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Regional Aspirations in Europe and Post Colonial States: Case Studies from India and the United Kingdom

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Abstract

In practice, the right to self-determination has often been conflated with the right of secession. In a world where territorial sovereignty reigns supreme, secession is often seen as a betrayal of the nation. However, the boundaries of nation-states remain contested, whether in the West or in the postcolonial societies. In the case of the postcolonial state of India, it adopted a quasi-federal system of governance to accommodate its multiple nationalities,ethnicities,languages and religion. It did not result in a peaceful transition into the modern state. India has witnessed the rising demand for national self-determination from Kashmir to Tamilnadu, from Punjab to Nagaland. The demands have often turned violent and were attracted punitive action inevitably from the state resulting in long protracted conflicts between the central forces and the insurgent groups. Similarly, in the United Kingdom (UK), from Scottish to Irish, units of the Kingdom are also demanding separation from the Westminster model of governance of, resulting in a devolved federal governance structure. Using Michael Jewkess model of the multinational federation, this paper makes a comparative case study of the political system of the UK and India, taking of case of Northern Ireland in the UK and Nagaland in India. This article/essay examines the relative peace in Ireland with irregular outbursts of violence in the Indian state of Nagaland. Also, it discusses the competencies of the multinational federation model of Jewkes.

Keywords: Self-determination, Choice, Autonomy, Representation, Institutional

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Introduction

The normative acceptance of national self-determination as a concept (see UN Charter) has been incompatible with the practice of self-determinism in both Western and postcolonial states. Every nation-state disregards and remains apprehensive of any demand for self-determination within its territories, often leading to violent conflicts or, worse still, civil wars, within the borders. The concept of self-determination can be defined as the demand for the assertion of group agency. The group considers itself a homogeneous unit based on religion, language, culture, ethnicity or shared history. The affective attachment of any one or more of these characteristics to make a large group identity contributes to public mobilisation and fissure within the existing national identities. However, the outcome of the demand for self-determination is the political autonomy of a group which can decide upon its own collective destiny leads some scholars to believe that the intrinsic value of the group identity is responsible for such mobilisation (Jewkes, 2014). Though, value individualists disregard the inherent value of the group and its political autonomy. It's rather the autonomy that the individuals derive from the political self-assertion of the group identity.

This article deals with the regional form of self-determination, meaning that the group that demands self-determination is concentrated over a piece of land. The region itself is a non-deterministic category, which could mean a cultural, religious, linguistic or historic group occupying a definite territory. However, the demand for self-determination has often been normatively and empirically conflated with secession. Michael Jewkes argues that the demand for national self-determination does not always aim at the aspiration of separate statehood (Jewkes, 2014). In many cases, such a demand is not feasible or desired. The sub-state institutional design can satisfy the demands of a regional group with more autonomy. However, one model of sub-state national autonomy does not fit the regional variation. The devices need to be contextually situated.

Michael Jewkes (2014) furthers a theoretical premise in his article "Self-determination without Secession", that there are certain definitive provisions of institutional design for a sub-state self-deterministic model. He emphasises that the best attempt to collect various nationalities is multinational

federalism. In multinational federalism, the institutional devices should be first based on three moral values: (i) Choice autonomy; (ii) Democratic Autonomy; and (iii) the Parity of esteem autonomy. Once the morality of demand of regional self-determination is understood, there have to be structural mechanisms of Significant devolved competencies, Enhanced Central representation, and Constitutional entrenchment securing the moral needs of the group.

1. **Significant Devolved Competencies –** This simply means that the group should have the power to decide on their parochial matters. The group should enjoy the power to decide their social and political future within the union, especially in matters that would affect them exclusively.

2. **Enhanced central representation** implies the equal representation of minorities as the majorities in the institutions of the central state, in the common institutions with the shared majority. This step disregards the logic of a greater number and greater representation in democracy to defeat the logic of majoritarianism. It favours the minority by giving them an equal voice in the representative systems to be able to defend their interests. This is the basic principle of shared rule.

3. **Constitutional Entrenchment** - A written constitution reflects a path to a harmonious present for a collective future. For multinational federalism, a constitution is the memo of the acceptance of their individuality with an intent to achieve a shared future. Constitutional entrenchment implies an acceptance by the central state of the distinctiveness of the minority, which the majority cannot erode.

For the structural arrangement to work, it should be situated in these three moral principles.

1. **Context of choice autonomy** -A group's demand for self-determination arises from the threat of minority of erosion of their societal values by the majority. Their societal values in ritual, tradition, practices, language or history provide the comprehensive affective system that holds the group together. This gives the individual an ontological sense of belonging. When cultures interact in multinational arrangements, it results in a hierarchy of dominance of cultures and threatens to erode

the cultural values of the minority. It might not be the case in all circumstances. Hence members of minority communities desire institutional protection to implement their policies in the context of their autonomous choice facilitating the exercise of individual autonomy.

A cultural environment socialises individuals and plays a vital role in their selection of various paths in life. Cultural norms provide a value framework, a normative system, that impacts the individuals' priorities and wishes. The condition of significant devolved competence offers the ground for myriad cultures to flourish, thus empowering individuals to make choices within their cultural domains.

2. **Democratic Autonomy**

The first moral device allows for a cultural and social fulfilment of needs of belonging. But humans are political animals. Thus, the second moral need for self-determination is the autonomy to control their political destiny. The group's ability to participate in the political process, the ability to deliberate and influence the political process. Even when the groups have equal ability and

freedom and participate in the collective political process, the greater representation of the majority in the decision-making severely constrains the ability of smaller groups to influence decision-making and shape their political destiny.

3. **Parity of esteem autonomy**

Two nation-states, with all differences in the size of landmass, population and economy, meet each other on equal footing. There is symbolic equality in the engagements of nation-states, which also corresponds to the demand for self-determination. A normative hierarchy of groups within the state aggregates the group's sensibilities, which desire a parity of self-esteem. The group requires participation in the centre on a symbolically equal and dignified basis.

The case of Northern Ireland in the United Kingdom

The centuries-long conflict between largely Protestant England and largely Catholic Ireland came to an end with the independence and partition of Ireland with Northern Ireland, where largely Irish Protestants lived under the British

crown (Féron, 2014). After the partition of Ireland in 1920, what followed was deep segregation of the communities, ghettoization and second-class treatment of the minority Catholics in Northern Ireland. A big cause of discontent was discrimination in housing and jobs, eventually leading to the beginning of the civil rights movement in the 1960s (Munck, 1992). The movement drew its inspiration from the civil rights movement going on in the United States under the leadership of Martin Luther King. However, in Northern Ireland, it eventually resulted in 1968 communal violence among the Protestants 'loyalists' who saw any demand for civil rights as a conspiracy for the entrenchment of IRA to kill the Protestants 'Unionists' (Munck, 1992). What followed was three decades of guerrilla warfare between the English troops and the Irish Republican Army (IRA). It took the shape of a protracted conflict. The war finally ended with the Good Friday agreement of 1998, followed by an election of the newly established Northern Irish Assembly (Doyle, 2018).

What is interesting to look at here is the political innovation that satisfied a religious minority against the threat of a majority. The power-sharing arrangement was based on the consociational model of democracy designed by Arend Lijphart (Kissane, 2006).

At the executive level, a multi-party executive was established, in which the joint office of the first minister and the deputy first minister should be one unionist and one nationalist, while both having equal power. Similarly, in the cabinet, through the d'Hondt system, the seats will be divided between Unionists and Nationalists based on the number of seats their party won in the election. A proportional representation system based on a single transferable vote was used for the election of members of the legislative assembly. Minority community was also given the right to veto certain matters. Certain important offices and the decisions on important matters such as budget required cross-community voting, that is, support from both Unionists and loyalists.

At the central level, the British parliament looked like the parliament of the European Union, whose members were democratically chosen from distinct national electorates, representing their interests (Sheldon, 2022). Although there is no explicit territorial representation in the British

parliament, the political parties of the Units, regardless of their ideology, act as the representatives of the units.

Under the Good Friday Agreement (1998), also known as the Belfast Agreement, there was the Northern Ireland (elections) Act 1998 was brought to implement the devolution of power; it also acts as a guarantee for the Irish people against encroachment of the British in their affairs (Public General Acts 1998; Foreign Affairs 2020).

The case of Nagaland in India

Regionalism in India could be identified in three different ways.

* Regions which do not have any intention to move away from the centre but retain their distinct regional identity.

* Regions which demand for more autonomy from the union in a federal structure.

* Regions that throw up militant separatist movements with explicit uncompromising demands for statehood.

These demands are often made with a historical reference point to a distinct cultural and linguistic identity. Even prior to the independence of India, the Naga National Council concluded the Agreement with the then Governor of Assam Akbar Hydari to have greater autonomy within the Indian state. The greater autonomy was arranged by placing the Naga Hill District into the sixth Schedule of the Constitution. The state with a predominantly Christian population, social conflict, Tribal social life, and the power politics between the moderates and the rebels experienced heavy conflict in the 1960s.

In Nagaland, the violent conflict began with a demand for a separate sovereign Nagaland in 1958, known as the Naga Insurgency. However, fractions emerged within the rebel groups as the movement turned violent. The violence resulted in the enactment of the Armed Forces (Special Powers) Act in 1958. After the Nehru government's assurance of autonomy, the nationalist delegation of Naga leaders submitted a proposal for statehood in 1960. With the passage of the Constitution (Thirteenth Amendment) Act, 1962, the state of Nagaland within the Indian Union finally came into existence in December 1963 (Ramunny, 1979). Nagaland became the first state to be created by the division of Assam as a separate state in North East India (Jamir, 2009).

But the Naga National Council (NNC) kept on raising the demand for sovereignty, citing differences in ethnicity and lack of historical ties as their reasons. The NNC engaged in violent conflict with Indian Army. The political hostility could not be overcome even after 50 years of the formation of the Modern Indian state. But with many rounds of the peace process resulting in multiple accords, the war between Indian Army and the rebels could be brought to an understanding. The regional parties Naga People's Front (NPF) and Nationalist Democratic Progressive Party (NDPP) are the main contenders for power, with Indian National Congress and Bharatiya Janata Party also Meddling in the field (Singh, 2020).

The Naga demand for sovereignty is an emotional issue reflected in comparatively less enthusiastic voting for the lone Lok Sabha seat than voting for the legislative assembly elections; some people do not accord much importance to Lok Sabha Election. Presently the National Socialist Council of Nagaland (NSCN-IM) is the party that is in continuation with talks with the Government of India over the demands of having a separate Naga National Flag and Separate Constitution and also the less burning but undying demand for greater Nagaland, which also affects the neighbouring states (Karmakar, 2023). The latest framework agreement between the two sides was signed in 2015.

The introduction of the third tier of government and having reservations for the tribal people in the hill areas carried wider implications for trickling down power to the local groups. The rise of regional political parties also acted as a safety valve to channel regional demand into the political system. India's constitution also provides Special category status to 11 states under Article 371, including Nagaland. Regarding central representation, the state has only one seat in Lok Sabha and the same for Rajya Sabha.

Though Nagaland has been under relative peace, it has been kept under the draconian Armed Forces Special Powers Act (AFSPA) as disturbed areas owing to the continuation of the rebels' violent incidents and the continued fear of the central government of the rebel movement gaining power again (*Outlook,* 2023).

Lessons for Plural Societies

In India, the devolution of power to the states allows for significant devolved competencies. However, under-representation or lack of representation in the elected and

governmental institutions at the central level namely the parliament, the federal bureaucracy, law-enforcement agencies etc. often leads to a sense of alienation and deprivation, which may cause resentment and conflict in a multinational federal model. This need-based model advocates that the demand for self-determination arises from certain social, cultural, political or normative deprivation. In any case, the existing institutional devices should be properly leveraged in a multinational federal structure, through context-conscious political engineering to generate integrative impulses for stability and order by taking care of what Jewkes would call the 'moral needs' of the people making secessionist demands on/ against the state. This model does have its benefits, but it seems to disregard the role of historical memory of assimilation or violence in the making or breaking of multinational federal structures.

The 'moral need' defined here does not address the need for ontological security of the group that demands political autonomy. However, the mechanism of significant devolved competencies helps in reserving many areas of decision-making for the alienated group in the existing system of governance. In order to be sustainable, all such devolved competencies need to be reflected in collective decision-making at the central level, which can be addressed by enhanced representation at the centre. One note of caution while applying this model is that on the question of choices and preferences of the minority group, all groups may not necessarily hold homogenous views on any political issue, and the dominant views in a group may only represent the views of the majority within a minority group. Nevertheless, as the twin cases of India and UK show, the model developed by Jewkes does offer useful lessons for multicultural and multinational states to deal effectively with disintegrative threats coming from alienated groups. Even if it cannot be a one-size-fits-all solution for all such threats, states can adapt the concepts of choice autonomy, democratic autonomy and parity of esteem autonomy in an innovative manner to enable centripetal forces which can hold a federal structure together. ■

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