



**Degrees of Governance:  
A Study of the Decentralisation of  
States in Enabling Democratic Progress**



Published by  
Democratic Progress Institute  
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United Kingdom

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First published, 2015

ISBN: 978-0-99290-3-9

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## Foreword

DPI aims to foster an environment in which different parties share information, ideas, knowledge and concerns connected to the development of democratic solutions and outcomes. Our work supports the development of a pluralistic political arena capable of generating consensus and ownership over work on key issues surrounding democratic solutions at political and local levels.

We focus on providing expertise and practical frameworks to encourage stronger public debates and involvements in promoting peace and democracy building internationally. Within this context DPI aims to contribute to the establishment of a structured public dialogue on peace and democratic advancement, as well as to create new and widen existing platforms for discussions on peace and democracy building. In order to achieve this, we seek to encourage an environment of inclusive, frank, structured discussions whereby different parties are in the position to openly share knowledge, concerns and suggestions for democracy building and strengthening at multiple levels. DPI's objective throughout this process is to identify common priorities and develop innovative approaches to participate in and influence the process of finding democratic solutions. DPI also aims to support and strengthen collaboration between academics, civil society and policy-makers through its projects and output. Comparative studies of relevant situations are seen as an effective tool for ensuring that the mistakes of others are

not repeated or perpetuated. Therefore, we see comparative analysis of models of peace and democracy building to be central to the achievement of our aims and objectives.

The decentralisation and devolution of governance in post-conflict states can prove to be essential in maintaining a lasting peace and developing democratic practices. While autonomous and devolved regions face a host of challenges in post-conflict societies, the benefit to local communities in being stakeholders on issues that affect them such as the maintenance of language, culture and identity can prove to be invaluable to gaining representation for marginalised groups in the wider society.

With thanks to Bradley Murray for his invaluable assistance with this project.



Kerim Yildiz

**Chief Executive Officer**

**Democratic Progress Institute**

September 2015

## Introduction

On the path to peaceful governance, one of the challenges faced by many countries coming out of conflict which has become especially prescient in the globalised world is that of dealing with the demands and rights of local people, and the struggle for self-determination and secession in a democratic way. What motivates people to protest for autonomy in states is not always a question of political representation, but often “the failure of the government to deliver economic and social goods quickly enough to satisfy expectations.”<sup>1</sup> Several methods have been utilised to fulfil such expectations. These methods can often be enveloped under the label of decentralisation. This paper will examine the different degrees of decentralisation possible, with a particular focus on devolution.

The first part of this paper will define key terms such as decentralisation, devolution, self-determination, and federalism. It will move on to discuss and analyse challenges which face federalised and autonomous regions such as Iraqi Kurdistan, including constitutional issues, and the transferral of power as seen in the United Kingdom.

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1 DPI, Constitution Making in a Divided Society: Roundtable Meeting, Kent, 24th – 26th June 2012, pp.32

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Finally, this paper will outline several common areas of focus for devolved governance, such as policing, finance, and culture and identity, and look at the ways in which different regions have dealt with resolving each of these areas.

## **Executive Summary**

Self-determination takes the form of either internal or external self-determination. Internal self-determination increases amounts of autonomy and powers being granted to local/regional minority groups while remaining part of a larger unitary or federal state. External self-determination takes the form of minority groups in a state deciding to secede and declare independence, forming a new state. Internal self-determination is becoming increasingly common, while external self-determination is still rare. The limit of internal self-determination is a federal political system, with only a few powers reserved for the federal government.

Iraqi Kurdistan provides an example of an internally self-determining region which enjoys relatively large autonomy from its 'parent state', and faces many of the same problems of a new state. One of these is the creation and amendment of a constitution for the region.

President of the Kurdistan Regional Government (KRG) Masoud Barzani is currently facing conflict from the KRG parliament over extensions to his mandate, which were due to expire in August 2013.<sup>2</sup> Conflict between Barzani and his opposition reflects the debate over the balance between a presidential and parliamentary system in Iraqi Kurdistan.

The case study of the asymmetrical progress of devolution in the United Kingdom's countries provides another useful template. Scotland is recognised as having the most devolved power from the Westminster government, with a newly dominant Scottish National party pressing for further devolution. Northern Ireland constitutes a balance between devolution and dependence on the central government, with the Troubles making the issue of maintaining peace the dominant concern. Wales possesses some devolution from Westminster, but due to historical legacy and geography is the least autonomous of the three devolved administrations. England remains almost wholly centralised, although after the May 2015 UK election, promises have been made to create a system of devolution in the North and large cities such as Manchester. In particular, concerns over the West Lothian Question, where MPs representing devolved regions can vote on matters affecting only England, but not vice versa have arisen in recent years.

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2 "Barzani Calls for Referendum on Presidency Polls." World Bulletin. August 10, 2015. Accessed August 25, 2015. <http://www.worldbulletin.net/middle-east/163023/barzani-calls-for-referendum-on-presidency-polls>.

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Autonomous regions across the world use different methods in order to build peace in post-conflict societies and to create democratic institutions and practices. Culture and Identity are areas in which devolution can allow for greater democratic freedoms, such as the expression of local ideas, language, and independent thought. Policing and Justice are key areas in which devolution can help to maintain a peaceful political climate in regions exiting conflict, and helps to work to the ideal of policing by consent. Financial issues and risk of funding cuts are a significant area of concern for devolved administrations, with natural resource rights, and funding for devolved powers such as Education and Welfare being points of consternation between local and central governments.

## **Definition of Key Terms**

### **Governance**

For the purposes of this paper, the definition of governance will be limited to the use of political authority within a territory or sector, and can be used synonymously with 'government'. Governance as a term then will encompass 'all public institutions that make or implement political decisions and that can be spread over several tiers, being called federal, state, and local government.'<sup>3</sup>

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<sup>3</sup> Caramani, Daniele (2008), *Comparative Politics*, Oxford: Oxford University Press, 190

Following a previous DPI research paper, “A Practical Analysis of Governance Models”, this definition of government will include the executive, legislative, and judicial branches.<sup>4</sup>

## **Self-determination**

Self-determination is commonly understood to mean the right of a people, under international law, to determine its own destiny. In other words, self-determination is the right of a people to be given the chance to decide their own political status, and from this, to have involvement in decisions regarding their economic, cultural and social development.<sup>5</sup> Self-determination historically has been invoked in the context of decolonisation, since the inclusion of the right to self-determination in Article 1 of the UN Charter<sup>6</sup>, but events within the past two decades have changed trends and outlooks considerably. Indeed, a major difficulty found in the definition of self-determination is establishing whether it allows an ethnic, cultural or religious group to secede from a nation state in a post-colonial context.<sup>7</sup>

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4 DPI, A Practical Analysis of Governance Models, June 2013

5 "Unrepresented Nations and Peoples Organization." UNPO: Self-determination. July 19, 2006. <http://www.unpo.org/article/4957>.

6 United Nations, *Charter of the United Nations*, 24 October 1945, 1 UNTS XVI, available at <http://www.un.org/en/documents/charter/chapter1.shtml>: Article 1

7 Yildiz, K. & Breaux, S, *The Kurdish Conflict: International Humanitarian Law and Post-Conflict Mechanisms*, Routledge: Taylor and Francis Group, (2010) London, (2010), p. 199

The most prolific case study for this subject is that of Kosovo, which possesses various claims to be the first case of a declaration of independence by a region outside of the colonial context.<sup>8</sup> Various scholars and states however argue that the Kosovo case is a unique example, and by being '*sui generis*' it does not set a precedent for secession in territories contesting their self-determination. Moreover, Kosovo is seen by some to be a unique example in that it received the assistance of many powerful states in the international community alongside the United Nations in order to effectively function as an independent sovereign; popular academic opinion is that if 'international administrators were to withdraw from Kosovo now, it would most likely crumble as a state.'<sup>9</sup> This calls into question the viability of similar processes of secession in other areas.

Self-determination can be seen as having two forms in contemporary affairs: internal and external self-determination. Internal self-determination is the realisation of the demands of a people for self-determination within the borders of an existing state, with no secession.

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8 Klabbers, Jan. "The Right to Be Taken Seriously: Self-Determination in International Law." *Human Rights Quarterly* Vol. 28, No. 1 (2006): 191

9 Sterio, Milena. "The Case of Kosovo: Self-Determination, Secession, and Statehood Under International Law " *Proceedings of the Annual Meeting (American Society of International Law)* Vol. 104 (2010): 364

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This usually involves the granting of increased autonomy and devolution by the central government to the devolved area, giving further political and social rights to them. External self-determination is the full secession and declaration of independence of a people from the existing state, creating a new state in the process, such as in the case of Kosovo.<sup>10</sup>

Internal self-determination has been a relatively frequent occurrence around the world, with many countries implementing either devolved systems of government, federal systems, or granting more autonomy to local governance initiatives. External self-determination has become a more controversial topic in the international sphere, with international law still remaining divided over whether the right of external self-determination has extended beyond the contexts of decolonisation and foreign occupation to include and to legitimate certain secessionist movements.<sup>11</sup> Various precedents already exist, that demonstrate that a people can exercise their right to external self-determination only if the central government has not adequately fulfilled its obligation of internal self-determination, but what constitutes inadequate fulfilment is still unknown.<sup>12</sup>

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10 Wolff, Stefan, and Annemarie Peen Rodt. "Self-Determination After Kosovo." *Europe-Asia Studies*, 2013, pp. 805

11 P Macklem, 'Militant Democracy, legal pluralism, and the paradox of self-determination', (2006) *International Journal of Constitutional Law* 488, pp 504

12 Sterio, Milena. "The Case of Kosovo: Self-Determination, Secession, and Statehood Under International Law" *Proceedings of the Annual Meeting (American Society of International Law)* Vol. 104 (2010): 364

## Decentralisation

Decentralisation, in its simplest terms, is the principle of restructuring or reorganising authority in a country or region so that there is a more equal system of cooperative responsibility between institutions of governance at the central, regional and local levels. The result of this should be an increase in the overall quality and effectiveness of the system of governance, while increasing the authority and capacities of sub-national levels. Moreover, decentralisation should also be expected to contribute to key elements of good governance, some of which the United Nations Development Programme (UNDP) highlights: “increasing people's opportunities for participation in economic, social and political decisions; assisting in developing people's capacities; and enhancing government responsiveness, transparency and accountability.”<sup>13</sup>

It is important to note that decentralisation may exist on many levels. Decentralisation may refer not only to physical decentralisation, with the creation of regional parliaments or assemblies, but also administrative, political, economic and social decentralisation. It is noted that these different forms of decentralisation often work in tandem with each other, and the act of physical decentralisation can often lead to a demand for administrative decentralisation in countries.<sup>14</sup>

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13 UNDP, *Decentralized Governance Programme: Strengthening Capacity for People-Centered Development*, Management Development and Governance Division, Bureau for Development Policy, September 1997, p. 4

14 Cohen, J. M., Peterson, S. B., *Administrative Decentralization: Strategies for Developing Countries*, Kumarian Press (published for and on behalf of the United Nations), Draft Proof for Publication, June, 1999; pp. 16 - 20

In turn, administrative decentralisation opens up opportunities for governments to democratise and can encourage greater political participation, if they are open to the input of civil society, devolving decision-making authority, and promoting the rule of law.<sup>15</sup>

## **Devolution**

The UNDP in a 1999 working paper on decentralisation categorises devolution as being the transferring of authorities from a centralised government to autonomous lower-level units, which often are provincial or local authorities.<sup>16</sup> These units are legally constituted as separate bodies of governance, and through the central government deferring certain functions to them, they in effect create new units of government that are outside its direct control.<sup>17</sup> In a sense, devolution is the combination of political and administrative decentralisation administered to a legally defined separate region in a country, with varying degrees of financial decentralisation included.

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15 Cohen, J. M., Peterson, S. B., *Administrative Decentralization: Strategies for Developing Countries*, Kumarian Press (published for and on behalf of the United Nations), Draft Proof for Publication, June, 1999; pp. 16 - 20

16 UNDP, "Decentralization: A sampling of definitions", Working Paper, October 1999, accessed July 8<sup>th</sup>, 2015, [http://web.undp.org/evaluation/evaluations/documents/decentralization\\_working\\_report.PDF](http://web.undp.org/evaluation/evaluations/documents/decentralization_working_report.PDF): 6

17 UNDP, "Decentralization: A sampling of definitions", Working Paper, October 1999, accessed July 8<sup>th</sup>, 2015,

[http://web.undp.org/evaluation/evaluations/documents/decentralization\\_working\\_report.PDF](http://web.undp.org/evaluation/evaluations/documents/decentralization_working_report.PDF): 6

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The working paper goes on to outline five ‘fundamental characteristics’ that devolution comprises:

1. Local units of government that are clearly perceived as separate from central government.
2. Local governments which have legally recognised geographical boundaries within which they exercise authority.
3. Local governments which have corporate status and the power to secure resources to perform their functions.
4. Local citizens who should view local governments as organisations they receive satisfactory public services from, and as governmental units they have influence over.
5. Devolution which should be an arrangement where the relationship between central and local governments is mutually beneficial and reciprocal.<sup>18</sup>

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18 UNDP, “Decentralized Governance Programme: Strengthening Capacity for People-Centered Development, Management Development and Governance Division”, Bureau for Development Policy, September 1997: 5-6. Cited in UNDP, “Decentralization: A sampling of definitions”, Working Paper, October 1999, accessed July 8<sup>th</sup>, 2015, [http://web.undp.org/evaluation/evaluations/documents/decentralization\\_working\\_report.PDF](http://web.undp.org/evaluation/evaluations/documents/decentralization_working_report.PDF): 6

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A 2007 UN discussion paper headed by the Division for Public Administration and Development Management stresses the point that a working understanding of devolution should not be based around a limited meaning of ‘political [being] the choice of political leadership through elections’.<sup>19</sup> Political devolution by central governments should not only be the arrangement of elections for local governments, but also the transfer of authority over socio-politico-economic decisions directly relevant to local people; decisions which they then can monitor, scrutinise and hold officials accountable to.<sup>20</sup> This structural arrangement ultimately empowers local people and civil society, giving them more influence over governments and decisions which affect their lives.

## **Federal Political Systems**

The scholarly debate on the exact definition of federalism is a long and detailed one. There exist marked and important differences between the terms ‘federalism’, ‘federation’ and ‘federal political systems’.<sup>21</sup>

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19 Kauzya, John-Mary, “Political Decentralization in Africa:: Experiences of Uganda, Rwanda and South Africa”, Discussion Paper (Department of Economic and Social Affairs, United Nations), December 2007, accessed July 8, 2015. <http://unpan1.un.org/intradoc/groups/public/documents/un/unpan028411.pdf>: 4

20 Kauzya, John-Mary, “Political Decentralization in Africa:: Experiences of Uganda, Rwanda and South Africa”, Discussion Paper (Department of Economic and Social Affairs, United Nations), December 2007, accessed July 8, 2015. <http://unpan1.un.org/intradoc/groups/public/documents/un/unpan028411.pdf>: 4

21 Watts, Ronald L. "Federalism, Federal Political Systems, And Federations." *Annual Review of Political Science Annu. Rev. Polit. Sci.* 1982.: 119-120



This paper shall focus mostly on federal political systems, as federalism defines a general normative principle which is not suited to this essay, and federation describes a particular form of federal political system, one that is too specific to be useful for this study. A country possesses a federal political system depending on its constitution, which can derive from federalism or unitarism. If the relationships between the authorities in a state are co-ordinated – that is, on an equal footing to one another – that system is derived from federalism.<sup>22</sup> Examples of this include the United States of America, Canada, and South Africa.<sup>23</sup> Otherwise, if the relationship involves one or more authority being sub-ordinate to another one, such as in the case of the United Kingdom with Scotland, Wales, and Northern Ireland being subordinate to England, then the constitution is derived from unitarism.<sup>24</sup> Countries which have constitutions derived from federalism can go on to have federal political systems, if the political entities within those states govern with ‘a combination of shared rule and self-rule’.<sup>25</sup>

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22 King, Preston. *Federalism and Federation*. London: Croom Helm, 1982. 136-137, 142

23 As noted in *Watts 1982*, these are not all exact examples of federations. South Africa for example is a federation, yet still retains some unitary features in its constitution.

24 King, Preston. *Federalism and Federation*. London: Croom Helm, 1982. 136-137, 142

25 Watts, Ronald L. "Federalism, Federal Political Systems, And Federations." *Annual Review of Political Science Annu. Rev. Polit. Sci.* 1982.: 121

This definition covers a wide array of differing political organisations, all of which stem from one common feature: the governing authorities in a state cannot trespass into the legislative or executive competence of the other.<sup>26</sup> Overall, the federal ideal is presented as one of ‘a compromise, conveyed by the image of checks and balances between the national and the regional, autonomy and sovereignty and unity and diversity.’<sup>27</sup>

## **Constitutional and Legislative Issues of Devolution in Iraqi Kurdistan**

If a group looking to secede cannot achieve external self-determination, the alternative is often to push for internal self-determination within a state. If they are successful in gaining more autonomy, the constitutional issues that arise from this are similar to the ones faced as a newly-created state, such as the creation of a new constitution, the model of governance to be followed, and the balance in executive and legislative authority.

Iraqi Kurdistan is one example of an autonomous region facing constitutional issues following a process of devolution.

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26 Yildiz, K. & Breau, S, *The Kurdish Conflict: International Humanitarian Law and Post-Conflict Mechanisms*, Routledge: Taylor and Francis Group, (2010) London, (2010), p. 223

27 Yildiz, K. & Breau, S, *The Kurdish Conflict: International Humanitarian Law and Post-Conflict Mechanisms*, Routledge: Taylor and Francis Group, (2010) London, (2010), p. 222

The region relies on two major sources for legal governance: the Iraqi constitution and the KRG's 2009 draft constitution.<sup>28</sup> The Kurdistan Regional Government (KRG), under the current Iraqi constitution which was created following the 2003 invasion of Iraq by a US-led coalition, enjoys significantly stronger autonomy than previously experienced in Iraqi history. The Iraqi constitution goes as far to "recognise Kurdish Autonomy and lays out an extremely decentralised federal system for Iraq, wherein all powers not explicitly reserved for the federal government go to the regions." Furthermore, in legislative cases of conflict, regional laws take precedence over federal laws.<sup>29</sup>

Iraqi Kurdistan has reached a political impasse recently however, with debates in the KRG Parliament occurring over presidential elections and the balance between presidential and parliamentary authority. Ruling President Masoud Barzani's presidential mandate officially expired in August 2015, following a previous extension in August 2013.<sup>30</sup>

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28 Aziz, Sardar. "The Kurdish Constitution: A Struggle for Power." Mesopotamische Gesellschaft. Accessed July 22, 2015. <http://www.mesop.de/mesop-commentary-by-sardar-aziz-the-kurdish-constitution-a-struggle-for-power-fikra-forum/>.

29 Romano, David. "Iraqi Kurdistan: Challenges of Autonomy in the Wake of US Withdrawal." *International Affairs*, 2010. Pp.1349

30 "Barzani Calls for Referendum on Presidency Polls." *World Bulletin*. August 10, 2015. Accessed August 25, 2015. <http://www.worldbulletin.net/middle-east/163023/barzani-calls-for-referendum-on-presidency-polls>.

President Barzani and his Kurdistan Democratic Party (KDP) say that the chief executive of the autonomous region should be chosen by a popular vote, whereas opposition parties want the president to be chosen by members of parliament.<sup>31</sup> The ongoing dispute is expected to last while Barzani's presidential mandate is extended for another two years by parliament, however the outcome has yet to be seen.<sup>32</sup> This case highlights the dispute between political and legislative authority that can occur in autonomous regions, and demonstrates that they face many of the same constitutional issues that states do.

## **Diversity in Unity: A Case Study of Devolution in the United Kingdom**

The United Kingdom presents itself as an interesting case study in the topic of devolution. With its long history of unionism, each of the three territorial governments of Scotland, Wales and Northern Ireland presents a different process of creating a regional government. Devolution in the United Kingdom is an often complex and technical example, as the three territories mentioned possess varying degrees of devolution from central government in Westminster, even though they only make up around 15 per cent of the UK, population and GDP-wise.

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31 "Barzani Calls for Referendum on Presidency Polls." World Bulletin. August 10, 2015. Accessed August 25, 2015. <http://www.worldbulletin.net/middle-east/163023/barzani-calls-for-referendum-on-presidency-polls>.

32 "KRG Debates Extension of Barzani's Mandate." Anadolu Agency. July 29, 2015. <http://www.aa.com.tr/en/world/564833--krp-debates-extension-of-barzanis-mandate>.

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## Devolution in Scotland

Scotland, out of the three devolved administrations in the United Kingdom, possesses the most devolved authority, with the Scotland Act 1998 and Scotland Act 2012 – and further devolution promised after the ‘No’ result of the Scottish Independence Referendum on 18 September 2014.<sup>33</sup> In terms of electoral representation for the Scottish people, Scotland possesses 129 MSPs in seats for the Scottish Parliament, and 59 MPs in the UK House of Commons.<sup>34</sup> In contrast to the British electoral system, where MPs are elected using the first-past-the-post-system exclusively, MSPs are elected using a mixture of the first-past-the-post system and proportional representation. The Scottish Parliament also differs from the UK Parliament by having only one chamber, and is without an equivalent to the House of Lords in Westminster.

However, the advent of the Scottish National Party sweeping Scottish seats in the May 2015 election in the UK, along with the prospect of further austerity measures bringing consequential cuts to devolved departments, have created crises that may lead to clashes between central government and devolved authorities.

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33 Cook, James. "What Now for 'the Vow'?" BBC News. October 1, 2014. <http://www.bbc.co.uk/news/uk-scotland-29443603>.

34 Scottish Parliament, "Holyrood and Westminster - Who Does What?", accessed July 3, 2015, <http://www.scottish.parliament.uk/visitandlearn/60191.aspx>.

Also, the “Brexit”<sup>35</sup> question of whether the United Kingdom should leave the EU has exacerbated relations between the nations of the United Kingdom, with Scottish First Minister Nicola Sturgeon warning of a second independence referendum should Britain leave.<sup>36</sup>

The Scotland Act 1998 was the beginning of devolution of powers to Scotland, and worked by establishing ‘reserved’ matters of government, which are issues to be kept in Westminster. These issues included foreign affairs, defence, constitutional arrangements and the welfare system, issues that were thought to be concerns of an international nature, or a matter that affected the whole of the United Kingdom. By focusing on reserved matters, anything which was not reserved by the UK parliament could be devolved to the Scottish Government (or Scottish Executive, as it was known then until its rebranding after the 2007 Scottish elections).<sup>37</sup> The Scottish Parliament as a result has legislative authority for the following matters: ‘health, education, housing, sport and arts, agriculture, forestry and fishing, emergency services, planning, social work, heritage, some transport, and tourism’.<sup>38</sup>

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35 Parker, George. "If Britain Goes: Political Shock Likely to Pull the UK Apart - FT.com." *Financial Times*. February 15, 2015. <http://www.ft.com/cms/s/0/01082e4c-a2f8-11e4-ac1c-00144feab7de.html#axzz3lQG2l3g2>.

36 Brinded, Lianna, "Scots Will 'clamour' for an Independence Referendum If There Is a Brexit." *Business Insider*, June 2, 2015, accessed July 2, 2015, <http://uk.businessinsider.com/eu-referendum-sturgeon-says-brexit-will-prompt-another-independence-referendum-2015-6>.

37 "Scottish Executive Renames Itself", *BBC News*, September 3, 2007, accessed July 3, 2015, <http://news.bbc.co.uk/1/hi/scotland/6974798.stm>.

38 Scottish Parliament, "The Scotland Act", accessed July 3, 2015. <http://www.scottish.parliament.uk/visitandlearn/Education/21139.aspx>.

With the amendments to the existing act in the Scotland Act 2012, further powers were granted to the Scottish Parliament, most notably significant financial powers, including but not limited to powers to create a new Scottish rate of income tax, and the power of the Scottish Parliament to raise around a third of the annual budget.<sup>39</sup>

## **Devolution in Wales**

Devolution in Wales has been relatively slower to be implemented in comparison to Scotland and Northern Ireland. Famously, the then Secretary of State for Wales Ron Davies described devolution in Wales as “a process not an event”, meaning that the referendum for more powers for Wales in 1997 would not be the final one.<sup>40</sup> Welsh devolution began following a narrow majority of 50.3 per cent of the vote in the 1997 referendum that led to the creation of the Welsh Assembly.<sup>41</sup>

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39 UK Parliament, “Scotland Act 2012”: Part 4A

40 Welsh Assembly, “The History of Welsh Devolution”, accessed July 3, 2015, <http://www.assembly.wales/en/abthome/role-of-assembly-how-it-works/Pages/history-welsh-devolution.aspx>.

41 Welsh Assembly, “The History of Welsh Devolution”, accessed July 3, 2015, <http://www.assembly.wales/en/abthome/role-of-assembly-how-it-works/Pages/history-welsh-devolution.aspx>.

Reluctance by many over devolution in 1997 has reduced considerably since then, with a 2011 electoral vote in comparison voting in favour of further powers to the National Assembly for Wales by a margin of two to one.<sup>42</sup> Such is the difference between political attitudes between the different countries of the United Kingdom; while the Scottish National Party achieved a landslide victory in Scottish seats following the May 2015 Election, the Welsh national party – Plaid Cymru – achieved only a 0.8 per cent swing in votes in seats they contested.<sup>43</sup> What this means is that the different attitudes regarding devolution in Scotland and Wales reflect the electoral fortune of the political parties in those regions championing further devolution.

The National Assembly for Wales, in contrast to Scotland, has what is considered a ‘much more interlocked relationship with the UK parliament’, which meant it to have no primary legislative powers until recently, with The Government of Wales Act.<sup>44</sup> This meant that the Assembly depended on case-by-case empowerment by Westminster to enact secondary legislation.<sup>45</sup>

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42 Welsh Assembly, "The History of Welsh Devolution", accessed July 3, 2015, <http://www.assembly.wales/en/abthome/role-of-assembly-how-it-works/Pages/history-welsh-devolution.aspx>.

43 BBC News, "Election 2015 – Results for Wales", *BBC News*, May 8<sup>th</sup>, 2015, Accessed at <http://www.bbc.co.uk/news/election/2015/results/wales>.

44 Jeffery, Charlie, and Wincott, Daniel, "Devolution in the United Kingdom: Statehood and Citizenship in Transition", *Publius*, Vol. 36, No 1: 6

45 Jeffery, Charlie, and Wincott, Daniel, "Devolution in the United Kingdom: Statehood and Citizenship in Transition", *Publius*, Vol. 36, No 1: 6

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The asymmetric relationship between the autonomy enjoyed by each three of the devolved administrations and England is criticised by some parliamentarians in the three regions as anti-democratic and inefficient.<sup>46</sup> Others would argue that since the three regions themselves are unique and asymmetric, it would only make sense that their respective devolved administrations reflect that.

### **Devolution in Northern Ireland**

In Northern Ireland, It was the Good Friday Agreement of 1998 which began the (continuing) process of devolution, and addressed other issues ranging from decommissioning to criminal justice and policing reforms.<sup>47</sup> It established the Northern Ireland Assembly, its Executive and a consultative Civic Forum to which substantial powers were devolved from the British Government to Northern Ireland.<sup>48</sup>

Northern Ireland is unique in the UK in that the parliamentary system requires a supermajority – a requirement that means every bill in parliament must receive more than a simple majority.

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46 Jeffery, Charlie, and Wincott, Daniel, “Devolution in the United Kingdom: Statehood and Citizenship in Transition”, *Publius*, Vol. 36, No 1: 11

47 Yildiz, K. & Breau, S, *The Kurdish Conflict: International Humanitarian Law and Post-Conflict Mechanisms*, Routledge: Taylor and Francis Group, (2010) London, (2010), p. 239

48 Yildiz, K. & Breau, S, *The Kurdish Conflict: International Humanitarian Law and Post-Conflict Mechanisms*, Routledge: Taylor and Francis Group, (2010) London, (2010), p. 239

The effect of this is that in the Northern Ireland Assembly, certain resolutions must receive "cross community support", or the support of a minimum number of Members of the Legislative Assembly (MLA) from both Catholic and Protestant communities.<sup>49</sup> Furthermore, the electoral system that Northern Ireland uses is different from British electoral system, with the single transferable vote system of preferential voting being used. This is intended to produce the proportionality of election outcomes felt to be necessary for the legitimacy of government in a society deeply divided between nationalist and unionist communities.<sup>50</sup>

### **Establishing devolution and autonomy in England**

Despite being the largest and wealthiest nation of the UK, England possesses little to no devolved powers, and powers such as health, education and transport are still administered directly by central government.<sup>51</sup> The exception to this is the Greater London Assembly, which was set up in 2000 to coordinate policy in the capital, London. Public opinion for devolution has shown to be mixed, with a motion to set up an elected North-East Assembly in 2004 overwhelmingly failing to achieve a passing vote in a referendum, with 78 per cent of the electorate voting 'No' to the plans.<sup>52</sup>

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49 Jeffery, Charlie, and Wincott, Daniel, "Devolution in the United Kingdom: Statehood and Citizenship in Transition", *Publius*, Vol. 36, No 1: 7

50 Jeffery, Charlie, and Wincott, Daniel, "Devolution in the United Kingdom: Statehood and Citizenship in Transition", *Publius*, Vol. 36, No 1: 7

51 Jeffery, Charlie, and Wincott, Daniel, "Devolution in the United Kingdom: Statehood and Citizenship in Transition", *Publius*, Vol. 36, No 1: 4-5

52 "North East Votes 'no' to Assembly", *BBC News*, November 4, 2004, accessed July 3, 2015, [http://news.bbc.co.uk/1/hi/uk\\_politics/3984387.stm](http://news.bbc.co.uk/1/hi/uk_politics/3984387.stm).

Nevertheless, a recent policy set out by Chancellor of the Exchequer George Osborne will soon allow England's larger cities to bid for devolved powers, as long as they are governed by a directly elected mayor.<sup>53</sup> This follows in the steps of Greater Manchester, which is set to elect its first mayor in early 2017, the authority of who would include control over transport, policing, and housing funds.<sup>54</sup>

Despite these recent changes, England remains a centralised territory overall. This brings into question issues arising over the West Lothian Question, where MPs representing devolved regions can vote on matters affecting only England, but English MPs cannot vote on matters that have devolved to regional parliaments. One solution proposed for this has been the concept of "English votes for English laws" (Evel), which would give English MPs opportunities to veto legislation relating to devolved matters.<sup>55</sup>

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53 Wintour, Patrick, "George Osborne Offers Devolution Route to Cities with Elected Mayor." *The Guardian*, May 14, 2015, accessed July 2, 2015, <http://www.theguardian.com/politics/2015/may/14/george-osborne-invites-cities-to-follow-manchester-route-to-devolution>.

54 HM Treasury and Greater Manchester Combined Authority, United Kingdom, "Greater Manchester Agreement: devolution to the GCMA & transition to a directly elected mayor", November 2014, accessed July 1, 2015, [https://www.gov.uk/government/uploads/system/uploads/attachment\\_data/file/369858/Greater\\_Manchester\\_Agreement\\_i.pdf](https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/369858/Greater_Manchester_Agreement_i.pdf).

55 Brooks, Libby. "Evel Proposals Risk Turning Commons into Quasi-English Parliament, MPs Told." *The Guardian*. July 7, 2015.

## **Different Democratic Practices in Autonomous and Federal Regions**

Devolved authorities possess a variety of degrees of legislative and funding autonomy. The extent to which this is granted varies from region to region, and is often dependent on the aims and ambitions of the parent state. For example, with the exception of powers reserved for the UK parliament, including among others, defence and foreign affairs, the Scottish parliament and Northern Ireland Assembly have exclusive legislative responsibility in most fields of domestic policy, including health, education, transport, the environment, and culture, whereas in Wales the relationship of the Welsh Assembly is far more dependent on Westminster legislation.<sup>56</sup> Other regions experimenting with autonomy may prioritise issues which reflect the concerns of less democratically advanced countries attempting to reform, such as constitutional issues, policing and justice, and natural resource management.

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<sup>56</sup> Jeffery, Charlie, and Wincott, Daniel, "Devolution in the United Kingdom: Statehood and Citizenship in Transition", *Publius*, Vol. 36, No 1: 6

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## Culture and Identity

Identity is a key issue in the continuing of devolution and the granting of rights to local people. The United Nations General Assembly adopted the Declaration on the Rights of Indigenous Peoples in 2007, which details in Article 3 how indigenous peoples – “those minorities that have a close relationship with a particular territory” – have the right to self-determination.<sup>57</sup> From this, Article 4 also states that indigenous peoples must also have the right to autonomy or self-governance in their local affairs, alongside ways to finance autonomous functions such as policing and education.<sup>58</sup> Language is one element considered to be a part of ‘local culture’, and can be a primary reason for regions pressing for self-determination. Language can often be suppressed when a minority is placed within a larger majority culture such as a state. Professor Jack Spence OBE in a DPI Roundtable made the point that in regard to South Africa: “There are a large number of languages recognised in South Africa, which is especially evident if you look at South African television. However, despite the large number of languages being given equal recognition, the fact is that English has been, and is, the dominant mode of communication in public life.”<sup>59</sup>

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57 Yildiz, K. & Breau, S, *The Kurdish Conflict: International Humanitarian Law and Post-Conflict Mechanisms*, Routledge: Taylor and Francis Group, (2010) London, (2010), p. 199

58 Yildiz, K. & Breau, S, *The Kurdish Conflict: International Humanitarian Law and Post-Conflict Mechanisms*, Routledge: Taylor and Francis Group, (2010) London, (2010), p. 199

59 DPI, Constitution Making in a Divided Society: Roundtable Meeting, Kent, 24th – 26th June 2012, p.32

Furthermore, Professor Ned Thomas in another DPI roundtable on the role of language in conflict resolution explained that the discrimination of Wales by England historically was not directly due to being Welsh, but rather came from the refusal of some Welsh to assimilate as English and give up the Welsh language.<sup>60</sup> Both in democratic and autocratic countries, language can be subtly and overtly suppressed from the wider culture by government policy. In the case of devolution in Wales, the preservation and teaching of Welsh became a key component of the Welsh Assembly's autonomous function, allowing for indigenous culture to be valued and treated more equally to British culture than it would have been under Westminster rule.<sup>61</sup>

## Education

UK local authorities in charge of education come under the domain of a devolved power under devolution. Devolution can be often be a mixed blessing for students in devolved areas. The National Assembly for Wales has highlighted in a 2011 research paper that Welsh schoolchildren were underperforming in the areas of Maths, Science and Reading in comparison to their UK counterparts.<sup>62</sup>

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60 DPI, Language, Identity & Cultural Rights and Devolution in Wales: A Comparative Study Visit Report 20th – 24th June 2012, p.18

61 Jeffery, Charlie, and Wincott, Daniel, "Devolution in the United Kingdom: Statehood and Citizenship in Transition", *Publius*, Vol. 36, No 1: 7

62 *Welsh Assembly, "Has Devolution Delivered for Students?", 2011, www.assembly.wales/ki-018.pdf*

The Welsh Minister for Children, Education and Lifelong Learning argued that, among other reasons, “a failure of leadership in the system” and “weak policy” has been the cause of underperformance in Welsh education. Whether the problems are just teething problems in a relatively young government or are more systemic is to be seen.

However, this underperformance does not represent the entirety of regional administrations, and the link between students being proficient with several languages and greater academic performance than their monolingual counterparts is well-documented.<sup>63</sup> The key point then for regional governments is to proceed with a well-rounded approach to education, trying to capture the benefits of both an efficient centralised educational policy, which incorporate ‘local’ culture and educational options which benefit schoolchildren in autonomous areas where more than one language is spoken.

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63 Clarkson, Philip C. "Language and Mathematics: A Comparison of Bilingual and Monolingual Students of Mathematics." *Educational Studies in Mathematics* 23, no. 4 (1992): 418.

## **Policing and Justice**

The devolution of policing and justice powers presents itself as a pivotal part of peace negotiations, where in post-conflict societies, distrust of the police can often remain present many years after active conflict has ended. International standards for policing dictate that the police service in a society should be representative of the community it polices, and be accountable to it.<sup>64</sup> This is often not possible when the authority in charge of policing is centralised away from the communities that they police, and can create an impression of unaccountability for the police in these areas.

The question of devolving policing and justice powers was a stumbling block to a swift and peaceful conclusion to the Northern Ireland conflict after the Good Friday Agreement of April 1998, with the final devolution of policing and justice powers coming into effect on April 12<sup>th</sup> 2010, 12 years after the agreement was first signed.<sup>65</sup> With the Independent Commission on Policing for Northern Ireland (also known as the Patten Commission) producing report on September 9 1999, several continuing issues of debate were highlighted, including among others the decommissioning of weapons, the active integration of Republican communities into the Protestant majority police force, and the creation of a new Police Service of Northern Ireland.

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65 BBC News, "PM hails 'historic' Northern Ireland justice vote", 9<sup>th</sup> March 2010, Accessed at [http://news.bbc.co.uk/1/hi/northern\\_ireland/8558466.stm](http://news.bbc.co.uk/1/hi/northern_ireland/8558466.stm)

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If peace was to be sustained in Northern Ireland, devolution of policing and justice was a key factor that needed to be addressed, given the Catholic community's 'perception of unequal treatment by the police force' in the past.<sup>66</sup>

Several factors were implemented in order to introduce a devolved police service to Northern Ireland that was 'more representative of the community it polices, democratically accountable, free from political control, infused with human rights and culturally neutral', as envisaged by the Good Friday Agreement.<sup>67</sup> An important measure to this end was the removal of symbolism in the police service which had proved controversial, such as uniforms, badges and logos which were associated with the British. These were changed to more politically neutral alternatives. The Royal Ulster Constabulary was rebranded as the Police Service of Northern Ireland.<sup>68</sup>

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66 DPI, The Good Friday Agreement – An Overview, July 2013, pp.41

67 Sinn Féin (2001) 'Response to the Revised Implementation Plan on Policing: A new beginning to policing' Accessible at <http://cain.ulst.ac.uk/issues/police/docs/sf250801a.htm>

68 DPI, The Good Friday Agreement – An Overview, July 2013, pp.41

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Furthermore, the PSNI until March 2011 practiced positive discrimination measures in order to boost the integration of Catholic police officers into what was historically a Protestant police force. Before this, Protestants had comprised 99 per cent of the service.<sup>69</sup> As of May 2015, the police force has around 31 per cent perceived Roman Catholic officers.<sup>70</sup>

Kosovo is another case which demonstrates the particular challenges that can arise in the devolution of policing powers. It also faced similar concerns over the Kosovo Police Force, which had been operating with a Kosovo Albanian majority in North Kosovo, a Kosovo Serbian majority region. The 2013 Brussels Agreement between Kosovo and Serbia outlined three points to resolve this. As with Northern Ireland, Kosovo agreed to implement a shared and representative police force in North Kosovo, with the composition of the North Kosovo police force reflecting the ethnic composition of the population.<sup>71</sup> Members of existing Serbian security forces were offered a place in the integrated police service.<sup>72</sup> Furthermore, for each of the four Serb majority municipalities, a Police Regional Commander, of Kosovo Serb origin, could be nominated by the

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69 DPI, Comparative Study Visit Report to Dublin, Ireland, 15-18th February 2015, pp.32

70 Police Service of Northern Ireland, Workforce Composition Figures, 2015, accessed at [http://www.psnl.police.uk/index/updates/updates\\_statistics/updates\\_workforce\\_composition\\_figures.htm](http://www.psnl.police.uk/index/updates/updates_statistics/updates_workforce_composition_figures.htm)

71 Brussels Agreement (Kosovo-Serbia) (formally signed on 19 April 2013), accessed at <http://www.rts.rs/upload/storyBoxFileData/2013/04/20/3224318/Originalni%20tekst%20Predloga%20sporazuma.pdf>

72 Brussels Agreement (Kosovo-Serbia) (formally signed on 19 April 2013), accessed at <http://www.rts.rs/upload/storyBoxFileData/2013/04/20/3224318/Originalni%20tekst%20Predloga%20sporazuma.pdf>

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community to lead the police force in that municipality.<sup>73</sup>

As the lasting peace of a post-conflict society relies heavily on the policing of former conflict zones and rival communities, it is an issue that can be considered paramount in ensuring the lasting success of a devolved or autonomous region in performing good governance.

## **Finance**

The method of distribution of funding to the devolved parts of the UK is important for several reasons, and in many ways is the backbone of the relationship between central government in Whitehall, and the devolved authorities. The UK Government highlights several key principles underlining the interadministration of financial relations between Whitehall and the devolved parties: accountability; autonomy; transparency; economic efficiency; stability and predictability; discipline; consent.<sup>74</sup> The relations between all regions in the UK are often balanced on the idea of fairness in the overall equality between the centre and devolved regions. This is what makes financial issues in the UK, and other states experiencing different levels of devolution, key in maintaining consent and cooperation between all stakeholders.

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73 Brussels Agreement (Kosovo-Serbia) (formally signed on 19 April 2013), accessed at <http://www.rts.rs/upload/storyBoxFileData/2013/04/20/3224318/Originalni%20tekst%20Predloga%20sporazuma.pdf>

74 HM Treasury, United Kingdom, "Funding the Scottish Parliament, National Assembly for Wales and Northern Ireland Assembly: Statement of Funding Policy", Sixth Edition, October 2010, accessed July 1 2015, [http://webarchive.nationalarchives.gov.uk/+http://www.hm-treasury.gov.uk/d/sr2010\\_fundingpolicy.pdf](http://webarchive.nationalarchives.gov.uk/+http://www.hm-treasury.gov.uk/d/sr2010_fundingpolicy.pdf): 2.6

Funding to the devolved parts of the UK follows a ‘block grant and formula’ budget, with the block grant being the assigned budget for the annual year for the devolved departments, which they are free to spend as they see fit. It is important to note that this is not the only way the devolved administrations receive money; each constituent part of the UK has varying ways in which it may raise local funding, for example the Scottish Variable Rate of Income Tax, which has yet to be implemented.<sup>75</sup> The block grants and the changes to these derive from the Barnett Formula. The HM Treasury defines the Barnett Formula as follows:

“Under the Formula, Scotland, Wales and Northern Ireland receive a population-based proportion of changes in planned spending on comparable United Kingdom Government services in England. Changes in each devolved administration’s spending allocation is determined by the quantity of the change in planned spending in departments of the United Kingdom Government, the extent to which the relevant United Kingdom programme is comparable with the services carried out by each devolved administration and each country’s population proportion.”<sup>76</sup>

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75 HM Treasury, United Kingdom, “Funding the Scottish Parliament, National Assembly for Wales and Northern Ireland Assembly: Statement of Funding Policy”, Sixth Edition, October 2010, accessed July 1 2015, [http://webarchive.nationalarchives.gov.uk/+/http://www.hm-treasury.gov.uk/d/sr2010\\_fundingpolicy.pdf](http://webarchive.nationalarchives.gov.uk/+/http://www.hm-treasury.gov.uk/d/sr2010_fundingpolicy.pdf): 1.3

76 HM Treasury, United Kingdom, “Funding the Scottish Parliament, National Assembly for Wales and Northern Ireland Assembly: Statement of Funding Policy”, Sixth Edition, October 2010, accessed July 1 2015, [http://webarchive.nationalarchives.gov.uk/+/http://www.hm-treasury.gov.uk/d/sr2010\\_fundingpolicy.pdf](http://webarchive.nationalarchives.gov.uk/+/http://www.hm-treasury.gov.uk/d/sr2010_fundingpolicy.pdf): 1.5

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Through the Barnett Formula, much controversy regarding transparency and fairness has arisen. Lord Barnett, deviser of the original formula, has in fact called for it to be abolished, claiming that the formula is “fundamentally flawed”.<sup>77</sup> With the formula being controlled by the Treasury and not any of the relevant offices for Scottish, Welsh, and Northern Irish affairs, charges have been made that it lacks transparency, is unwieldy, and is insufficient in living up to the principles of the interadministration of financial relations.<sup>78</sup> Some claim that the formula is too generous in terms of money given to Scotland, and too unkind to Wales, which receives less money per person despite being a much poorer region than the former. The Institute for Public Policy Research concludes that the Barnett Formula is unsustainable, and may lead to increasing conflict between the devolved authorities and the Treasury over funding.<sup>79</sup> As highlighted in a previous DPI paper on the topic of devolution, it is “an issue that needs to be addressed and elucidated to the public urgently as budget cuts become controversial”.<sup>80</sup>

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77 Stanford, Peter, "Scottish Referendum: "My Barnett Formula Needs to Be Tackled Now - but No Politician Will"" *The Telegraph*, September 19, 2014, accessed July 1, 2015, <http://www.telegraph.co.uk/news/uknews/scotland/11108848/Scottish-Referendum-My-Barnett-Formula-needs-to-be-tackled-now-but-no-politician-will.html>.

78 Justice Committee, “Devolution: A Decade On, Conclusions and recommendations.” *Justice Committee Publications*, Session 2008-2009, House of Commons.

79 McLean, Iain, Schmuecker, Katie, and Lodge, Guy. “Fair Shares? Barnett and the politics of public expenditure”, *Institute for Public Policy Research*, July 2008: pp.6

80 DPI Research Paper, *The Experiences of Scottish Devolution*, (DPI, London, September 2012): 52

## Conclusion

Iraqi Kurdistan enjoys more power over its own affairs today than it has done at any time in Iraqi history. Yet progress in democratic advancement is still required following the devolution process, and the future of autonomy for the region is not guaranteed. The United Kingdom has much technical experience in the areas of autonomy and devolution, and this case study can provide valuable direction for ways in which to resolve issues involving internally self-determining regions. This case also demonstrates the necessity of delicate resolution of devolved powers such as culture, education and finance. Without a history of independent governance, new regional governments must take care to handle their new powers with caution, in order not to stymie progress towards democratic advancement and good governance.

From what has been seen so far, the continuing decentralisation of states throughout the world is likely to continue to bring many advantages and opportunities previously denied to indigenous and local peoples pressing for self-determination. In the absence of any clear international custom for external self-determination, continuing autonomy and federalism for regions can provide many of the same benefits, and can offer a stepping stone for groups wishing for further degrees of autonomy.

This does not mean that devolution does not have its challenges or drawbacks. Devolution does not necessarily promise democratic advancement and the rule of law. Political conflict can occur within

regional parliaments, and conflict between groups and society can proliferate even with local political representation, as can be seen in the current case of Iraqi Kurdistan.

These are concerns that do not necessarily outweigh the benefits, however, and with the involvement of an energetic civil society and free media, checks and balances can be made to local governance to bolster democracy. While civil society is by no means an alternative to government action, and cannot guarantee democracy, it is 'necessary for democracy and can serve important democratic functions'.<sup>81</sup> The efforts of local, informed people that are needed to hold national governments to account are just as needed when it comes to local governance.

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<sup>81</sup> Robert C. Post and Nancy L. Rosenblum (2002), 'Introduction', in Nancy L. Rosenblum and Robert C. Post (eds.), *Civil Society and Government* (Princeton, NJ: Princeton University Press), pp.1-25 (p.23)

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**Arild Humlen,** Lawyer and Director of the Norwegian Bar Association's Legal Committee, Norway. Widely published within a number of jurisdictions, with emphasis on international civil law and human rights. Has lectured at law faculties of several universities in Norway. Awarded the Honor Prize of the Bar Association for Oslo for his work as Chairman of the Bar Association's Litigation Group for Asylum and Immigration law.



**Prof. David Petrasek:** Associate Professor, Graduate School of Public and International affairs, formerly Special Adviser to the Secretary-General of Amnesty International, he has worked extensively on human rights, humanitarian and conflict resolution issues, including for Amnesty International (1990-96), for the Office of the UN High Commissioner for Human Rights (1997-98), for the International Council on Human Rights Policy (1998-02), and as Director of Policy at the HD Centre (2003-07).



**Antonia Potter**, Expert in humanitarian, development, peacemaking and peacebuilding issues. Consultant on women, peace and security; and strategic issues to clients including the Centre for Humanitarian Dialogue, the European Peacebuilding Liaison Office, the Global Network of Women Peacemakers, MediatEUR, and Terre des Hommes.



**Jacki Muirhead**, Practice Director, Cleveland Law Firm. Previously Barristers' Clerk at Counsels' Chambers Limited and Marketing Manager at the Faculty of Advocates. Undertook an International Secondment at New South Wales Bar Association.



## DPI Council of Experts

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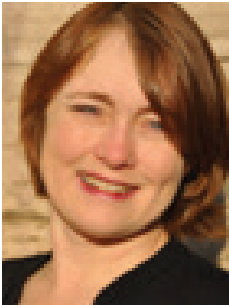
### **Dermot Ahern**

Dermot Ahern is a Former Irish Member of Parliament and Government Minister and was a key figure for more than 20 years in the Irish peace process, including in negotiations for the Good Friday Agreement and the St Andrews Agreement. He also has extensive experience at EU Council level including being a key negotiator and signatory to the Constitutional and Lisbon Treaties. In 2005, he was appointed by the then UN Secretary General Kofi Annan to be a Special Envoy on his behalf on the issue of UN Reform. Previous roles include that of Government Chief Whip, Minister for Social, Community and Family Affairs, Minister for Communications, Marine and Natural Resources, Minister for Foreign Affairs and Minister for Justice and Law Reform. Dermot Ahern also served as Co-Chairman of the British Irish Inter Parliamentary Body 1993 – 1997.



### **Dr Mehmet Asutay**

Dr Mehmet Asutay is a Reader in Middle Eastern and Islamic Political Economy and Finance at School of Government and International Affairs (SGIA), Durham University, UK. Areas of focus include Turkish and Kurdish political economies, and Islamic political economy. He is the Honorary Treasurer of BRISMES (British Society for Middle East Studies) and of the International Association for Islamic Economics. His research has been published in various journals, magazines and also in book format.



**Prof. Christine Bell:** Legal expert based in Northern Ireland; expert on transitional justice, peace negotiations, constitutional law and human rights law advice. Trainer for diplomats, mediators and lawyers.



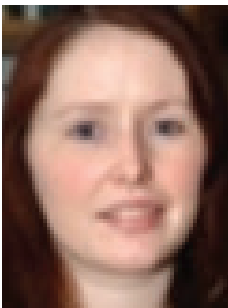
**Cengiz Çandar:** Senior Journalist and columnist specializing in areas such as The Kurdish Question, former war correspondent. Served as special adviser to Turkish president Turgut Ozal.



**Yılmaz Ensaroğlu:** SETA Politics Economic and Social Research Foundation. Member of the Executive Board of the Joint Platform for Human Rights, the Human Rights Agenda Association (İHGD) and Human Rights Research Association (İHAD), Chief Editor of the Journal of the Human Rights Dialogue.



**Prof. Mervyn Frost:** Head of the Department of War Studies, King's College London. Previously served as Chair of Politics and Head of Department at the University of Natal in Durban. Former President of the South African Political Studies Association; expert on human rights in international relations, humanitarian intervention, justice in world politics, democratising global governance, just war tradition in an Era of New Wars and ethics in a globalising world.



**Dr. Edel Hughes:** Lecturer, University of East London. Expert on international human rights and humanitarian law, with special interest in civil liberties in Ireland, emergency/anti-terrorism law, international criminal law and human rights in Turkey and Turkey's accession to European Union. Previous lecturer with Amnesty International and a founding member of Human Rights for Change.



**Dr Salomón Lerner Febres:** Former President of the Truth and Reconciliation Commission of Perú; Executive President of the Center for Democracy and Human Rights of the Pontifical Catholic University of Perú.



**Martin Griffiths:** Former Deputy Head, Kofi Annan's UN Mission to Syria. Founding member and first Executive Director of the Centre for Humanitarian Dialogue, Served in the British Diplomatic Service, and in British NGOs, Ex -Chief Executive of Action Aid. Held posts as United Nations (UN) Director of the Department of Humanitarian Affairs, Geneva and Deputy to the UN Emergency Relief Coordinator, New York. Served as UN Regional Humanitarian Coordinator for the Great Lakes, UN Regional Coordinator in the Balkans and UN Assistant Secretary-General.



**Avila Kilmurray:** A founder member of the Northern Ireland Women's Coalition and was part of the Coalition's negotiating team for the Good Friday Agreement. She has written extensively on community action, the women's movement and conflict transformation. Serves on the Board of Conciliation Resources (UK); the Global Fund for Community Foundations; Conflict Resolution Services Ireland and the Institute for British Irish Studies. Avila was the first Women's Officer for the Transport & General Workers Union for Ireland (1990-1994) and became Director of the Community Foundation for Northern Ireland in 1994. Avila was awarded the Raymond Georis Prize for Innovative Philanthropy through the European Foundation Centre.



**Prof. Ram Manikkalingam:** Visiting Professor, Department of Political Science, University of Amsterdam, served as Senior Advisor on the Peace Process to President of Sri Lanka, expert and author on conflict, multiculturalism and democracy, founding board member of the Laksham Kadirgamar Institute for Strategic Studies and International Relations.



**Bejan Matur:** Renowned Turkey based Author and Poet. She was a columnist for Zaman newspaper, focusing mainly on Kurdish politics, the Armenian issue, daily politics, minority problems, prison literature, and women's issues. Has won several literary prizes and her work has been translated into 17 languages. Former Director of the Diyarbakır Cultural Art Foundation (DKSV).



**Monica McWilliams:** Professor of Women's Studies, based in the Transitional Justice Institute at the University of Ulster. Was the Chief Commissioner of the Northern Ireland Human Rights Commission from 2005 2011 and responsible for delivering the advice on a Bill of Rights for Northern Ireland. Co-founder of the Northern Ireland Women's Coalition political party and was elected to a seat at the Multi-Party Peace Negotiations, which led to the Belfast (Good Friday) Peace Agreement in 1998. Served as a member of the Northern Ireland Legislative Assembly from 1998-2003 and the Northern Ireland Forum for Dialogue and Understanding from 1996-1998. Publications focus on domestic violence, human security and the role of women in peace processes.



**Jonathan Powell:** Jonathan Powell is founder and CEO of Inter Mediate, an NGO devoted to conflict resolution working in the Middle East, Latin America, Africa and Asia. Jonathan was Chief of Staff to Tony Blair from 1995 to 2007 and from 1997 was also Chief British Negotiator on Northern Ireland. From 1978-79 he was a broadcast journalist with the BBC and Granada TV and from 1979 to 1994 a British Diplomat.



**Sir Kieran Prendergast:** Served in the British Foreign Office, including in Cyprus, Turkey, Israel, the Netherlands, Kenya and New York; later head of the Foreign and Commonwealth Office dealing with Apartheid and Namibia; former UN Under-Secretary-General for Political Affairs. Convenor of the SG's Executive Committee on Peace and Security and engaged in peacemaking efforts in Afghanistan, Burundi, Cyprus, the DRC, East Timor, Guatemala, Iraq, the Middle East, Somalia and Sudan.



**Prof. Naomi Roht-Arriaza:** Professor at University of Berkeley, United States, expert and author on transitional justice, human rights violations, international criminal law and global environmental issues.



**Rajesh Rai:** Rajesh was called to the Bar in 1993. His areas of expertise include Human Rights Law, Immigration and Asylum Law, and Public Law. Rajesh has extensive hands-on experience in humanitarian and environmental issues in his work with NGOs, cooperatives and companies based in the UK and overseas. He is Founding Director of HIC, a Community Centred NGO based in Cameroon, and of Human Energy (Uganda) Ltd, and was previously a Director of The Joint Council for the Welfare of Immigrants (JCWI). Rajesh also lectures on a wide variety of legal issues, both for the Bar Human Rights Council and internationally, in India, Africa, Asia, and the USA.



**Prof. Dr. Mithat Sancar:** Professor of Law at the University of Ankara, expert and author on constitutional citizenship and transitional justice, columnist for Taraf newspaper.



**Prof. Dr. Sevtap Yokuş:** Professor of Law at the University of Kocaeli. She is a widely published expert in the areas of constitutional law and human rights law, and is a practitioner in the European Court of Human Rights.





**David Reddaway:** He now works as an adviser, board member and consultant in the private and university sectors. He was previously British Ambassador to Turkey and to Ireland; High Commissioner to Canada; UK Special Representative for Afghanistan; and Charge d’Affaires in Iran, where he had first worked during the Iranian Revolution. He also served in Argentina; India; and Spain. He was a Fellow at Harvard University and a volunteer teacher in Ethiopia. He read History at Cambridge, and Persian at the School of Oriental and African Studies in London.



**Mark Muller QC:** Senior advocate at Doughty Street Chambers (London) and the Scottish Faculty of Advocates (Edinburgh) specialised in public international law and human rights. He has many years’ experience of advising on conflict resolution, mediation, ceasefire and power-sharing and first-hand experience of a number of conflict zones, including Afghanistan, Libya, Iraq and Syria. Since 2005 he is Senior Advisor to the Centre for Humanitarian Dialogue, Beyond Conflict and Inter-Mediate. He is also a Harvard Law School Fellow and former Chair of the Bar Human Rights Committee and Head of Rule of Law for the Bar Council. He is the founder of Beyond Borders – a Scottish initiative dedicated to fostering peace and international understanding through cultural dialogue. He currently acts as Senior Mediation Expert for the Standby Team of Mediators of the UN Department of Political Affairs.



**Joost Lagendijk:** Columnist for the Turkish dailies ‘Zaman’ and ‘Today’s Zaman’, and a lecturer on EU Institutions and Policies at the Suleyman Shah University, Istanbul. He is also the author and editor of a number of books on European border issues, US and EU foreign policy strategies, and modern Turkey. From 1998 – 2009 Mr Lagendijk was a Dutch Green Left Party Member of European Parliament, where he focused on foreign policy and EU enlargement. He has also served as Chair of the Parliament’s Turkey Delegation and the rapporteur for the Parliament on the Balkans and Kosovo. From 2009 to 2012, Mr Lagendijk worked as a senior adviser at the Istanbul Policy Center in Istanbul.



**Prof. Dr Ahmet Insel:** A managing editor of Turkey editing house Iletisim and Head of the Department of Economics in Galatasaray University, Istanbul. Also a Professor at Paris 1 Panthéon-Sorbonne University. Author and columnist.



**Ali Bayramoğlu:** Writer and political commentator. He is a columnist for the Turkish daily newspaper Yeni Safak. Member of Turkey’s Wise Persons Commission Established by Prime Minister Erdoğan.



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