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Territorial Autonomies in International Relations: Political Spaces for Participation

*Nika Dvali

Abstract In the terms of internal self-determination, autonomous regimes can shape internal policies in different fields. In this point of view, autonomy looks like a real alternative of secession. However, The centre is always responsible for international relations. This research investigates a political space for territorial autonomy regimes to have, or, advocate their own foreign affairs.

1. Introduction

1.1 Purpose of the Study and Research Problem

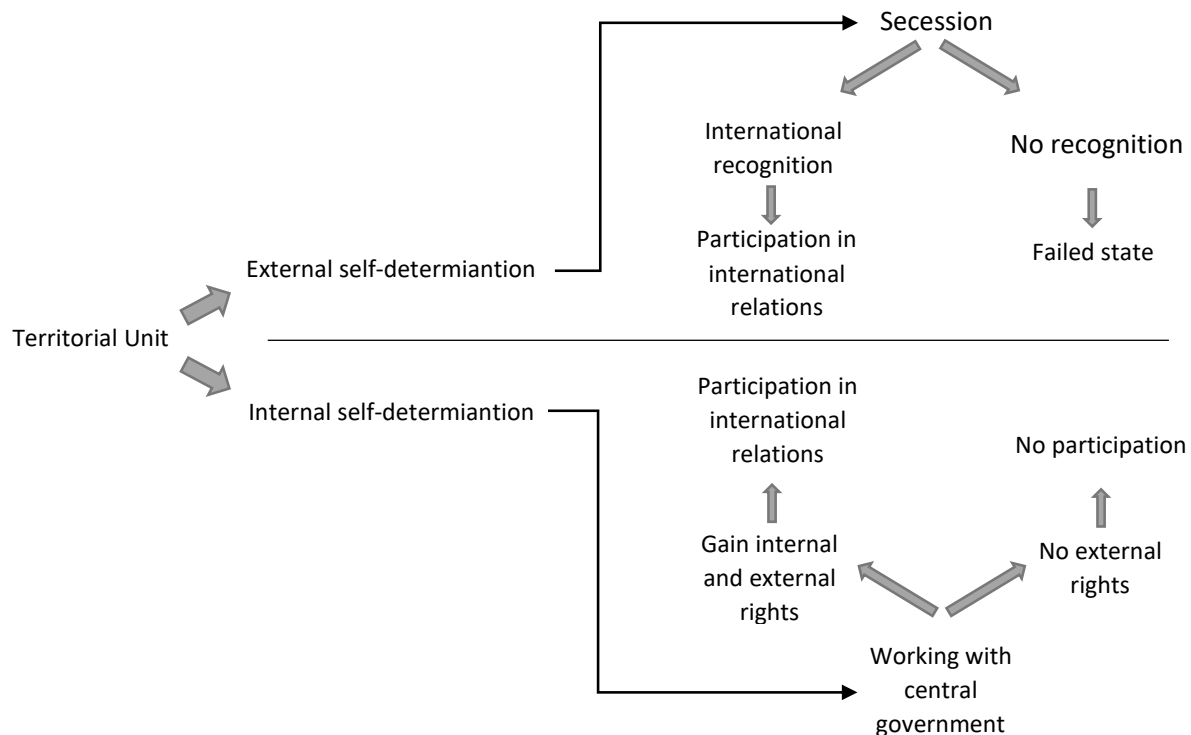
Territorial autonomies are considered as a result of internal self-determination. Territorial autonomy, created to protect minority rights, can be characterized as an intermediate regime between non-self-governing territory and independent state¹. Separation within the borders means having one's own decision-making bodies that tend to look like state institutions. Territorial autonomy can shape its own policy about domestic issues: healthcare, education, culture, economy, infrastructure, nature preservation, Etc. In that way, it is such an alternative of secession. But there is one more important dimension of politics – international relations. Underlining the alternative character of internal self-determination, there is a need to fill this gap and ask question: can territorial autonomies have international relations, or advocate foreign policy according to their interests and preferences?

1.2 Research Question and Theoretical frames

International relations are state based: every territorial unit seeking participation at international level have to be a state. According to Montevideo convention (article 1) “The state as a subject of international law should possess the following qualifications: (a) a permanent population; (b) a defined territory; (c) government; and (d) capacity to enter into relations with the other states. For this very last criterion, there is a need for international recognition. In terms of autonomous regimes, recognition is missing. Therefore, I can introduce the research question: *Can territorial regimes participate in international relations and in what ways?*

¹ Yoram Dinstein, *Autonomy Regimes and International Law*, 56 *Vill. L. Rev.* 437 (2011).

Scheme 1. Two-route process for territorial Units to participate in International Relations



According to the Charter of the United Nations, all people have the right of self-determination (article 1). In this scenario, territorial autonomies have the choice to work to secession, gain international recognition and form an independent state that will lead them to international level. But, is it possible? Secessionist movements are connected to conflicts and violence; financial, economic and social crises. Even territorial unit could succeed in the secessionist processes, there are more challenges: South Sudan and Somaliland are two examples of failed states after the scenario of secession.

The second route is working within the boundaries of the state. Autonomous regime and the center can form intergovernmental relations in accordance with the center in a way to have some political space to influence foreign affairs in a manner by which its interests and preferences will be reflected; Or, territorial regime can gain some number of rights to have international relations. According to Dinstein, “The autonomous region may be allowed to conduct some direct international contacts with foreign countries” and “It may also be authorized to make decisions which have considerable repercussions in the international arena, e.g., in terms of membership in international organizations” (Dinstein, 2011; 3).

Creating territorial autonomy is connected to the security dilemma: on the one hand there is a need to answer demands from minorities and on the other hand there is a dimension of state territorial unity. The set of rights and amount of shared power is dependent on minorities preferences and will of central government. One of the solutions for state security is explained by Will Kymlicka with multicultural principles: If minority groups are not recognized, protected and politically self-organized, sub-state nationalism tends to arise and escalate violent and military conflicts. If central government uses multicultural principles, recognizes and protects minorities, creates self-governance

instruments for sub-national groups, sub-state nationalism will accommodate. In this scenario, nationalistic movements in territorial autonomies do not create violence or armed conflicts, but political discussion in state institutions.² Usually, if central government agrees on territorial regime, territorial unit should be neutral in the terms of military issues.

Here, I want to outline the division between state and autonomy competences. In other words, that means *who does what?* There is not any kind of framework about how these competences should be shared by center and region. Generally speaking, autonomous regimes are responsible for their domestic issues and have competencies in healthcare, economy, education, culture and other issue areas. However, "...the autonomous region may be allowed to conduct some direct international contacts with foreign countries" and "It may also be authorized to make decisions which have considerable repercussions in the international arena, e.g., in terms of membership in international organizations" (Dinstein, 2011; 3). Foreign responsibilities also can be found in Acken's work. According to her "The attribute of functions will be outlined as internal matters, shared functions, or even external functions. There might also be autonomies that include two elements of the three elements, i.e., they have both internal and shared functions at the same time, or internal and external functions" (Ackren, 2009; 30).

2. Method

The theoretical scheme above suggests two options to participate in international relations. according to the second rout, territorial unit decides internal self-determination, gaining status of territorial autonomy and works with central government to shape frames for rights and distribution of power and. To answer my research question, territorial autonomies should have both internal and external rights.

Out of 65 autonomies listed by Ackrén, 15 of them meet this requirement and 10 out of them are autonomous regimes that have power distribution from European Countries, such as: Denmark, Finland, France, Moldova and UK (see **Table 1**). European practice in the terms of internal self-determination should be noticed and underlined.

Table 1. Autonomies with Internal and External Functions ³

Autonomy	Distribution of Power	Functions
Åland Islands (Finland)	strong	Internal and external
Cayman Islands (UK)	strong	Internal and external
Cook Islands (NZ)	strong	Internal and external

²Kymlicka, Will. "Multiculturalism and Minority Rights: West and East." *Journal on Ethnopolitical and Minority Issues in Europe*. Issue 4/2002;

³ The original and full version of the table can be found: Ackrén, Maria; *Conditions for different autonomy regimes in the world: a fuzzy-set application*, Åbo Akademi University Press, 2009, pgs. 30-35

Faroe Islands (DK)	strong	Internal and external
Gagauzia (Moldova)	strong	Internal and external
Greenland (DK)	strong	Internal and external
Guernsey (UK)	strong	Internal and external
Hong Kong (China)	strong	Internal and external
Isle of Man (UK)	strong	Internal and external
Jersey (UK)	strong	Internal and external
Macau (China)	strong	Internal and external
New Caledonia (France)	strong	Internal and external
Niue (NZ)	strong	Internal and external
Puerto Rico (US)	strong	Internal and external
Turks And Caicos Islands (UK)	strong	Internal and external

Ackrén also lists territorial autonomies by score based on indicators, such as: distribution of power, functions, constitutional basis, control over the generic autonomy provisions, and tax abilities (see: Ackrén, 2009; 39-41). Studies measuring autonomy and self-governance by indexes largely use the same variables. Final report by European commission⁴ is such an example: coding scheme used in the report are based on the indicators that can be grouped by measuring variables proposed by Ackrén. Concluding variables from these two tables it can be considered that all of 10 European territorial autonomies mentioned above have internal and *external* political functions; strong distribution of power and represent high autonomy indicator scores (see Table 2).

Table 3. Ten European territorial regimes listed by distribution of power, functions and autonomy indicator score

Autonomy	Distribution of Power	Functions	Autonomy Indicator Score
Åland Islands (Finland)	strong	Internal and External	3.5
Cayman Islands (UK)	strong	Internal and External	3.5
Faroe Islands (DK)	strong	Internal and External	4
Gagauzia (Moldova)	strong	Internal and External	4
Greenland (DK)	strong	Internal and External	4
Guernsey (UK)	strong	Internal and External	4.5
Isle of Man (UK)	strong	Internal and External	4
Jersey (UK)	strong	Internal and External	4
New Caledonia (France)	strong	Internal and External	4.5
Turks And Caicos Islands (UK)	strong	Internal and External	4

To answer my research question and test the theoretical scheme, a case study of one of the autonomous regimes listed in Table 2 can be used. In this paper I will investigate case study of Åland Islands, Faroe Islands and Greenland and then, I will create causal mechanism to show up conditions for successful participation of autonomous units in international relations.

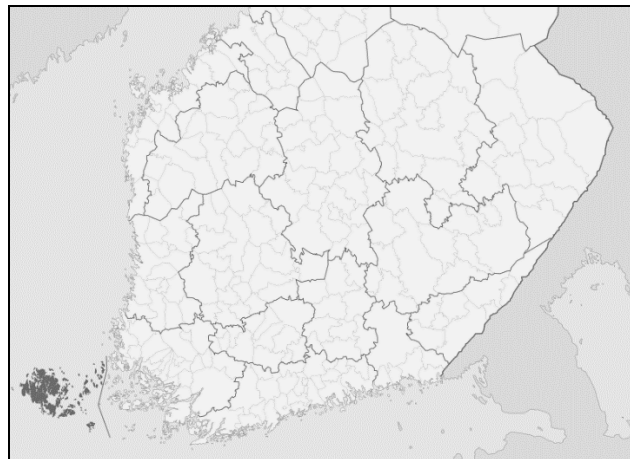
⁴ See the full report: Andreas Ladner, Nicolas Keuffer and Harald Baldersheim, *Self-rule Index for Local Authorities (Release 1.0)* Final report Tender No 2014CE16BAT031, November 2015, pgs. 20-23.

3. Case study of Åland Islands, Faroe Islands and Greenland

3.1.1 Historical overview of Åland Islands

Åland Islands has approximately 30,000 Swedish-speaking inhabitants. Because of the language differences and cultural distinction, they create sub-national group inside Finnish borders. After Finland gained independence (1917) there was an international dispute between Finland and Sweden about Åland Islands. Finally, the League of Nations decided that Åland Islands should remain within Finland's borders with autonomous regime. This was one of the first disputes between two international actors solved by an international organization. Also, it should be underlined that state security dilemma for Finland was solved by itself, because islands were demilitarized in 1856. According to Simolin, "...Åland's demilitarization was strengthened through neutralization of the islands in times of war." (Simolin, 2020; 12).

Illustration 1. Location of Åland within Finland⁵



Autonomous regime for the islands are stated and shaped by Act on the Autonomy of Åland (1991).

3.1.2 Historical overview of Faroe Islands

The population of Faroe Islands is more than 54,000. Majority of inhabitants in the islands are ethnically considered as Faroese people, speaking in Faroese language. Ethnical, linguistic and cultural differences, also geographical conditions make them distinct society within Danish borders. Until 1940, Faroe Islands was Danish County. In the period of WWII, islands were controlled by British and after the war territory were returned to Denmark.

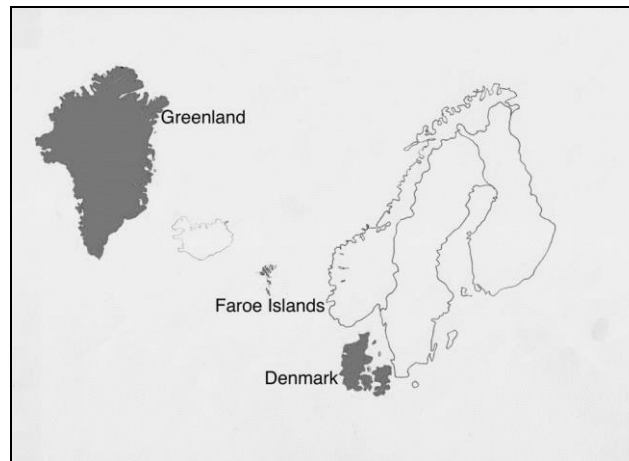
In the terms of national security dilemma, Denmark was always interested to militarize islands with NATO military forces. As Jákupsstovu and Berg state, "For Denmark, allowing the allies access to Faroese territory meant economizing on its own military spending; but allowing NATO and the US to militarize the islands in spite of Faroese demands on neutrality led to political tensions and growing support for the Faroese independence movement" (2012; 418). The will of demilitarization and

⁵ Source: Wikipedia, https://en.wikipedia.org/wiki/%C3%85land#/media/File:Ahvenanmaa_sijainti_Suomi.svg

neutrality in Faroe Islands institutions solved security dilemma for central government while creating sub-state autonomy within Danish borders.

Also, it should be noticed that despite independence movements in Faroe Islands, Devolution accommodated internal nationalism in Denmark. In 1948, Faroe Islands was granted autonomous regime by the 1948 Rule Act, that considers islands as “Self-governing community within the Kingdom of Denmark”.

Illustration 2. Location of Greenland and Faroe Islands within Denmark⁶



3.1.3 Historical overview of Greenland

The population of Greenland is more than 56,000. According to Benedikter” Ethnically and linguistically, the Inuit of Greenland are closely related to the Inuit of Canada, Alaska and Siberia (2009; 115). Like Faroe Islands, Greenland was also returned to Denmark after WWII. The island had colonial status until 1953. Like Faroe Islands, Inuit population of Greenland demanded political rights and reshape intergovernmental relations. Despite the tensions, granting autonomy accommodated the situation in 1979. In the military frames, Greenland’s military affairs are responsible of central government and local authorities do not have any control over the military issues.

Autonomous regime for Greenland is based on Act on Greenland Self-Government 2009.

In all three cases, distinct societies existence within majority of population is noticeable. In all three cases, internal self-determination solves the disputes and tensions or accommodates sub-state nationalism. State security dilemma is also solved by neutrality and demilitarization of territories or by do not giving responsibilities over military issues to autonomous regimes.

⁶ Source : https://www.scandinaviansociety.ca/_images/0014A20140302121722.jpg

3.2 External rights of Åland Islands, Faroe Islands and Greenland

Power distribution between central and autonomous governments and rights for territorial units are stated in legal frameworks. To find out external dimension of rights and powers for the case study, there are three main documents to discuss:

1. Act on the Autonomy of Åland (1991);
2. Act on Greenland Self-Government (2009);
3. Home Rule Act of the Faroe Islands (1948).

In all cases, while scheming state and local competencies, foreign affairs and international relations are under the responsibility of central government. So, what are their external rights? Silverstrom suggests, participation in treaty-making process can be one of the external rights of the territorial entities. Author defines two kinds of territorial regimes: (a) autonomous entities that negotiates, signs and ratifies treaties and (b) autonomous entities that can have consultations with central government while the state negotiates, signs and ratifies treaties on the behalf of territorial unit (Silverstrom, 2008).

3.2.1. Participation in treaty-making process

In the Act on Greenland Self-Government, there are plenty of rights shaping the international treaty-making process. Chapter 4 “foreign affairs” states:

1. Naalakkersuisut⁷ may, on behalf of the Realm, negotiate and conclude agreements under international law with foreign states and international organisations, including administrative agreements which exclusively concern Greenland and entirely relate to fields of responsibility taken over. (12. 1)
2. Agreements under international law which exclusively concern Greenland and the Faroe Islands and entirely relate to fields of responsibility taken over may, subject to decision by Naalakkersuisut as well as the Faroe Islands Landsstyre [Government of the Faroes], be negotiated and concluded jointly on behalf of the Realm by Naalakkersuisut and the Faroe Islands Landsstyre. (12.2)
3. The Government shall inform Naalakkersuisut before negotiations are initiated regarding agreements under international law which are of particular importance to Greenland. (13. 1)

Despite the fact that in the Home Rule Act of the Faroe Islands foreign affairs are not defined as local authority responsibility, foreign policy of The Faroe Islands is regulated by the Foreign Policy Act of the Faroe Islands (2005). According to the act:

⁷ Government of Greenland

1. The Government of the Faroes may negotiate and conclude agreements under international law with foreign states and international organisations, including administrative agreements, which relate entirely to subject matters under the jurisdiction of the Authorities of the Faroes. (Section 1; 1);
2. Subsection (1) shall not apply to the negotiation and conclusion of agreements under international law, which concern both the Faroes and Greenland. Following a joint decision by the Government of the Faroes and the Government of Greenland, the two governments may, however, act jointly with respect to agreements under international law in accordance with the provisions of this Act;
3. Section 8 (2) of the Act on Home Government of the Faroes shall be applied correspondingly in the appointment of representatives of the Government of the Faroes to diplomatic missions of the Kingdom of Denmark to attend to subject matters under the jurisdiction of the Authorities of the Faroes. (Section 3)

To sum up, Faroe Islands and Greenland can be defined as autonomous regimes that negotiates, signs and ratifies treaties. Unlikely of them, Åland does not have right to negotiate and conclude international treaties with international actors. Despite this, the act lets Åland islands to participate in: (a) *Preparation of national positions*; (b) *Implementation of the decisions made in the European union*; (c) *Preparation in the positions in matters pertaining to treaty violations* and (d) *In representation Finland in the committee of the Regions of the European Community*. These four rights are stated in Act on the Autonomy of Åland in the frames of European Union affairs (chapter 9a section 59a, 59b, and 59e). The status of Åland islands participation in international treaty-making process can be described as consultative form.

To sum up, one of the ways for territorial autonomies to participate in international relations is participation in foreign policy via treaty-making process. There are two possibilities: (a) have the right of negotiation, sign and ratify the documents and (b) have the right to take part in consultations with central government that negotiates, signs and ratifies the documents.

3.2.2 Diplomatic representation

Another form of having a voice on the international level for territorial autonomies is having diplomatic representations in foreign countries. The Self-Government Act of 2009 allows Greenland to open diplomatic offices. For example, Government of Greenland has representation in Belgium, Denmark, Iceland, US and China by Embassies of Denmark. The aim of the diplomatic representation can be working on the several issue areas worldwide, such as foreign trade, education, science etc. In the case of Faroe Islands, Diplomatic representation in Iceland, UK, Russia, China and Israel. Likewise, the representations of Faroe Islands are established in cooperation with central government of Denmark. In the case of Åland islands, Diplomatic representations in other countries are missing.

To sum up, Diplomatic representation in cooperation with central government can be one more way for autonomous regimes to advocate their interests and preferences at international level with limited frames.

3.2.3 International organizations and Territorial Autonomies

For many years, international organizations were focused on state-membership. Despite this, other actors, such as territorial autonomies, increasingly wish to bring themselves to an international level.

In the case of Åland islands there is a special chapter in the act of the autonomy referring Åland-EU relations (chapter 9). According to the Autonomy Act, the government of Åland nominates a representative to the Committee of the Regions.⁴⁴ The Committee of the Regions is, as a contrast to the co-legislative powers of the European Parliament, a consultative body representing various regional interests in the EU.

Also, the EU has relations with Faroe Islands in the frames of Faroe Island's Mission in Brussels. According to the official statement of the government of Faroe Islands "The role of the Mission in Brussels is to facilitate and enhance cooperation, contacts and the exchange of information between the Faroe Islands and the EU institutions and EU member states in all areas of mutual interest. These relate both to existing formal bilateral agreements in trade, fisheries and research cooperation (Horizon 2020), as well as to potential new areas of cooperation".⁸

Another example of the relationship between international organizations and territorial autonomies can be found in Nordic Cooperation. The Nordic council, which is the official body for formal inter-parliamentary Nordic cooperation, has 87 elected members and includes representation from five Nordic countries (Denmark, Norway, Sweden, Iceland and Finland) and from 3 territorial autonomies: Faroe Islands, Greenland and Åland islands. The membership of these three territorial regimes in Nordic Council was granted in 2007 by signing Åland Document. According to Creutz and Åkermark "the Faroe Islands, Greenland and Åland see Nordic cooperation as a 'springboard' to the outside world and an international arena where they can increase understanding for and accommodation of their conditions and concerns" (2021; 82)

⁸ <https://www.government.fo/en/foreign-relations/representations-of-the-faroe-islands-abroad/the-mission-of-the-faroes-to-the-european-union/>

Illustration 3. Map of members of Nordic council⁹



4. causal mechanism and conclusions

To conclude, there is a need to go back to the self-determination process. There are two routes for distinct societies to participate in international relations: *secession* which can be connected to the armed conflict, violence, failed state status and non-recognition by other states or *internal self-determination* that means creating self-government instruments for minorities within the state boundaries. To agree on internal self-determination there is a need for centers to find solutions for state security dilemma. The dilemma can be solved with multicultural principles and neutrality/demilitarization of territorial units.

Usually, autonomous regimes enjoy competences of internal issues, such as culture, education, healthcare, etc. Despite this, some European practices show examples for autonomous regimes to take part in international relations and being presented at international level. Case studies of Åland islands, Faroe Islands and Greenland are one of these examples.

To conclude what are political and legal spaces for participation at international level, I will propose causal mechanism based on our three case studies.

Causal mechanism	Cause	Part 1	Part 2	Part 3	outcome
theory	Internal self-determination and working with central government	International Treaty-making	Diplomatic representation	Membership of international organizations	Participation in international relations



⁹ https://en.wikipedia.org/wiki/Nordic_Council#/media/File:Location_Nordic_Council.svg

To describe whole process, if after internal self-determination and working with central government territorial autonomy enjoys rights to participate in international treaty-making processes, to have diplomatic representation in other countries and to be members of international/regional organizations, participation in international relations can be achieved.

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Acts, Conventions, declarations and official statements

11. Act on Greenland Self-Government, 2009;
12. Act on the Autonomy of Åland (1991);
13. Charter of the United Nations, 1945;
14. Foreign Policy Act on the Faroe Islands (2005)

15. Home Rule Act of the Faroe Islands, 1948;
16. Montevideo Convention on the Rights and Duties of States, 1933;
17. <https://www.government.fo/en/foreign-relations/representations-of-the-faroe-islands-abroad/the-mission-of-the-faroese-to-the-european-union/>

Illustrations

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