the total population (14 seats). See Andrew Wilson, 'Politics in and around Crimea: A difficult homecoming', in Edward A. Allworth, ed., *The Tatars of the Crimea. Return to the homeland* (Durham NC: Duke university press, 1998), 299--302. The quota system, however, was abolished in 1998.

⁴² Cultural politics in the Dniester republic is complicated. The Moldovans are divided; some of the most fervent Russianizers in the republic are themselves ethnic Moldovans. The Dniester republic has three official languages -- Russian, Moldovan, and Ukrainian -- but Russian is used far more often than the other two.

control. Similarly, in Abkhazia the Russian population fell from 28 per cent in 1926 to 17 per cent in 1979.⁴⁴

Political leaders in the Soviet successor states often resent the advice issuing from Western political scientists and human rights experts on how they ought to accommodate their cultural minorities. Such advice often betrays condescending, paternalizing attitudes, they assert, and is also based on Western experiences and preconditions that do not obtain in their countries.

Territorial arrangements for cultural minorities may perhaps work in stable, Western societies, it is argued, but not in newly established post-Soviet states where political authority is still shaky.

Give the minorities an inch and they will take a mile.

These objections should not be brushed aside easily. Secession is not ruled out by international law but is legitimate only when it is based on mutual agreement between the parties. In no Soviet successor state, however, are the national authorities willing to countenance a truncation of state territory and they have every right to try to prevent it. But that argument does not lead to the conclusion that TA must be ruled out entirely. On the contrary, the new nationalizing states in the FSU may have a greater, not smaller, need to employ TA than do more consolidated

⁴³ Claus Neukirch, 'National Minorities in the Republic of Moldova -- Some Lessons Learned, Some Not?', *South East Europe Review for Labour and Social Affairs*, 2, 3 (1999).

⁴⁴ While such *de facto* expulsions are absolutely inexcusable, they must be seen against the background of the demographic engineering pursued by the Azeris and Georgians over the last decades. When Nagorno-Karabakh was a constituent part of Soviet Azerbaijan the share of the Armenian population in this autonomous oblast dropped considerably, from 91 per cent in 1939 to 80 per cent in 1970. Svante E. Cornell, *The Nagorno-Karabakh Conflict*, Working paper 46, Department of East European studies,

democracies. What the post-Soviet states lack even more than strong political authority is mutual trust among the various groups in society. In any effort of confidence-building the stronger party has a greater responsibility than the weaker. In a national or nationalizing state the political groups representing the majority population must be assumed to be stronger than political groups representing the minorities.

In my view, cultural groups ought to enjoy cultural rights, that is, the protection, preservation, and development of their culture, including traditional language, religions, and way of life. This must apply to both majorities and minorities and these rights ought to be enjoyed throughout the territory of the state. At the same time it is far from clear that cultural groups ought to enjoy any special economic or material rights, either nationally or locally. These are arguments that favour non-territorial (personal) autonomy over territorial autonomy as minority protection regime.

Territorial autonomy is in many respects a primitive device for minority protection that leaves many problems unsolved. In many cases more members of the minority live outside the proposed homeland than within its borders. These minority members will not benefit from any cultural, linguistic, or other prerogatives accorded to their co-ethnics within the autonomous unit. In some cases, they may even feel more exposed to discrimination than if their geographically concentrated co-ethnics did not enjoy TA. This, for instance, is the case with ethnic Chechens in Moscow and St. Petersburg today.

University of Uppsala, 1999, 11; J. Paul Goode, 'The Georgian-Abkhaz Conflict: A Triadic-Relational Analysis', unpublished manuscript., August 1999.

However, some arguments may be adduced that favour TA over other kinds of minority rights regimes. While the minorities ideally ought to enjoy cultural rights throughout the territory of the state, in practical terms these rights will often be far more easy to implement in a limited area designated as their homeland than elsewhere. While a regime restricting their cultural rights to one autonomous region may not be the optimal solution for the minority, it is certainly better than nothing. A bird in the hand is worth two in the bush. But the most important argument in favour of TA over other kinds of minority protection, as I see it, is that it gives the minorities some solid guarantees against encroachments from the majority population that no other minority protection regime may provide. Even while it does not make them 'masters in their own house' -- as the titular nation in the state is regarded as -- it makes them at least 'masters in their own flat' within somebody else's house. This flat they may decorate as they see fit. There is a real danger that a TA arrangement may retard the consolidation of the perception that the entire house is the common home of all the tenants. But even a slow process towards the consolidation of civic nationhood must be preferable to all processes leading away from this goal, such as civil wars.