

Community, Scale, and Regional Governance

A Postfunctionalist Theory of Governance,
Volume II

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The questions that motivate this book took form in Val d’Aran in the Pyrenees some ten years ago. We had driven several hours to traverse just a few linear miles, and we had arrived in a place with distinctive flora and fauna, habits and norms. What, we began to ask, was the effect of geographical isolation? How could political difference be sustained in its absence?

In seeking answers we have been helped by many people. Max Boiten collected data on distinctive regions. Luigi Mendez, Nick Neuteufel and Rick Scholten checked references and formatted text. Sandra Chapman compiled the index. Special thanks to Dawn Brancati, Kent Eaton, Jean-Paul Faguet, Agustina Giraudy, and Michaël Tatham for their extensive feedback on drafts we sent their way.

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We dedicate this book to our parents, Eileen and Bobby, and Cécile and Raf, who showed us how two people can share work as well as love.

Chapel Hill

April 2016

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5

Community and Differentiated Governance

The classic model of governance within the state conceives a series of uniform, nested tiers. At the top is the central government of the state. Within it is a tier of regions or provinces. Each contains smaller jurisdictions, which in turn contain smaller jurisdictions. The jurisdictions at any level may vary in population and area, but they have the same authoritative competences. The model is uniform, elegant, and bears out the idea that a state standardizes rights and duties in its constituent jurisdictions (Weber 1927/2003: ch. 29).

There have always been countries that break the mold, but one of the most interesting developments over the past half century is that the classic model has become the exception rather than the rule. Thirty-three of fifty-nine countries with regional governance in 2010 have at least one region that stands out from its tier because it has more or less authority. Governance within an increasing number of states has become differentiated.

Differentiated governance arises in the postfunctionalist tension between the benefits of scale in national states and the desire for self-rule on the part of distinct communities within them. An inquiry into the subject engages some fundamental questions of political rule. Under what circumstances will one territory exercise authoritative competences that set it apart from other territories within a state? What are the ways in which distinct territorial communities can be accommodated? How has the character of accommodation changed over time?

These questions have been at the core of the study of politics from at least the time of the Roman Empire and its *foederati* (Marks 2012). Here our concern is limited to governance within states over the past six decades, and we build on the work of Stein Rokkan. In contrast to modernization theorists, Rokkan views peripheral distinctiveness as a persistent response to national integration: “For each process of centralization there is a corresponding effort of boundary accentuation, of attempting to preserve peripheral distinctiveness: juxtaposing the process of cultural standardization, for instance, is the peripheral concern for maintaining a separate identity” (Olsen 2005: 10; Rokkan and

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Urwin 1983: 14). Rokkan explains peripheral distinctiveness as a response to deep-seated territorial tensions arising from nation building and state building. The variables that he puts on the table—and there are many—are primarily structural features that shape cultural practices and constellations of political conflict. Chief among them are geographical location, language, and a prior history of independence. Few have been as sensitive as Rokkan to geography—attested by his conceptual maps and his effort to place the center-periphery structure of a country “within its broader context, whether ‘geoethnic,’ ‘geoeconomic,’ or ‘geopolitical’” (Rokkan et al. 1987: 51).

This chapter seeks to extend Rokkan’s analysis by engaging the strategic context of regional governance. The characteristics that underpin political peripherality—geographical location, language, and a prior history of independence—influence the form that differentiation takes. And how a region is differentiated—whether it is part of a regional tier or stands alone as an anomaly; whether it has a bilateral or multilateral association with the central state—appears to be decisive for the authority exercised by the region.

The puzzle that we take up here is to explain the character of differentiation. As one engages the cases, the variation becomes prodigious. There are an almost unlimited number of ways in which an individual region can be empowered or disempowered (Wolff 2010). For example, Aceh and Scotland are able to impose a distinct legal order within their territory. Bolivia’s indigenous communities can elect representatives under their own conventions. The Basque provinces collect their own taxes. Sabah and Sarawak are able to spend a given proportion of the taxes raised in their regions. Quebec controls immigration into the province. The Åland Islands can exclude non-resident Finnish citizens from buying land. Greenland is exempt from Denmark’s membership of the European Union. Yogyakarta in Indonesia has special dispensation to be governed by a hereditary ruler.

The immediate challenge is to conceptualize the range of possibilities along a limited number of dimensions. We suggest three: how a region stands in relation to others in its tier; the region’s relationship to the central state; and the character of its rule. This conceptual schema makes sense of the differentiation we detect in the regional authority index (RAI) and allows us to generalize about within-country variation adapting Stein Rokkan’s theoretical framework.

Types of Differentiation

We define a differentiated region as a region with authoritative competences that distinguish it from other regions in the same country. The RAI allows us to estimate differentiation across 3,465 regions in eighty-one countries in a systematic way by comparing scores across ten dimensions that tap

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authoritative competencies in policy making, finance, law making, representation, and constitutional reform (see Chapter Two). We categorize a region as differentiated if it has a score on one or more of these dimensions that distinguishes it from other regions in the same country.

Differentiated regions exist in distinct forms that provide a key to their genesis, their consequences for the countries in which they exist, and their trajectories over time. If we wish to explain their causal dynamics, we need to probe the structure of interaction among individual regions and between regions and the central state.

- *How does the region stand in relation to the central state?* Does the region relate to the central state bilaterally; does it relate multilaterally alongside other regions; or is the region subordinate to the center?
- *How does the region stand in relation to other regions?* Is the region one-of-a-kind and unrelated to a regional tier; is the region part of a tier of regions from which it deviates; or is the region excluded from the status of a standard region?
- *What is the mode of rule in the region?* Does the region exercise authority only within its own territory; does it exercise authority both within its own territory and in the country as a whole; or is the region governed directly by the central state?

Table 5.1 conceives these characteristics as logically related in three distinct types. Figure 5.1 illustrates how each connects to the central state and to standard regions.

An *autonomous* region is exempt from the country-wide constitutional framework and receives special treatment as an individual jurisdiction in a bilateral relationship with the center—represented in Figure 5.1 by a double-headed arrow between the region and central government. An autonomous region is both part of the state, and also distinct from it. It exerts rule within its territory, but little beyond. While an autonomous region might be classified as a unit within a national scheme, it stands apart from other regions, often geographically as well as politically.

An *asymmetric* region is part of a regional tier, yet differentiated from it—perhaps because it has a historical claim to self-governance, a distinct culture, language, or religion. The region has authoritative competences that set it apart from other regions, yet it is part of an overarching national framework. Hence the asymmetric regions in Figure 5.1 are linked both to other regions in their tiers and to the central state. This opens the possibility that an asymmetric region can co-govern the entire country alongside standard regions.

A *dependency* is a region, often a colonial or frontier territory, subject to direct rule by the central state. This denies it the status of a standard region.

Table 5.1. Types of differentiation

	How does the region stand in relation to the central state?	How does the region stand in relation to other regions?	What is the character of rule in the region?	Examples
Autonomy	<i>Bilateral</i> The region relates to the central state directly.	<i>Anomaly without a standard</i> The region stands apart from a regional tier.	<i>Self-rule</i> The region exercises authority in its territory and little beyond.	Aceh, Greenland, Jeju, Mount Athos, Nunavut, Scotland
Asymmetry	<i>Multilateral</i> The region relates to the central state as part of a regional tier.	<i>Deviation from a standard</i> The region is differentiated from other regions within a regional tier.	<i>Self-rule and shared rule</i> The region exercises authority in its territory and co-exercises authority in the country as a whole.	Catalonia, Flanders, Gran Chaco, Quebec, Tatarstan
Dependency	<i>Unilateral</i> The region receives central state direction.	<i>Excluded from the standard</i> The region is excluded from the status of a standard region.	<i>Central rule</i> The region is governed directly by the central state.	Isla de la Juventud, Labuan, Yukon to 1979, Indian Act Bands, Svalbard

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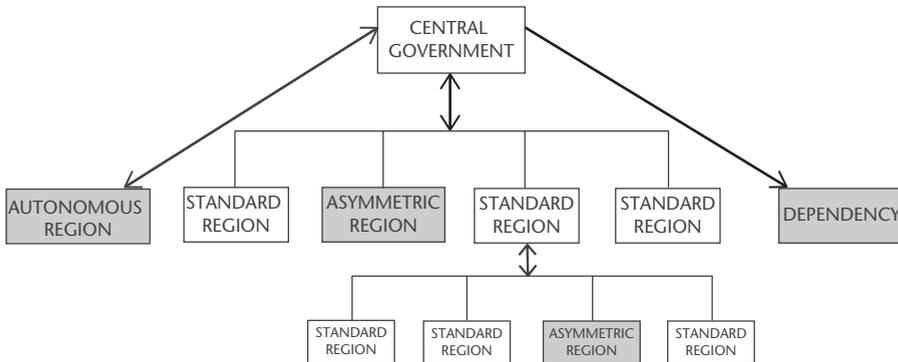


Figure 5.1. Modes of differentiated regional governance

The flow of commands goes in one direction, from the center to the dependency, represented in Figure 5.1 by a single-headed arrow.

The concepts of autonomy and asymmetry have wide circulation in the literature on federalism and subnational governance.¹ Autonomy is applied generally to any region that exercises significant self-rule, while asymmetry conventionally describes a federal or quasi-federal system in which one of the states or provinces exercises some additional powers (Stepan 1999; Watts 1998, 1999*b*, 2008).² The concepts have also gained currency in the literature on conflict resolution in divided societies. This literature tends to use autonomy and asymmetry interchangeably when a region acquires special legislative, executive, or fiscal competences (Horowitz 2007; McGarry 2007; Weller and Nobbs 2010; Wolff 2010: 20).

Our unit of analysis is the individual region rather than the country, and if these concepts are to serve our purpose, we must make sharper distinctions. We can do so by drawing on their original meanings. Autonomy is the quality of being autonomous, from the Greek *autonomiā*, self-ruling. This is precisely how we use the concept in this chapter. Asymmetry is the quality of being asymmetrical or incommensurate, from the Greek *asymmetria*, which is derived from *a* (= not), *syn* (= together, alike), *metron* (= meter). In our conceptual scheme this appropriately describes a region that lacks symmetry with regions in its tier.

¹ Agranoff 1999*a, b*; Benz and Broschek 2013; Elazar 1987, 1991; Hombrado 2011; McGarry 2007; McGarry and O’Leary 2009; Moreno and Colino 2010; Rezvani 2014; Tarlton 1965; Watts 1998, 2008; Wolff 2010; Zuber 2011, 2013.

² Watts (1998: 123) distinguishes between “asymmetry among the full-fledged constituent units within a federation or confederation” and “constitutional asymmetry . . . the relationship between a small or peripheral state (often a small island or group of islands) and a larger state (often a former colonial power) in which the smaller unit shares in the benefits of association with the larger polity but retains internal autonomy and self-government.” In later work Watts (2008: 127–8) emphasizes that asymmetry may be constitutionally specified or merely enabled as an option.

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These distinctions allow one to probe variation at the level of the region. Many countries encompass regions with more than one form of differentiation. Canada, which would be classified as an asymmetric federal polity on account of Quebec, has had dependencies in its far north and Nunavut, an autonomous Inuit region. The United States, Brazil, and Malaysia, which are usually considered to be symmetrical federal polities, contain both autonomous regions and dependencies. Spain encompasses both asymmetric and autonomous regions. Colombia and Bolivia are unitary countries with asymmetric indigenous regions.

Just as importantly, a disaggregated approach reveals that things can change over time. Whereas country descriptions such as asymmetrical federalism are essentially static, it is not uncommon for differentiated regions to shift form over time. Standard regions become asymmetric, dependencies become standard or gain autonomy. The fixity that one can detect at the country level is only skin deep.

Autonomy

An autonomous region has a bilateral association with the center. It is exempt from the country-wide constitutional framework but receives special treatment as an individual jurisdiction. It is subject to special legislation, and in most cases its status is constitutionally affirmed. Unlike an asymmetric region, an autonomous region does not stretch a standard model because there is no standard model to which it can fit. It is one-of-a-kind, an outlier where there is no mean, an anomaly without a rule. Papua, Aceh, Scotland, and Tobago each have particular relationships with the central state that produce idiosyncratic arrangements. These regions are characterized by their particularities rather than their departure from state-wide standards.

Several autonomous regions are islands: Åland Islands, Azores, Corsica, the Faroes, Tobago. Some are located on a mainland separated by sea from the rest of the country: Ceuta, Mindanao, Northern Ireland, Papua, Sarawak. Or they are on the mainland, but remote: the Northwest Territories and Nunavut in Canada, the Northern Territory of Australia, the five indigenous comarcas in Panama, the two autonomous regions in Nicaragua. Val d'Aran, the smallest autonomous region in our dataset, is a nearly inaccessible valley tucked away in the Pyrenees in northern Catalonia and facing northwards to France. Twenty-one of the forty regions that are located 30 km or more from the mainland are autonomous.³

³ 2010 data. Twenty-one of the forty-six autonomous (non-capital) regions we observe in 2010 are geographically peripheral.

Table 5.2. Autonomy (1950–2010)

1950s	1960s	1970s	1980s	1990s	2000s
Creation of autonomy					
1950 Farøer (Denmark)	1963 Friuli-Venezia-Giulia (Italy)	1972 Bozen-Südtirol, Trentino (Italy)	1980 Tobago (Trinidad and Tobago)	1990 Autonomous Region Muslim Mindanao (Philippines)	2000 Kuna de Wargandí (Panama)
1950 Åland (Finland)	1963 Sabah, Sarawak (Malaysia)	1976 Açores, Madeira (Portugal)	1982 Corsica (France)	1991 Val d'Aran (Catalonia)	2000 Northern Ireland (UK)
1950 Oros Athos (Greece)	1963 Singapore (Malaysia)	1978 Yukon (Canada)	1983 Emberá-Wounaan (Panama)	1992 Vojvodina (Serbia)	2001 Aceh (Indonesia)
1950 Yogyakarta (Indonesia)	1964 Wales (UK)	1978 Northern Territory (Australia)	1987 Región Autónoma del Norte, Región Autónoma del Sur (Nicaragua)	1992 Kosovo (Serbia)	2001 Papua (Indonesia)
1950 Sardinia, Trentino-Südtirol, Sicilia, Valle d'Aosta (Italy)	1967 Northwest Territories (Canada)	1978 Ceuta, Melilla (Spain)		1996 Galápagos (Ecuador)	2006 Jeju (South Korea)
1950 Kuna Yala (Panama)		1978 Pattaya (Thailand)		1996 Kuna de Madugandí (Panama)	2007 Northern Ireland (UK)
1950 Navarra, Araba (Spain)		1979 Grønland (Denmark)		1997 Ngäbe-Buglé (Panama)	
1950 Northern Ireland (UK)				1999 Nunavut (Canada)	
1950 Scotland (UK)					
1950 Alaska, Hawaii (US)					
1952 Puerto Rico (US)					
1959 Aceh (Indonesia)					
Transition to different status					
1959 Alaska, Hawaii (S)	1965 Aceh (S)	1972 Northern Ireland (D)		1998 Kosovo (P)	2003 Northern Ireland (D)
	1966 Singapore (I)	1979 Araba, Navarra (Y)			

■ Status pre-dates entry in dataset. Status abbreviations: A = autonomy, Y = asymmetry; D = dependency, S = standard region; I = independence; P = protectorate.

Table 5.3. Indigenous jurisdictions (1950–2010)

	1950s	1960s	1970s	1980s	1990s	2000s
Created						
1950 Kuna Yala (Panama)		1977 ct'd	Self-governing Aboriginal Peoples (Canada)	1983 Emberá-Wounaan (Panama)	1990 ct'd	2000 Kuna de Wargandí (Panama)
1950 Indian Tribes (US)		1979	Northwest Territories (Canada)	1987 Región Autónoma del Norte, Región Autónoma del Sur (Nicaragua)	1991 ct'd	2001 Papua (Indonesia)
1950 Indian Act Bands (Canada)		1979	Grønland (Denmark)		1996	Kuna de Madugandí (Panama)
					1997	Ngäbe Buglé (Panama)
					1999	Nunavut (Canada)

■ Arrangement pre-dates entry in dataset.

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Several autonomous regions are indigenous, and many are non-standard in an additional way (Table 5.3).⁴ Writing about indigenous mobilization in Latin America, Deborah Yashar (1999: 93) observes that:

Rejecting state-formation projects that have sought to centralize or decentralize political institutions according to a single blueprint, indigenous movements throughout the region have demanded that the state recognize administrative boundaries that are unique to indigenous peoples.... In other words, they are arguing that a differentiated citizenship should coincide with differentiated administrative boundaries.

American Indian tribes, Canadian self-governing Aboriginal peoples, Colombian indigenous reserves, and Bolivian indigenous territories sit uneasily in their national jurisdictional frames. Few indigenous groups had bounded territories, and their reserves were established piecemeal. Many indigenous reserves do not fit into a particular tier, but straddle tiers (Madrid 2008; Yashar 2005). The United States contains 225,000 km² of federal Indian Reservations with half a million inhabitants. Almost all reservations cross county lines and several cross state borders. In Canada, Nunavut was carved out of the Northwest Territories in 1999 as an indigenous homeland in a bilateral arrangement alongside the provinces (Hicks and White 2000). In addition, Canada has signed twenty-two comprehensive self-government arrangements that involve thirty-four aboriginal communities, several of which cross provincial boundaries. In Colombia, 700 or so small and sparsely populated *resguardos indígenas* were created as a self-standing tier covering around one-third of the country's surface and home. In all three countries, indigenous jurisdictions exist apart from the nested, non-intersecting units that comprise the ladder of governance.

Autonomous regions have a basis in community. Unless they have been subject to colonization and inward migration, these communities sustain distinctive norms and forms of speech. The demand for self-rule in such communities is both an expression of resistance to rule by foreigners and a recognition that their endurance depends in part on their capacity to make their own laws. However, independent statehood is less appealing if the population is small. The median population of the autonomous regions that

⁴ There is no generally accepted definition of an indigenous people, and some claim that a precise definition is overly restrictive (Cornassel and Witmer 2006; van Cott 2005; Warren and Jackson 2002). The UN Permanent Forum for Indigenous Issues suggests the following guidelines: self-identification as an indigenous people; historical continuity with pre-colonial and/or pre-settler societies; a strong link to a territory and its natural resources; distinct social, economic, or political norms; a distinct language, culture, and beliefs; status as a non-dominant group of society; commitment to maintain and reproduce their ancestral heritage as a distinctive people. <http://www.un.org/esa/socdev/unpfi/documents/5session_factsheet1.pdf>.

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we observe in 2010 is just 286,000.⁵ The demand for independent statehood tends to be greatest among outliers with exceptionally large populations. Scottish nationalists stress that their country, with a population of 5.3 million, is similar in scale to that of the Nordic states and considerably larger than the Baltic republics.

Autonomous regions are biased to self-rule at the expense of shared rule. They segment political institutions along territorial lines, insulating local elites and raising the salience of differences between the region and the center. To the extent that they have shared rule, it is bilateral, not multilateral. It involves the region and the center co-determining governance in the region itself rather than the country as a whole. The region is an anomaly in the polity—sometimes connected with the thinnest of threads to the national fabric.

Small population, the absence of a tier of comparable regions, the lack of a standard model as reference—each of these characteristics helps to explain why central rulers can grant autonomy without fearing it will have knock-on effects. These insulating features also help to explain why autonomous regions tend to remain that way. Autonomy is self-replicating. It reinforces the cultural distinctiveness of small, peripheral populations. Such regions often have idiosyncratic party systems and structures of political contestation. Many have the authority to sustain their local language in public services. Some can control immigration into the region. In short, their autonomous authority provides them with a capacity for collective strategy that reproduces their distinctiveness.

Once a region becomes autonomous, it is unlikely to switch. There are just a handful of exceptions. Several involve heavy-handed state intervention, often in the context of violence. Singapore was expelled from Malaysia in 1963 to become an independent state following race riots. Kosovo became a UN protectorate and then an independent state in the aftermath of civil war. Aceh shifted back and forth from an autonomous to a standard region in bouts of rebellion and violent repression. Northern Ireland saw home rule suspended in 1972 and 2003 in the wake of communal violence. The federal district of Brasilia lost institutional autonomy under military rule, but regained it in 1988.

The non-violent cases are few in number and involve regions that aspired to become standard regions, such as Alaska and Hawaii, which had bilateral arrangements until they became standard states in 1959, or Washington, DC, which was directly administered by a congressionally appointed control board from 1995 to 2000.

⁵ This figure excludes autonomous capital regions and indigenous reserves.

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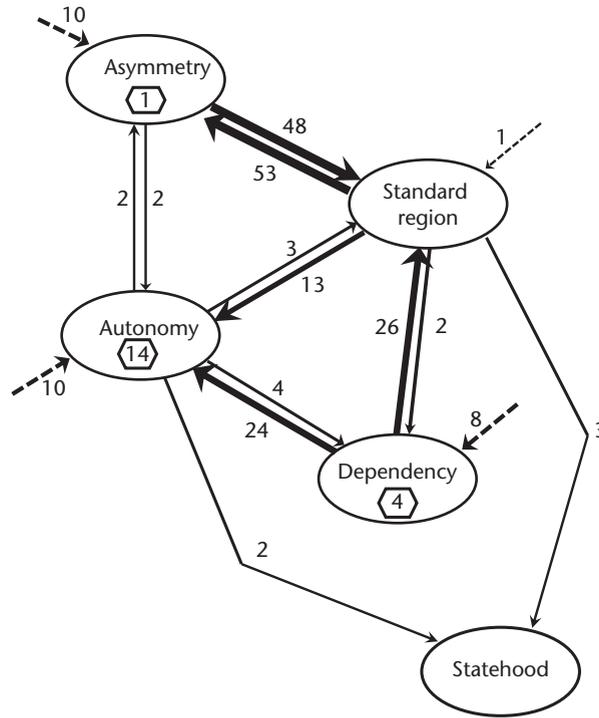


Figure 5.2. Paths of differentiation (1950–2010)

Note: $n = 172$ regions. Numbers in the hexagons count regions that do not change status. Dashed arrows indicate newly created regions. Sixty-six regions change status twice or more.

Autonomy is a stable equilibrium. Many enter, few leave. This is evident when one charts differentiated regions over time, as in Figure 5.2. The hexagon labeled autonomy indicates that fourteen autonomous regions remain in place from 1950 to 2010. In that period they were joined by twenty-four regions that shifted from dependency to autonomy, thirteen regions that were once standard regions, two regions that were asymmetric, and ten newly created autonomous regions (the dashed arrow). Sixty-three regions were autonomous in 1950 or became autonomous in the following six decades; just nine regions lost autonomy in that period.

Asymmetry

An asymmetric region is part of a national tier, yet is distinctive. It interacts both with the regions in its tier and with the central state. This sets it apart from autonomous and dependent regions, and shapes its strategic situation.

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A region may demand special powers in its claim for a homeland, rooted in a history of independence prior to the formation of the current state, and reinforced because its population has a distinctive language or religion that differentiates it from its peers. The central state faces a choice between accommodating the demand or maintaining the coherence of the national state. However, this is not a game played solely between the region and the center. It includes standard regions in the same tier. This complicates the strategic terrain. The pressure to accommodate a national minority may be great, but resistance can be expected from both the central state and from standard regions (Hombrado 2011; Zuber 2011). The central state may fear competitive regional mobilization for greater self-rule or, worse, a slippery slope to separatism. Regions in the same tier may resist the empowerment of one of their number or they may seek to imitate it. Once the principle of jurisdictional equality is broken, this may unleash a spiral of competing claims.

The central state may accommodate the region by giving it exceptional self-governance while tying it to the country as a whole by making it co-responsible for national policy. Shared rule may soften the sharp edges of self-rule. This is the classic federal strategy for uniting independent territories under a single roof, and it has been inordinately successful. Indeed, we find that nearly three-quarters of regions with a history of statehood (92 of 127) are now standard constituent units of a federation. Asymmetry stretches the band of unity in order to accommodate a region that has separatist leanings. Asymmetry is an effort to square the circle by recognizing minority nationalist demands without setting the region adrift from the body politic. Asymmetry is the back-stop of federalism which seeks to hold a country together by allowing its constituent parts extensive control over their own affairs and a serious measure of co-governance in the whole (Stepan, Linz, and Yadav 2011: 18).

In contrast to autonomous regions, most asymmetric regions exercise considerable multilateral shared rule. The diamonds in Figure 5.3 plot the mean levels of multilateral and bilateral shared rule in asymmetric and autonomous regions. On a scale from zero to 12, the median asymmetric region is 5.5 on the RAI for multilateral shared rule and just 0.5 on bilateral shared rule. The asymmetric province of Quebec, for example, participates in a dense network of executive and fiscal intergovernmental meetings and, in conjunction with other Canadian provinces, has a veto on constitutional reform (Bakvis and Brown 2010; Bolleyer 2009; Pelletier 2013). By contrast, the median autonomous region scores 3.0 on bilateral shared rule and zero on multilateral shared rule. The Azores and Madeira are typical autonomous regions in having the constitutional right to be consulted on policy and fiscal issues that might affect them, but without the right to delay or block nation-wide constitutional reform, even collectively, with other Portuguese regions.

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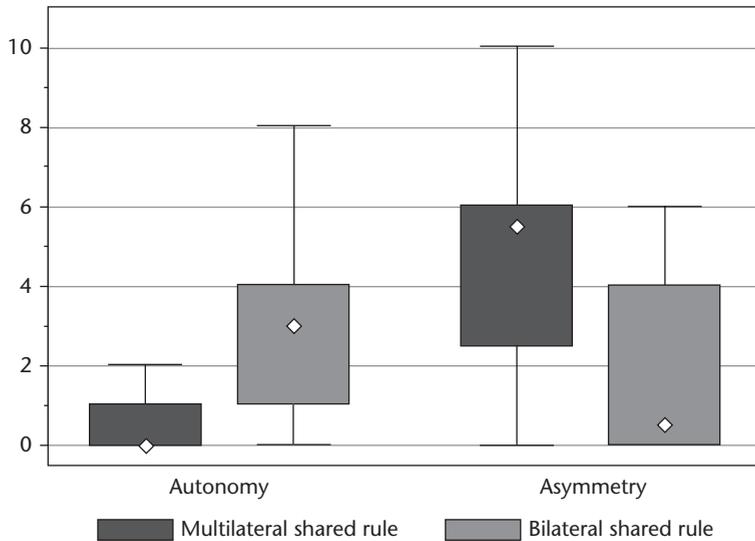


Figure 5.3. Shared rule in asymmetric and autonomous regions

Note: $n = 65$ asymmetric and autonomous regions in eighty-one countries (1950–2010). Box plots whereby the diamond indicates the median region. Capital regions, indigenous arrangements, and Russian regions are excluded.

The barrier to asymmetry is particularly high in federal countries where there is a norm of equality among formerly independent jurisdictions. Most federal provinces are constitutionally embedded in a network of cooperation and competition. Empowering one of their kind is no easy matter if it requires constitutional rejigging. There is a clearly articulated benchmark—the federal standard—which throws any claim for differentiation into sharp relief. Quebec is a case in point. It exercises special powers over immigration, employment, health, and taxation, but failed to be designated as a “distinct society” when the Meech Lake and Charlottetown Accords were defeated by English-speaking Canadians mobilized around the principle of provincial equality (Cairns 1988; McRoberts 1994; Noel 2013; Russell 1993; Simeon 1988, 2013).

Conflict is intensified if the region in question is perceived to be an integral part of the state. Quebec, with a population of eight million, is the second most populous Canadian province. Catalonia with seven million and the Basque Country with two million are second and seventh among nineteen Spanish *comunidades* and first and fifth in GDP. Fifty-seven percent of Belgium’s population lives in Flanders. In 2010, the median population of an asymmetric region is 1.2 million, more than four times that of the median autonomous region. Asymmetric regions are seven times less likely than autonomous regions to be geographically peripheral, i.e. 30 km or more from the mainland.

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We observe just one asymmetric region, Quebec, which has kept its status since 1950, in Figure 5.2. The wide arrows to and from asymmetric and standard regions record events in Russia, beginning with a flood of bilateral treaties in which regions gained asymmetry and ending in the reimposition of standardization under President Putin.

After the break-up of the Soviet Union, minority ethnic demands led President Yeltsin to concede asymmetry to all twenty-one republics and nine of eleven okrugs (Giuliano 2006; Zuber 2008: Table 5 and Appendix A.2). Tatarstan made the first move in a 1992 referendum that declared its sovereignty, and in 1994 it gained additional powers in external trade, natural resources, and citizenship. By the end of 1995 six other republics had broken the standard frame (Chuman 2011: 136–8; Frommeyer 1999: 14). This triggered competitive bidding among Russia's non-ethnic regions. Between 1996 and 1998 sixteen additional regions extracted special powers from a weak center (Zuber 2008). Eventually, forty-six of Russia's eighty-nine regions concluded bilateral treaties. Each negotiation followed a legally specified procedure using a template setting out the supremacy of federal law, conditions for federal pre-emption, and dispute resolution (Frommeyer 1999). But the outcome was anything but orderly. Most treaties contravened federal law, and almost half of the 44,000 regional acts examined by the Ministry of Justice in 1999 were deemed to violate the constitution (Chebankova 2007; Hahn 2003; Stepan 2000: 144, 149). "There [was] no unified legal space in Russia" (Stepan 2000: 144).

In 2000, the center regrouped under President Putin. Seven overarching super districts were set up under central control. Regional economic development was placed under a federal ministry. Popular elections for regional governors were abolished. And Putin, as chairman of the United Russia party, effectively put himself in charge of selecting governors (Chuman 2011; Ilchenko 2013; Kahn, Trochev, and Balayan 2009; Ross 2010). Of the forty-six regions that had acquired asymmetry in the 1990s, only Tatarstan remained in 2007.

Outside Russia, four regions have evoked historical distinctiveness to acquire asymmetry. In 1978, the Basque provinces of Bizkaia and Gipuzkoa regained their centuries-old *fueros*, which had been taken away under Franco. Callao, which had secured greater self-rule in Peru's founding constitution of 1836 but subsequently lost it, had its special status restored as an asymmetric region in 2003. Bolivia's Gran Chaco claims a distinctive Chaqueño identity "cultivated throughout the twentieth century as one grounded in shared productive practices (ranching), shared culture (music, dance), and shared grievances (the suffering of the Chaco War and the marginalization of the Chaco within Tarija and Bolivia)" (Humphreys, Bebbington, and Bebbington 2010: 143). In 2009, president Morales, dressed as a Chaqueño, promised to hold a referendum on regional autonomy, which, if successful, would give it

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45 percent of the hydrocarbon royalties generated in the province. Eighty-one percent of the population voted in favor (Humphreys et al. 2010: 156).

All fifty-three standard regions that gained asymmetry did so in countries that were moving to democracy. Wresting asymmetry from a standard tier is greatly facilitated by the fluidity of democratic transition. However, holding on to asymmetry is no easy matter (Zuber 2011). Of the fifty-three, only five retained their asymmetric status.⁶

Ten asymmetric regions are newly created, as the dashed arrow in Figure 5.2 indicates. Galicia, the Basque country, and Catalonia were granted special competences following democracy. Andalusia, which had been on the verge of passing an autonomy statute before the civil war, gained asymmetry in 1981, though it was folded back as a standard region a few years later. In Belgium, the Flemish, Francophone, and German communities were each accorded special competences in the early 1970s. Asymmetric regions in Spain and Belgium share one key feature: they were set up as part of entirely new tiers. No standard regions were on hand to resist.

Still, pressure for standardization has been palpable. The Spanish center has responded to Basque and Catalan demands for independence by seeking to encase them in a “federation in disguise” (Chapman Osterkatz 2013; Keating 1998; Moreno 2001: 61, 2007). As in Canada, there is an enduring tension between the desire to maintain the integrity of the national frame and the need to accommodate diversity—with the Spanish constitutional court acting as gatekeeper. In 2008 the constitutional court rejected the Basque government’s plan to hold a referendum for co-sovereignty with Spain (Moreno and Obydenkova 2013). And in 2010 the court struck down a Catalan statute extending regional competences which would have established Catalan as the preferred public language (Arbós Marin 2013). In Belgium, the responsibilities of the center have been progressively swallowed by the Flemish, Francophone, and German communities, though this has not assuaged Flemish separatism (Deschouwer 2009; Hooghe 2004; Swenden 2010, 2013).

Asymmetry can have a more prosaic function beyond the effort to accommodate distinctive regions that wish to break free. Before implementing a reform across the country, it may be useful to experiment, as three asymmetric regions in Table 5.4 exemplify. The Auckland and Wellington development regions in New Zealand piloted directly elected councils in 1963 and 1974 respectively, and once the experiment was seen to work, it was extended across the board. Similarly, Kainuu was set up in 2005 as a trial region encompassing nine Finnish municipalities. The expectation was that pooling municipal

⁶ Bizkaia, Callao, Gipuzkoa, Gran Chaco, and Tatarstan.

Table 5.4. Asymmetry (1950–2010)

	1950s	1960s	1970s	1980s	1990s	2000s
Creation of asymmetry						
1950 Québec (Canada)		1963 Auckland (New Zealand)	1970 Vlaamse Gemeenschap, Communauté française, Deutsche Gemeinschaft (Belgium)	1980 Région wallonne (Belgium)	1991 San Andrés-Providencia-Santa Catalina (Colombia)	2003 Provincia Constitucional del Callao (Peru)
1950 Bozen-Südtirol, Trentino (Italy)		1974 Wellington (New Zealand)	1978 Araba, Bizkaia, Gipuzkoa, Navarra (Spain)	1981 Andalusia, Galicia (Spain)	1994 Tatarstan, Bashkortostan (Russia)	2005 Kaimuu (Finland)
		1979 Euskadi/Pais Vasco, Catalunya (Spain)	1994–98 44 <i>subyekty federatsii</i> (Russia)			2010 Gran Chaco (Bolivia)
Transition to different status						
		1972 Bozen-Südtirol (A)	1983 Andalusia (S)			2000–04 44 <i>subyekty federatsii</i> (S)
			1989 Auckland, Wellington (S)			2004 Bashkortostan (S)

■ Status pre-dates entry in dataset. Status abbreviations: A = autonomy; Y = asymmetry; D = dependency; S = standard region.

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functions in health care, education, and social services in a sparsely populated area would enhance efficiency (Moisio, Loikkanen, and Oulasvirta 2010: 172–3; Moisio 2012). When one of the municipalities withdrew its support for the experiment, Kainuu re-entered the standard frame (Ministry of Finance of Finland 2013). The Finnish government is preparing to overhaul subnational government along the lines of a 2007 Danish reform, with larger, more authoritative municipalities overseen by leaner, possibly task-specific, regional bodies.

Similar experiments are taking place in Sweden. Between 1996 and 2010 four pilot regions, each combining two or three counties, were set up to achieve economies of scale in economic development, regional transport, and culture (Hanssen et al. 2011). Three regions chose to have directly elected councils that replaced county councils, while the fourth opted for an indirectly elected council operating alongside directly elected county councils. In 2007, a government report suggested extending the experiment across the country (OECD 2012).⁷

Dependency

A dependency is a jurisdiction that is subject to central state control. Its association with the center is hierarchical rather than bilateral or multilateral. Many dependencies are remote and sparsely populated. Many are colonial or frontier territories with indigenous populations. The number of dependencies has declined drastically over the past six decades. There were thirty-seven in the forty-eight countries we observe in 1950. In 2010 there were five in the eighty countries we observe.⁸

Most have been transformed into standard or autonomous regions, as Figure 5.2 charts. The decline of colonialism and the spread of democracy have put pressure on central governments to give indigenous populations differentiated self-rule, or at least the same measure of authority as other regions in the state. The only dependencies that remain in our dataset in 2010 are the Isla de la Juventud in Cuba, the Dependencias Federales off the coast of Venezuela, the financial district of Labuan in Malaysia, the Norwegian archipelago of Svalbard in the Arctic sea, and Indian Act Bands in Canada. Table 5.5 lists dependencies and the timing and mode of their change in status.

⁷ Sweden now has six regions with extended competences which cover much of the country. They are, for now, superimposed on the counties (Sweden 2015).

⁸ The figures for 1950 and 2010 do not include capital regions and Indian Act Bands in Canada.

Table 5.5. Dependency (1950–2010)

	1950s	1960s	1970s	1980s	1990s	2000s
Creation of dependency						
1950	32 regions in nine countries (all change status)	1962 Tobago (Trinidad and Tobago)	1972 Northern Ireland (UK)	1984 Labuan (Malaysia)	2003 Northern Ireland (UK)	
1950	Svalbard (Norway)		1973 Galápagos (Ecuador)			
1950	Dependencias federales (Venezuela)		1976 Isla de La Juventud (Cuba)			
1950	Indian Act Bands (Canada)		1979 Western and Central Mindanao (Philippines)			
1956	Ceuta, Melilla (Spain)					
Transition to different status						
1951	Chaco, La Pampa (Argentina) (S)	1967 Northwest Territories (Canada) (A)	1974 Baja California Sur, Quintana Roo (Mexico) (S)	1980 Tobago (A)	1991 Tierra del Fuego (Argentina) (S)	2000 Northern Ireland (UK) (A)
1952	Puerto Rico (US) (A)		1978 Yukon (Canada) (A)	1982 Guaporé (Brazil) (S)	1991 Amazonas, Arauca, Casanare, Guaviare, Guainía, Putumayo, Vaupés, Vichada (Colombia) (S)	2007 Northern Ireland (UK) (A)
1953	Misiones (Argentina) (S)		1978 Ceuta, Melilla (Spain) (A)	1987 Fernando de Noronha (Brazil) (S)	1991 San Andrés-Providencia-Santa Catalina (Colombia) (Y)	
1953	Grønland (Denmark) (S)		1978 Northern Territory (Australia) (A)	1988 Amapá, Rio Branco (Brazil) (S)	1991 Western and Central Mindanao (Philippines) (A)	
1953	Baja California (Mexico) (S)				1992 Delta Amacuro (Venezuela) (S)	
1955	Formosa, Neuquén, Río Negro, Chubut, Santa Cruz (Argentina) (S)				1996 Amazonas (Venezuela) (S)	
						Galápagos (Ecuador) (A)

■ Status pre-dates entry in dataset. A = autonomy; Y = asymmetry; D = dependency; S = standard region.

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Empowering a dependency can generate resistance. Just as standard federal units can be expected to oppose the differential empowerment of one of their number, so they may resist giving a sparsely populated region the same shared rule that they exercise.

Promotion to standard federal status for the Northern Territory in Australia and the Northwest Territories and Yukon in Canada requires the consent of existing federal regions. The six states of the Australian federation are reluctant to allow a sparsely populated seventh around the table on equal terms, and since the final decision is in the hands of the Commonwealth parliament, they have a collective veto. The latest plan to hold a referendum on statehood in the Northern Territory was shelved in 2012 when it became apparent that the Commonwealth was going to offer just two senate seats while existing states each have six. Canadian provinces have also been unwilling to extend full equality to sparsely populated territories. Since 1982, upgrading a territory to a province has required a constitutional amendment ratified by seven of the ten provincial legislatures representing at least half the national population. The stakes are small for the Australian Northern Territory, but considerable in Canada, where a territory is subject to federal control of mineral resources, immigration, and borrowing, and has no vote on constitutional reform.

The Galapagos Islands, off the coast of Ecuador, also have less self-rule than a standard region. The bulk of the territory is UNESCO-protected natural habitat under central ministry control. Relations between local residents and the scientific community in the Charles Darwin Institute located in the park have sparked conflict, including the kidnapping of giant turtles. In 1998, the Ecuadorian parliament passed a special statute that set the province on a path to autonomous self-governance. This was halted in 2007 when UNESCO placed the islands on an “in danger” list. Since then, central control has been tightened over immigration, economic development, and the regulation of invasive species (Hennessy 2010; Hoyman and McCall 2012).

It is not unusual for capital regions to be governed as dependencies in non-democratic societies. Capital cities are potential sites for protest, revolt, or revolution, and their proximity to national power intensifies their importance for both rulers and their opponents. Hence, issues of governance come sharply into play. Should the capital have an autonomous government? Should the capital or the central government control the police? Should the capital be governed as one unit or partitioned into smaller units? Bogotá, Santo Domingo, Mexico City, Managua, Asunción, Caracas, Jakarta, and Kuala Lumpur have been hierarchically governed by the center at one time or another over the past six decades.

Democratization and the end of colonialism transformed most dependencies to autonomous regions. The shift was marked in the role of mayors and municipal councils, particularly in Latin America, where the executives of the

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capital city “were all but invisible” and presidents appointed mayors (Myers and Dietz 2002: 3). The dependency of the capital in bureaucratic authoritarian rule was a particular target for democratic reformers, who introduced popular election for mayors and executives. Capital city mayors then became major players with wide-ranging competences that provided a platform for national recognition. Of the cities listed above, only Caracas under President Hugo Chávez and Kuala Lumpur under Barisan Nasional rule have remained dependent (Myers 2012: 223–4).

In established democracies it is not unusual for capital regions to exercise some special autonomy in a bilateral arrangement with the central government. As large, urban centers that can be several times as populous as the next largest city in the country, capital regions stick out from their tier. Their distinctive scale and function can justify differentiated governance, as in the case of London, which in the words of the 1997 Labour party manifesto, “urgently required . . . responsibility for London-wide issues—economic regeneration, planning, policing, transport and environmental protection.”⁹

The median RAI for capitals with special arrangements was 3.0 in 1950, rising to 12.0 in 2010. That shift has mostly occurred over the past three decades as democratization introduced the principles of consent and representation that underpin decentralization. The gap between the authority of capital regions and that of standard top-tier regions has decreased, and in a growing number of countries it has been reversed.

Conclusion

Differentiation among regions is structured in ways that allow one to generalize about its genesis, its systemic consequences, and its continuity and change over time. We distinguish three forms of differentiated governance on the basis of a region’s strategic situation. Each form has a distinctive basis in peripherality arising from geographical remoteness, language, or historical independence. Each has a distinctive mode of rule. Each affects governance in the country as a whole in a characteristic way. And each exhibits a distinctive pattern of stability or change over the past six decades.

An autonomous region is set apart from standard regions embedded in country-wide tiers of governance. Its geographical peripherality is echoed in its political peripherality. It is usually too small to provide for itself, but too different to fit into a country-wide frame. It stands in relation to the center

⁹ Available at <<http://www.politicsresources.net/area/uk/man/lab97.htm>>.

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rather than to other regions. It does not provoke competition with other regions, but is a place apart. It neither incites other regions to deny it special autonomy, nor does it raise the specter of state dissolution. Its effects on governance are ad hoc rather than systemic. It is biased towards self-rule rather than shared rule. And for all these reasons, autonomy tends to be an equilibrium outcome.

An asymmetric region is embedded in, yet differentiated from, a regional tier. Some asymmetric regions are pilots for authoritative reforms that may or may not be extended across the country. Others are quasi-states with profound political implications. These regions tend to be large and resourceful. Many could themselves have been states but for dynastic union or defeat in war. They interact with other regions alongside the central state. The stakes are high. Differentiation breaks the standard frame. Standard regions may emulate or oppose. If faced with secession, the central state may resist self-rule while offering to share national rule. Neither pilot schemes nor high-voltage asymmetry are particularly stable.

Finally, a dependency is denied the status of a standard region but is governed hierarchically by the central state. These are colonies on the path to statehood or territories that are sparsely populated, technologically deficient, or otherwise regarded as lacking the capability for self-rule. Dependency has become a temporary condition, as direct rule of “backward” peoples has lost legitimacy even in authoritarian regimes. As the incidence of autonomy and asymmetry has increased, so the number of dependencies has declined over the past six decades.

Autonomy and asymmetry reveal the possibilities of flexible jurisdictional design. In 2010, 149 million people lived in regions with special status—6.6 percent of the population in our dataset. However, differentiated governance has implications beyond the regions it affects directly. It has established the principle that territorial governance is negotiable—even in nominally unitary states. Regions within the same tier may have diverse representative institutions, taxation powers, and policy competences. The territorial structure of authority is increasingly adapted for individual regions with some special need or circumstance. Institutional fordism has given way to diversified institutional provision.

As the incidence of autonomy and asymmetry has increased, so sub-national governance has become multilevel in a way that breaks with the classic model of nested, uniform tiers. As the classic model has lost traction, so the range of authoritative outcomes for individual regions within countries has widened. The majority of differentiated regions result from the accommodation of normatively distinct territorial communities. The chief tension in territorial rule arises in the diversity of territorial communities under a single authoritative roof. Community—and the mobilization of

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communal difference through political parties and social movements—has been the most potent driver of differentiated governance. As we show in Chapter Six, the effects of accommodating diversity reverberate beyond distinct communities. Diversity appears to shape the structure of territorial governance in the state as a whole.