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POWER-SHARING IN EUROPE: MODELS FOR THE UKRAINE?

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At S. Petersburg International Economic Forum in June 2016, Italian Prime Minister Matteo Renzi reiterated his government's firm belief that the Alto Adige model of conflict resolution could serve to get past the current impasse in the Ukraine.[1] For many at the Forum and beyond, the nature of the conflict and its resolution in the Italian territory that borders with Austria remained largely unknown. While the Italian government may have proposed Alto Adige as a solution simply to prove that it had influence in European geo-politics, the more general point that some form of power-sharing arrangement could pave the way to reconciling the conflict in the Ukraine and in relations between the EU and Russia is a valid one. A close look reveals that territorial conflicts, or at least the potential for conflict, are present in many parts of Europe and European states have looked for ways to reconcile the organisation of political power with competing demands from different social groups.

These different European experiences, including Alto Adige, can provide some inspiration for how a solution can be found to accommodate the different and seemingly competing demands in the Ukraine. This is not to say that there can be a model that may be exported from one context the next. It is simply an affirmation of what scholars of comparative politics have been doing for decades: identifying social, political and economic variables that help us understand how the organisation of political power may or may not bring stability, security and prosperity.

The aim of this paper is to examine some of the forms of power-sharing that have characterised contemporary politics in parts of Europe and to explore some of the factors that lead to more successful outcomes. We will first discuss briefly some of the literature on power-sharing and then look at three specific European cases. The first, Alto Adige/Südtirol, will help explore the extent to which external actors such as neighbouring states may have an important role as guarantors of power sharing agreements. The second case, Belgium, examines how complex arrangements may provide a way to reconcile social cleavages but at the cost of policy-making effectiveness and efficiency. The third, the United Kingdom, helps illustrate how membership in wider regional and/or international organisations may affect even the most finely calibrated political settlement. Each of these cases may offer some insight into the possibilities for resolving the Ukraine question as well as lessons on what pitfalls to avoid.

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[1] *Italian: Trentino-Alto Adige, German: Trentino-Südtirol - is an autonomous region in Northern Italy. Since the 1970s, most legislative and administrative powers have been transferred to the two self-governing provinces that make up the region: Trentino and South Tyrol. –* **Ed. note**.

Power-Sharing and Consociationalism[2]

The starting premise of power-sharing agreements (PSAs) is that they reject or at lest deviate from some of the basic premises of liberal democracy, the most important of which is that a majority or even a plurality of votes guarantees executive power with an electoral mandate for a prescribed period of time. They also may challenge the notion that individual rights are superior to group rights. PSAs, in fact, recognise that the pursuit of equal rights for all and simple electoral majorities may not only guarantee the survival of a particular group, but they may even jeopardise them. For instance, the province of Quebec in Canada has used its constitutional jurisdiction over language and education to ensure that French be the official language in the territory and that any new arrivals send their children to French-language schools to ensure that demographic changes would not result in the dominant language acquiring minority status over time. A strict adherence to liberal democratic principles would see this language provision as a violation of basic rights such as the right to choose one's language of education and work but it was seen by Quebec officials as the essential for a tiny French-speaking majority in a wider North America to preserve its culture and identity.

Once the principle that group rights and protection can be part of a political settlement is accepted, a wide range of possibilities opens up in the attempt to balance the rights and interests of different groups as well as individual rights. Examining a range of cases from Lebanon to Belgium, the Dutch-born political scientist, Arend Lijphart, provides the most widely-used framework for understanding the politics of PSAs, distinguishing them from what he calls majoritarian system with the term "consociational". Majoritarian system essentially refers to those where political power is concentrated in central institutions, especially at the executive level, which allows a political majority to exert control over political and policy decisions. Consociationalism, on the other hand, describes those systems that checks and balances on the ability of the majority to exert its control over political institutions and policy-making. It is characterised by a series of features, such as devolved territorial powers, fragmented executive power and guaranteed representation for most important groups in society.

PSAs have a long history in Europe, from long-standing Swiss federalism to more recent devolution in Spain and federalism in Belgium. Federalism is especially conducive to forms of accommodation and power sharing as it begins from the premise that there is a will to govern both together and apart. This "federal will", as described by William Riker, emerges from interests and calculations that lead political actors to conclude that many public goods problems may be resolved through broader arrangements while others are best dealt with at a devolved or constituent level. This is a useful mechanism to deal with cultural diversity as well as disputes over economic resources. What is essential to PSAs, federalism and devolution is a political commitment to govern together at the same time as sharing and/or dividing power. More than institutional or constitutional architecture, it is political choices made by actors and the political resources they can generate that will determine success or not. We will discuss below some European cases in attempt to identify what were the political factors that may have been at play.

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[2] *Consociationalism is often viewed as synonymous with power-sharing, although it is technically only one form of power-sharing. See: O'Leary, Brendan (2005). "Debating consociational politics: Normative and explanatory arguments". In Noel, Sid JR. From Power Sharing to Democracy: Post-Conflict Institutions in Ethnically Divided Societies. Montreal: McGill-Queen's Press. pp. 3–4.* – **Ed. note**.

Power-Sharing in Europe

The French Fifth Republic is almost unique in its opening claim that it was "one and indivisible". Most European states, including the United Kingdom, have evolved forms of asymmetrical power arrangements over their territories and with societal or cultural groups.

Alto Adige/ Südtirol – Power-Sharing Guarantors

The complex issue of the German-speaking region in Italy is captured in its name. Called Alto Adige by the Italian speaking population in the area, German speakers still refer to its historical title as southern part of the Tirol region under Austrian Habsburg rule. While the bulk of Italian unification was completed by 1870, the question of Austrian occupation of territory south of the Brenner Pass remained open until the end of World War I. But the war settlement did not solve the question of how to deal with the presence of German-speaking cultural community that now found itself part of the Italian state. Italian fascism of the inter-war period did not provide a solution as its ambition of "italianification" proved foolhardy and produced lingering tensions that added to the post-World War II challenge of how to deal with a linguistic and cultural minority with strong ties to neighbouring state in a largely homogeneous Italy.

Italian and Austrian political leaders recognised what lay ahead and already in 1946 Italian Prime Minister Alcide De Gasperi and Austrian Foreign Minister Karl Gruber agreed that the region would remain part of Italy but guaranteed it a degree of autonomy that would ensure the rights of the local majority German-speaking majority. A first step was taken in the Italian constitution in 1948, which made the region one of the five ones with a special status. The Constitution and subsequent legislation granted linguistic protection for German (and other minority languages) in Italy. However, it was the Special Autonomy Statute of 1972 (with subsequent revisions) that provided not just legal guarantees for the preservation of a language but the concrete instruments for self-government within a formally unitary state. The province of Bolzano, like its counterpart Trentino, which constitutes the other part of the region, has enshrined executive and legislative as well as fiscal powers that allows it to take major policy decisions in most areas of public life (with the usual exception of foreign policy and security issues). Territorial autonomy has meant that the region has a different relationship with the central government from that of other parts of Italy.

It is important for our discussion that the relationship with and the role of Austria in resolving the long-standing conflict. Italian and Austrian political leaders and officials negotiated at every important step in seeking PSAs to reduce conflict and tensions between the linguistic communities in the post-war period. Austria renounced any claim to the territory but sought an international agreement that would protect the German-speaking community. The fact that both states are integral parts of the EU, sharing a single currency and an open border has made it possible for a trans-border region – the Euroregio – to almost recreate many of the historical economic, social and even political links of the historic Südtirol region of the old Empire. The combination of states as guarantors and an open border has meant that the constitutional guarantees for the protection of minorities and special autonomy find concrete expression in political and economic life.

Belgium: Institutional Federalism, Political Stagnation

The Belgian case is different from the other two discussed here because there is not a minority community that has close relations with a neighbouring state. In many ways, Belgian political development has been characterised by a desire for its two largest linguistic communities, the French in Wallonia and the Flemish in Flanders, to assert their independence from neighbouring France and The Netherlands, respectively. Emerging from the Napoleonic wars, the Belgian state was initially riven by deep-seated cleavages that were ideological and cultural more than linguistic, with liberal, socialist and Catholic divisions marking the political and social landscape. This form of conflict was managed largely with political parties governing the segmented societies and their relations through an array of structures from trade unions to mutual aid societies. Power-sharing did not come through territorial decentralisation but through agreements by elites that protected the interests of all three segments in central political institutions and policy-making.

What is notable about this phase of Belgian political development is that the linguistic cleavages in the country were not over-arching. Indeed, political parties such as the Socialists, were political structures that united what was divided in society. The linguistic and territorial question began to emerge in the 1960s, partly as the political parties were no longer able to manage the segmented society and growing perceptions of unequal distribution. As divisions between the Flemish and French-speaking (there is also a German-speaking minority in Belgian) communities came to the fore, solutions were sought in forms of territorial decentralisation that gave self-rule to the different regions of the country and at the same time transferred powers to linguistic "communities". Belgian federalism as enshrined in the Constitution, then, has three communities (French, Flemish and German) and three regions, which do not necessarily overlap with the communities. Federal institutions also have guarantees built in to ensure that no one group exerts its influence over the other with mechanisms such as guaranteed representation of Flemish and Wallonian parties in the executive.

The result is a complex federal structure with power widely diffused across territorial units and linguistic communities, with residual powers resting with the federal state. The communities have powers over cultural issues such as language and education policies as well as areas of social and health services. The regions have jurisdiction over traditional territorial policies such as economic development, transport, agriculture and even the environment. Despite not having a territorial framework, the communities still have legislative bodies with representation based on elections and electorates that are determined by linguistic affiliation. The Belgian PSA reflects an attempt to fragment political authority across territorial and societal units in order to ensure that a deeply divided society can nonetheless share a federal state. Insofar as what has often been called an "artificial" state remains a sovereign entity, Belgian provides an example of how a PSA that goes beyond just territorial units can function. However, the centrifugal nature of political authority has meant periods of political stagnation (there have been extensive political crises at the national level) that has also made some areas of policy-making difficult as witnessed by recent criticism of internal security. It also is not a coincidence that Belgian public finances are characterised by high levels of public debt (its debt-to-GDP ratio remains above 100%) as a cumbersome decision-making process and the need to find compromises have fuelled public spending.

The (Dis)United Kingdom

The United Kingdom is often presented as a prime example of political stability and repository of democratic values. From the long-standing English presence in Ireland to the formal annexation of Wales and Scotland that essentially created contemporary Great Britain by 1707, the Kingdom has been the unification of at least four distinct political entities under a single political authority. The Kingdom remained relatively united until the start of the twentieth century, when Irish independence led to the creation in 1922 of the Irish Republic in the southern part of the island and the "unionist" Northern Ireland which remained part of the UK. More recently, Scottish and, to a lesser extent, Welsh nationalism have led to pressures to restructure political power and territorial relations. What is interesting for our discussion is how this formally unitary state and majoritarian institutional architecture, with its electoral system aimed at producing parliamentary majorities and strong executives, has developed asymmetrical relations with different parts of its territory.

The British Isles were the sight of a bloody conflict for most of the period from the 1970s to the 1990s as the "troubles" in Northern Ireland (NI) often led to violence on the British mainland as well. The fundamental challenge was how to deal with a divided population, which sought to be part of two different sovereign states. Many Republicans in Northern Ireland continued to hold out the hope that one day the Irish Republic would extend its sovereign authority to the entire island, while the declining Unionist population saw its survival linked to remaining part of the UK. A resolution, known as the Good Friday Agreement (GFA), was found in 1998 after negotiations moderated by the United States between British and Irish officials along with local parties. Ireland formally renounced its claim to the six northern provinces that remained part of the UK, while the British state conceded legislative and executive powers to authorities in Belfast. It created a regional assembly with legislative powers and an executive that was shared between the two political communities. Steps were taken to create cross-border structures to govern issues of interest to the Republic and NI as well as to open border-free travel between the two states.

The territorial de-centralisation of power from Westminster did not stop with the Northern Ireland question. Growing nationalist sentiment in Wales and especially Scotland led to demands for greater executive and legislative powers for the two. Tony Blair's Labour government came to power in 1997 committed to devolution and after a series of referenda the Scottish Parliament and the National Assembly for Wales assumed power in 1999. Devolution has meant that key areas of policy – such as health, education, social services and the running of local courts according to local laws – are now governed at the local level and can take very different forms in different parts of the UK. What is interesting about the devolution process is that Scotland, Wales and NI all have their own regional assemblies and powers while continuing to be part of national institutions, while England – the largest of the four parts of the UK – does not.

Devolution has not meant the end to nationalist demands and aspirations, especially in Scotland. In 2014, a referendum on Scottish secession from the UK was narrowly defeated after promises that further powers would be devolved. The current situation has become even more clouded as Scotland voted overwhelmingly to remain in the EU in the Brexit referendum. The Scottish executive and Parliament have both stated that a British exit from the EU could be the basis for a new referendum on succession. It highlights the dilemma raised when devolved regional units have different policy preferences with respect to participation in regional and international organisations and agreements.

Conclusions

There are at least three lessons we may draw from the discussion of PSAs and devolution in Europe and which may be useful for the Ukraine case. First, the use of PSAs to resolve conflicts may be facilitated by external actors but only if the parties on the ground see them as ways to protect and promote their interests. Moreover, it requires that the external actors negotiate in good faith, looking to resolve a conflict on the ground between deeply divided segments of society more than in promoting their own political agendas. The external actors need to recognise that resolving the conflict is in both their long-term interests. It also helps if the external actors are engaged in attempts to strengthen links between themselves, as was the case with Italy and Austria as well as Ireland and the UK. Second, PSAs lead to complex and often cumbersome policy-making procedures that give primacy to political solutions to conflicts more than decision-making effectiveness. They often tend to rely on public finances to lubricate the search for compromises. This is not an argument to avoid the diffusion of power but it is important that external actors recognise that resolving conflicts are different from other forms of policy-making. In the case of the Ukraine, with its serious financial crisis, actors such as the IMF and the European Union may need to balance their economic policy preferences with the need to find a political solution. Finally, imposing uniform international or regional agreements across devolved territories is becoming increasingly complex, as we saw in the case of Scotland and the EU. In the search for a resolution to a conflict, it needs to be acknowledged that different territorial units and social groups have different external interests. It is important that all actors, from the local to the international, look for as much openness and flexibility as possible.

There is no easy solution to conflicts in societies that are deeply divided and segmented. PSAs are not the magic formula that will sweep away competing interests, histories or aspirations. But they do open a path to political space for these differences to find room for self-rule but also to resolve shared policy challenges. Their success requires a fine political balance between local interests as well as between external actors who see conflict resolution as promoting their broader aims of peace, security and prosperity.

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