

**INSULAR AUTONOMY:
A FRAMEWORK FOR CONFLICT SETTLEMENT?
A COMPARATIVE STUDY OF CORSICA
AND THE ÅLAND ISLANDS**

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Farimah Daftary²

ABSTRACT

The aim of this paper is to undertake a comparative evaluation of autonomy as a method of conflict settlement based on two case studies of insular regions in Western Europe: the Åland Islands and Corsica. It will highlight the factors which have contributed to the success of conflict settlement in the case of Åland and draw some lessons from the failure of conflict regulation thus far in Corsica. It then proceeds to analyse the "Matignon Process" (December 1999- July 2000) which culminated in a compromise document presented by French Government on 20 July 2000 to the Corsican representatives. Although its prospects for success are mixed, this is the most significant effort to date by the French Government to resolve the conflict in Corsica through an open and democratic political dialogue with elected representatives of the Corsican population. The measures proposed will result in a third statute and a limited form of autonomy for Corsica, pending constitutional revisions by 2004. This paper will also offer some thoughts on the potential impact of the Corsican reforms on other French regions and territories.

¹ This paper was presented at the Seventh ISSEI Conference "Approaching a New Millennium: Lessons from the Past" (Bergen, Norway, 14-18 August 2000), Workshop 327: "Managing and Settling Ethnic Conflicts" organised by Dr. Stefan Wolff (University of Bath) and Ulrich Schneckener (Institute for Intercultural and International Studies - InIIS, University of Bremen). It is based to a large extent on the results of a joint seminar by the European Centre for Minority Issues (ECMI) and the Åland Islands Peace Institute "Insular Regions and European Integration: Corsica and the Åland Islands Compared" (Helsinki and Mariehamn, 25-30 August 1998) (Loughlin and Daftary 1999). The author wishes to thank Professor John Loughlin and Dr. Claude Olivesi for their invaluable help and expertise concerning Corsica, Robert Jansson and Carina Aaltonen of the Åland Islands Peace Institute, as well as Professor Ruth Lapidoth.

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I. INTRODUCTION

Despite hopes for the contrary, Europe has carried most of its conflicts with it into the new century. Over the past decade, "older" ethnic conflicts have persisted in Western Europe while a plethora of "newer" ones have appeared predominantly in Southeast Europe and in the former Soviet Union. With the intensified interest in resolving ethnic conflicts in Europe, a renewed search for models and solutions has characterised much of the academic but also practitioners' research. Major developments have occurred in Eastern as well as in Western Europe, notably devolution in Great Britain and the "Good Friday Agreement" over Northern Ireland. With the persisting malaise in Corsica and in other regions, France more than ever stands out as the black sheep of Western Europe. Despite two waves of institutional reform in Corsica (in 1982 and 1991) and a double strategy of the French Government of repression and negotiation with the clandestine nationalist organisations, the island has been plagued by economic under-development, chronic political instability and violence since the 1970s. The assassination of the French Prefect in Corsica, Claude Erignac, in February 1998 and the fiasco of the subsequent strong-handed Government policy of "re-establishing the rule of law" led to the realisation by both the Government as well as the Corsican population that a lasting solution had to be found to enable the island to develop to its full potential and to see a new era of peace. In December 1999, Socialist Prime Minister Lionel Jospin initiated a process of dialogue with elected representatives from the Corsican Assembly. The "Matignon Process", named after the Prime Minister's office in Paris, culminated in a compromise document on 20 July 2000 in which the French Government proposed broad changes which will result in a third statute and a limited form of autonomy for Corsica, pending constitutional revisions by 2004. Much will also depend on the parties in power after the 2002 French general elections.

The aim of this paper is to undertake a comparative evaluation of autonomy as a method of conflict settlement based on two case studies of insular regions in Western Europe: the Åland Islands and Corsica. It also seeks to highlight the factors which have contributed to the success of conflict settlement (in the case of Åland) and to its relative failure (in the case of Corsica, thus far) and will draw some lessons for the current attempts at establishing limited autonomy in Corsica.

The experience of the Åland Islands is often mentioned as a model of successful settlement of a minority conflict and a territorial dispute between Sweden and Finland through the establishment of autonomy in 1920-22, with the help of the League of Nations. Autonomy was further developed jointly by the Finnish and Åland authorities. The example of Åland's autonomy or elements of it, and the process of evolution of autonomy in stages, will offer some insight into conflict settlement in Corsica through the development of an adapted form of autonomy.

This comparison between two insular regions offers a second advantage: that of addressing the "Corsican Question" from a more comprehensive perspective, including not only the issue of protection of the island's specific identity but also touching upon the challenges which it faces due to its insularity. Indeed, insular regions (which represent more than 10% of the territory of the EU and 4% of the EU population with 14 million insular inhabitants) have been recognised in the Amsterdam Treaty (1997) as ultra-peripheral regions or as under-developed regions facing specific problems.³ Interest in addressing these challenges is naturally boosted because of the special structural EU funds associated with it. Because of the conviction of in France and in Corsica until recently that the solution to Corsica's problems lay in designing the right development policies, and because of the sensitivity of autonomy and other asymmetric solutions, the angle of insularity offered a useful framework for discussion. However, due to the loss in 1999 by Corsica of "objective 1" status (granted by the EU to regions which are economically under-developed, manifested by a GDP inferior to 75% of the national average), there was increased nervousness regarding the future of the island. While the 1980s were marked by a new regionalist approach (Keating 1998: 72-111)⁴ and the renewed importance of territorial politics, the end of the 1990s have been marked by intensified demands for autonomy by various actors in Corsica. Devolution and

³ The Amsterdam Treaty (1997) stated that the European Community should seek to reduce the gap between more developed regions and less developed regions or islands. Furthermore, the annex to the Amsterdam Treaty recognised the structural handicaps faced by insular regions due to their insularity which represents a permanent obstacle to their economic and social development. It therefore calls for special measures to be taken so that these regions may be better integrated (The text of the Treaty on European Union may be found at: <http://europa.eu.int/eur-lex/en/treaties/index.html>).

⁴ This new regionalism was characterised by a search for new mechanisms for managing the impact of economic change on territories, focussing more on the contribution of the regions themselves and less on the directing and planning policies of the state; at the same time there is a revalorisation of local and minority cultures.

discussions about autonomy and minority rights in Central and Eastern Europe, as well as the recognition of the importance of diversity by leading European organisations such as the Council of Europe have also certainly had an impact on the political debate in Corsica and in Paris.

After a short introduction to the concept of autonomy and issues to be considered, and having presented the main characteristics of Corsica and the Åland Islands, this paper will offer an overview of the origins of the two conflicts as well as state responses. It will continue with an evaluation of the success of conflict regulation in the two cases with special consideration to the following criteria: containment of the conflict, preservation and promotion of the minority or territorial identity, as well as general political and institutional stability. The general contents of the Matignon Compromise of 20 July 2000 and the process which led up to it will then be assessed. In the fifth section, we shall seek to draw some lessons from these two case studies, identifying the factors which contributed to a successful autonomy regime in the Åland Islands and offering some thoughts on the potential of conflict settlement in Corsica through the establishment of autonomy. It shall conclude with some general thoughts on the impact of the Corsican reforms on other French regions and territories.

II. AUTONOMY AND FACTORS THAT MAY INCREASE ITS SUCCESS

According to McGarry and O'Leary (McGarry and O'Leary 1993), conflict regulation methods may be divided into two broad categories: those aimed at eliminating differences, and those aimed at managing differences; combinations of these two methods may also be found. The latter category is further divided into four main sub-categories: (a) hegemonic control; (b) arbitration or third-party intervention; (c) cantonisation and /or federalisation; and (d) consociationalism or power-sharing. Autonomy falls into category (c): "overlapping cantonisation and federalism there exists a grey area of territorial management of ethnic differences which is often found in conjunction with external arbitration" (McGarry and O'Leary 1993: 32). It is this "grey area" that we will seek to clarify.

A. Definition and Role of Autonomy

Although by no means a new concept, autonomy has enjoyed increasing interest in Europe in the aftermath of the break-up of the Soviet and Yugoslav Federations. According to a leading expert on autonomy (Lapidoth 1997: 3), "*Autonomy* is a means for diffusion of powers in order to preserve the unity of a state while respecting the diversity of its population; it has been successful in some cases and failed in others." The word itself derives from the Greek: *auto* meaning self, and *nomos*, law or rule. In some definitions, decentralisation may be considered a form of autonomy while in the French context for example the word "*autonomie*" is almost synonymous with independence. In this analysis, we shall adopt a definition according to which there must be an autonomous entity with powers of legislation, administration and adjudication in specific areas (this is called "political autonomy" as opposed to "administrative autonomy" which is limited to powers in the sphere of administration) (Lapidoth 1997: 33). *Territorial political autonomy* refers to an arrangement which aims at granting to a group that differs from the majority of the population in the state, but that constitutes a majority in a specific region, a means by which it can express its distinctive identity (Lapidoth 1997: 33). Other territorial arrangements exist for the diffusion of powers, namely federalism, decentralisation, self-government, associate statehood and self-administration (Lapidoth 1997: 49-58). As with decentralisation, autonomy involves a devolution of power from the centre to the periphery; however, it differs from decentralisation in that powers are not merely delegated but transferred; they may thus not be revoked without consulting with the autonomous entity. Furthermore, contrary to decentralisation, the central government may only interfere with the acts of the autonomous entity in extreme cases (for example when national security is threatened or if its powers have been exceeded).

Among the main cited disadvantages of autonomy is that it might lead to disintegration of the state if every ethnic group were to demand it. Autonomy might also might lead to discrimination against members of the majority ethnic group which find themselves a minority in the autonomous region. Autonomy might isolate the minority and alienate different groups, eventually leading to segregation. The example of the Faroe islands also shows that there is a danger that the state might feel less responsibility for the development of an autonomous entity (Suksi 1998: 12).

However, the arguments in favour are considerable. Autonomy may be a method of relieving tensions resulting from the heterogeneity of a state, especially in the case of a minority, an indigenous people or in cases where the right to self-determination is claimed. Autonomy seeks to secure the rights of these groups. It may also be used to address other aspects of heterogeneity, such as economic differences between regions. Autonomy has been recognised as an appropriate means to satisfy demands of minorities but has only been granted in exceptional cases. Autonomy has not always been successful. It should therefore be kept in mind that each case is different and that autonomy is not a panacea.

B. Issues to consider when establishing autonomy

Many issues need to be addressed in the establishment of autonomy (Lapidoth 1997: 179-198) such as:

- *Definition of the region or people; citizenship.* The boundaries of the territory to benefit from autonomy should be drawn so that the number of persons constituting a "minority-within-the-minority" is minimised. In the case of insular regions, the geographic boundaries are already drawn. But what about those residing on the territory who do not share the ethnic, cultural, linguistic or other specific features of the group in question? Who makes the decision, the central government, the autonomous region or the individual? Provisions on the citizenship of residents of the autonomous area should be considered; the name of the autonomous region may be added to the passport.
- *Mode of establishment of autonomy.* Autonomy may be established by international agreement or by the state itself by the introduction of relevant provisions in the Constitution or by the adoption of an organic or an ordinary law.
- *Institutions.* Should the central government have the authority to dissolve the autonomous legislature, and if so, under what circumstances ? Should the laws passed by the autonomous entity be subject to subsequent approval by the central government and should the latter (e.g. president) have the right of veto over these laws? If so, then in which cases and who can arbitrate ? It should be decided whether the central government may have a say in the appointment of the head of the executive branch by the local legislature, or whether this position is to be filled

by the central government with the approval of the autonomous entity. In the area of the judiciary, the centre may retain jurisdiction over the court system, or it may choose to also establish a system for the administration of justice in the autonomous entity. Individuals, especially persons belonging to a minority-within-the-minority, should have the possibility to have their grievances decided by a central court. A joint organ may also be established to address matters that require co-ordination between the centre and the autonomous region.

- *Division of powers.* Some powers will remain with the centre, others will be transferred to the autonomous authorities, while some might be exercised jointly or will be held by both but may be exercised by either centre or region independently (parallel powers). The autonomous authority usually enjoys powers in matters of culture, economics and social affairs. But each of these areas must be examined to determine whether joint powers might not be necessary. Other areas which can be transferred or be the subject of joint powers are: water and energy; communication and transportation; protection of the environment. In most cases, external security and foreign relations remain with the centre, although in a few cases the autonomous government may enter into international agreements or become a member of an international organisation. In order to avoid disputes, the division of powers must be explained in as great a detail as possible. Financial matters (currency, foreign trade, banking, customs, taxation) must also be carefully discussed. In some cases, it is also possible to allow for a special autonomous legal system except in those areas retained by the centre. It should also be said who has the authority to resolve any question of residual powers (those not specifically mentioned).
- *Variables related to time.* Should the autonomy be established in the whole area and in all spheres simultaneously, or should it be established in stages? Is autonomy intended to be a permanent solution or only provisional?
- *Power to amend the autonomy arrangement.* Who should have this power and how should changes be introduced?
- *Supervision by the centre.* The centre does not have a general power of control as in decentralisation but it may retain control through a veto on legislation or by requiring that laws passed by the autonomous legislature are subject to subsequent confirmation by the centre. Fiscal measures (periodic re-negotiation of resource

allocation) may also serve as an efficient means of control. Should the central organs have the power to dissolve the autonomous ones or to impose sanctions?

- *Preservation of the special character of the area.* Should provisions be added to preserve the specific character of the autonomous region or should the door be left open for demographic change ? While measures to keep others out may enhance the preservation of the local group's culture and language, they may also create closed and self-centred societies.
- *Protection of human rights.* Especially important as there is usually a minority within the minority. Basic rights may be ensured by referring to fundamental human rights principles or to international standards applicable in the state.
- *Financing the autonomous entity.* This question is of utmost importance and depends on the economic situation of the central authorities and the autonomous area. Granting the local authorities a share of the local taxes collected would be reasonable. Subsidies may be granted for a certain project or as a lump-sum to be used at the discretion of the autonomous authorities.
- *Participation in the public life of the state.* Should the autonomous region take part in the public life of the state? If so, several mechanisms may be designed, e.g. full participation in the central government organs or partial representation.
- *Dispute settlement.* Should eventual disputes be settled by diplomatic means (negotiation, mediation, enquiry, conciliation) or by a judicial procedure (arbitration or adjudication)? Lapidoth also imagines a two-tiered arrangement, starting with conciliation, with a right of appeal to adjudication. It should also be decided which organ is empowered to settle disputes (highest court of state, central body, joint organ or even an international body).

C. Factors which might enhance the success of autonomy

Based on a range of case studies, Lapidoth derives sixteen "ingredients" which enhance chances of success (Lapidoth 1997: 199-201). These are indicated in Table 1 in the annex section and will be further discussed in Section V.

III. MAIN CHARACTERISTICS OF CORSICA AND THE ÅLAND ISLANDS

Corsica and the Åland Islands share one geographic feature from which several other characteristics derive: they are both insular regions, with specific problems linked to insularity such as seasonality of the economy, high cost of transports and a certain isolation due to remoteness from the mainland. In both cases, territory is the primary reference point in determining identity, and one finds a dominant group with a strong linguistic identity, a "minority-within-the-minority" of the titular nation as well as smaller immigrant communities. Another important feature is that both of these regions are situated within the framework of traditionally unitary states. Beyond these common features, marked differences soon emerge when one examines the economic situation relative to the mainland, linguistic and other rights, and especially the institutional arrangements of the two regions, being the result of very different conflict regulation approaches adopted by Finland and France: autonomy in the case of Åland and advanced decentralisation in the case of Corsica.

A. Corsica

1. Geography, Demographics and the Economy

Corsica, which is considered part of metropolitan France, is the third largest island in the Mediterranean in terms of surface area (8,680 km²) after Sicily and Sardinia. With a population of about 260,000, it is the least populated region of France (29 inhabitants per square km against a national average of 104). Corsica suffers from a demographic deficit due to decline from 1900 to 1955 during which it lost more than one third of its population—a trend which was only reversed in recent decades thanks to in-migration (10% immigrant workers and their families, mostly from North Africa but also Southern Europe). There is an important "diaspora" of Corsicans on the mainland, estimated at about 300-500,000 (larger than the population of Corsica itself!). Although Corsica is only about 170 km from Nice, it is a peripheral region (850 km from Paris), much closer to Sardinia (17 km) than to the coast of France. Costs of transportation take on particular significance, given that most transportation is maritime, with the largest share of products coming from France. The environment and climate are major assets, especially for the tourist industry.

With an unemployment rate three or four percentage points above the national average,⁵ and a GDP per capita 30% below the national average, Corsica remains one of the most under-developed regions of France. The Corsican economy has traditionally relied on agriculture and animal husbandry. Nowadays, however, 47.2% of jobs are in business and trade, 25.7% in the public sector, 11.6% in construction and engineering, and only 8.2% in agriculture and 7.3% in industry.⁶ The Corsican tourist industry, which was developed only at the end of the 1960s, generated significant resistance among those who feared that rapid and unplanned development of tourism would lead to the "balearisation" of the island and the loss of its specific identity. It is true that the tourist industry is not well integrated into the rest of the economy, with most posts filled by persons from outside Corsica because of the lack of qualified local personnel. The seasonality of the economy is evident here: 3,100 full-time persons and 11,000 seasonal persons employed in tourism; 60% of tourists visit the island in July and August—a period during which the population of Corsica is doubled. The whole Corsican economy relies heavily on tourism which accounts for 15% of GDP. Thus, periods of unrest which affect tourism have a negative effect on the entire economy of the island.

In order to compensate for handicaps linked to insularity, Corsica receives about 7 billion French Francs annually from the EU and France together (1993 figure). Since 1988, Corsica had also been receiving EU structural funds. In 1999, it was decided that Corsica would no longer be eligible as its GDP had marginally surpassed 75% of the national average. Corsican politicians have advocated recognising the challenges faced by all insular regions, regardless of their income, and accompanying special measures.

2. Language, Culture and Identity

Corsican (*Corsu*), which belongs to the Tuscan group of Italian dialects, has been recognised by France as a separate language. However, French is the only official language in Corsica, as on the rest of French territory. According to a 1982 survey, 96% of the island's inhabitants of Corsican origin (about 170,000 people, or 70% of

⁵ As in the rest of France unemployment has dropped in Corsica, from 15% to an estimated 12% against 9.6% for France as a whole in June 2000.

⁶ *Atlas de la Corse* (INSEE Corse, Cartographie et Décision, 1993), p. 14.

the total population) understand Corsican and 86% regularly speak the language.⁷ Corsican is used on a voluntary basis by teachers at pre-primary level. At the primary level, it can be taught three hours a week. Various attempts have been made to teach some subjects through Corsican. At the secondary level, Corsican is offered as an optional subject (during lunch hours usually). Adult courses in Corsican are widely available throughout the island, as well as in some cities on the French mainland. As Corsican has no official status, its administrative and legal role is minimal. It can be used occasionally in dealings with the administration and in court if the officials themselves speak the language; however, this is in no way a requirement nor even an asset when seeking public employment. An active campaign by the Cultural Council of the Corsican Assembly has led to an increasing number of public signs in Corsican.

3. Current Institutional Arrangements

The current institutional arrangement of Corsica derives from the 1991 Special Statute (also known as the "Joxe Statute" named after its instigator, then Interior Minister Pierre Joxe) (Olivesi 1991).⁸ Corsica is a *collectivité territoriale*⁹—a special administrative entity combining elements from both the French Overseas Departments /*Départements d'Outre-mer* (DOM) and the Overseas Territories/*Territoires d'Outre-mer* (TOM) (Hintjens, Loughlin and Olivesi 1995).

The Corsican Assembly/ *Assemblée de Corse*¹⁰ has 51 members who are elected for six years in a two-round proportional election. In an attempt to make it more stable, a 5% threshold was set for reaching the second round as well as a special bonus of seats to the electoral list with the most votes. The Assembly has no legislative powers whatsoever; it functions as a deliberative body and may be consulted by the French

⁷ European Bureau for Lesser Used Languages (<http://www.eblul.org/State/france.htm#Corsican>).

⁸ Law n° 91-428 of 13 May 1991, "Statut de la collectivité territoriale de Corse".

⁹ This status, based on articles 72 and 34 of the 1958 French Constitution, was created by the French Parliament for Mayotte when, in a referendum on 11 April 1976, it rejected both independence and TOM status. The other *collectivité territoriale* in France is St. Pierre-et-Miquelon (established on 11 June 1985).

¹⁰ Elections to the Corsican Assembly are organised at the same time as in the other regions of France. A minimum of 5% of votes is needed to make it to the second round. The list with the most votes gets a "bonus" of 3 seats. The results of the 1998 regional elections were cancelled and new elections were called in 1999 following a complaint filed by Dr. Edmond Simeoni (*Unione di u Populu Corsu*—UPC). Even though the left managed to present a unified front in Corsica in the 1998 and 1999 elections as the "*Gauche plurielle*", it has not managed to unseat the right in its leading position in the Corsican Assembly and the Executive Council.

Prime Minister on draft laws or decrees on matters which directly affect the island. Unlike in the TOM, consultation of the Corsican Assembly is not obligatory. The Executive Council / *Conseil exécutif* is composed of seven "ministers" selected from the Assembly (and who must therefore resign from it); it is headed by a "president". The consultative Economic, Social and Cultural Council / *Conseil économique, social et culturel* (CESC) is tasked with assisting in setting Corsica's own medium-term objectives for economic, social and cultural development as well as the means needed for reaching these objectives ("*Plan de développement de la Corse*"). One such means is the arrangement between the State and the region ("*Contrat de Plan - Etat Collectivité territoriale*").

The 1991 statute conferred new powers in the field of education, specifically in research and training. The Corsican Assembly was also tasked with developing a plan for the teaching of Corsican language and culture (as an optional subject). These new powers were the result of proposals by the Executive Council after consultation with the CESC and the University of Corsica at Corte. Corsica is also fully responsible now for managing transportation between the island and the continent. The 1991 Statute also sought to give the new institutions the financial means to carry out their job properly in connection with the additional transfer of powers (termed "*dotation de continuité territoriale*").

In addition to the regional structures, Corsica is divided into two departments/*départements*: *Haute-Corse* (North Corsica) and *Corse-du-Sud* (South Corsica)—each with its own elected assembly or General Council / *Conseil général*. The division of competencies between the region and the departments is not always clear, leading to overlapping and inefficiency; it also makes Corsica an over-administrated region with the highest number of elected officials per capita in France.

4. Corsica and Europe

Corsicans voted against the EU Treaty in the referendum of 20 September 1992 (Olivesi 1995). This was a surprising result because this was a region which, along with the DOM, was the beneficiary of special EU funding. Furthermore, other French

regions with a strong identity had voted in favour (e.g. Alsace and Brittany voted yes, with 65.58% and 59.85% respectively), in line with a general phenomenon of pro-EU sentiment from regions which see it as an opportunity to by-pass the national capitals. This result could have been a side-effect of the divisions generated by the new 1991 statute (see below). Corsica is involved in several international co-operation networks linking island regions such as IMEDOC¹¹ (*Iles de la Méditerranée occidentale/ Islands of the Western Mediterranean*). Corsica does not currently enjoy representation at the European Parliament as Jean Baggioni (RPR), also President of the Executive Council of Corsica, was not re-elected.

B. The Åland Islands (Eriksson and Johansson 1997)

1. Geography, Demographics and the Economy

An autonomous province of Finland, the Åland Islands are located in the Baltic Sea, at the entrance of the Gulf of Bothnia near the Swedish coast. Because of this strategic location of great importance to Finland, Sweden and Russia, the Åland Islands were demilitarised in 1856; this was later confirmed by an international convention drawn up by the League of Nations in 1921. An archipelago of more than 6,500 islands and skerries, with only 65 of them inhabited, the Åland Islands occupy a land area of 1,552 km². Of the population of 25,000, 40% live in the only town, Mariehamn. The population today is as high as it has ever been.

Being a small community, Åland is greatly dependent on exchanges of goods and services with surrounding regions. In contrast to Corsica, the GDP per capita for Åland is higher than the national average, although the level of income does not exceed the Finnish average. The Åland Islands have succeeded in capitalising upon the advantages of insularity, with shipping as the main source of income, followed by agriculture and fishing. Their location between two economic centres, southern Finland and the Stockholm region, presents great advantages for the shipping industry; but it also means that they are greatly dependent on the fluctuations of these markets. Tourism has been expanding since the 1960s so that today services,

¹¹ The objective of IMEDOC, which also includes the Balearic Islands and Sardinia, is to give a stronger voice to these island regions within the EU by lobbying for a recognition of the insular dimension in its policies. The IMEDOC protocol was adopted in Palma (Mallorca) on 9 May 1995.

including tourism, account for over 30% of jobs. Ferry services play a particularly important role in supporting tourism. The labour market in Åland is seasonal due to the large number of tourists in the summer. During the peak period, service industries are dependent upon labour from other places and unemployment is low. However, because of the restructuring of the shipping industry in the 1990s, unemployment has become a concern. It is now on the decrease since a peak in 1994 at nearly 9% (a similar trend was observed in Finland as a whole), averaging only about 3% in 1998 (compared to 11.4 % for the rest of Finland in 1998). As in Corsica, emigration has been an alternative to unemployment, with mostly young and well-educated people tending to move to Sweden when economic conditions worsen.

2. Language, Culture and Identity

The Åland Islands are 94% Swedish-speaking and form a unilingually Swedish-speaking province of Finland which recognises two official languages, Finnish and Swedish. The Åland Islands' Swedish language and traditions stem from the 650 years of Swedish rule and is strongly protected by the provisions in the Autonomy Act. Swedish is the only official language in use and all State officials must know Swedish. Official letters and other documents sent to Åland by the Finnish State must also be in Swedish. Åland has extensive autonomy in the field of education. All teaching in schools receiving public support is in Swedish. While English is a compulsory subject, Finnish is optional only. Since opportunities for tertiary education are limited, most of those who aim at a university degree leave to study in Sweden or Finland and are less likely to return afterwards.

The inhabitants of Åland have a strong sense of identity and, when asked whether they consider themselves Swedish or Finnish, they will reply that they feel like "Ålanders". Whether or not they constitute a separate minority from the rest of the Swedish-speakers in Finland¹² is a subject to debate. What is certain, however, is that

¹² The Swedish-speaking community of Finland amounts to 295,000 persons or 5.8% of the population. Although they are a minority numerically, legally they are not considered as such. Linguistic rights are guaranteed in section 17 of the Finnish Constitution (for a text of the new 1999 Constitution which entered into force on 1 March 2000 (see <http://www.vn.fi/vn/english/index.htm>) and by the 1922 Language Act. The majority of Swedish-speakers in Finland live in bilingual municipalities but there are also monolingual Swedish municipalities in Ostrobothnia and in the southwest near Åbo/Turku. A municipality is bilingual when there are at least 8% or 3,000 Swedish-speaking persons.

because of their isolation, a strong Ålandic identity developed which distinguished them from the Swedish-speaking population of the mainland which, in general, strongly identifies itself with Finland (Suksi 1996: 21-22). With time, the Ålandic identity has evolved and today many Ålanders describe themselves as Europeans, Nordic, Finlanders and Ålanders. Most important in protecting the specific identity of the Islands is the concept of *regional citizenship*. Indeed, it is necessary to possess Åland regional citizenship in order to vote and to stand for office in the Åland Legislative Assembly; to own and hold real estate; and in order to operate a business. In order to acquire regional citizenship, one must be a Finnish citizen, have resided in the Åland Islands for five years and demonstrate a satisfactory knowledge of Swedish. A child may also acquire regional citizenship at birth if one parent already possesses it. Regional citizenship may be withdrawn if a person has resided outside of Åland for more than five years. Åland has national symbols such as its own flag (since 1954) and its own postage stamps. The passports of these "Åland citizens" bear the mention "Åland".

There are about 1,100 Finnish-speakers on Åland (5% of the population). Although there are certain concessions to Finnish speakers (Finnish may be used when appearing in a court of law or in communication with other State officials in Åland; exceptions may also be made to allow citizens of Finland or of other Nordic countries to vote in municipal elections), questions have been raised regarding whether Finland has violated international human rights conventions because of Åland's provisions related to language and education which severely limit the rights of the Finnish-speakers (Horn 1997). According to one expert (Suksi 1996: 29-30), the Åland provisions may constitute a violation of the 1960 UNESCO Convention against discrimination in education.

3. Institutional Arrangements and Division of Powers

The current institutions and their powers derive from the *Act on the Autonomy of Åland* of 16 August 1991/1144, which came into force on 1 January 1993.¹³ This is the third autonomy agreement. The Åland Islands have a locally elected legislative

¹³ *Act on the Autonomy of Åland, 16 August 1991/1144* (Unofficial English translation. Original text published in Swedish and Finnish) (Hannum 1993: 117-140).

assembly (*Lagting*), a provincial government (*Landskapsstyrelse*), as well as a Governor who is the direct representative of the Finnish Government. He is appointed by the Finnish Government after agreement with the speaker of the *Lagting* (sections 4, 52-54 of the Autonomy Act).

The *Lagting* (sections 3, 13-15), consisting of 30 members, is elected every four years by means of proportional ballot. Only persons with regional citizenship may vote or stand for election. The Åland *Landskapsstyrelse* may consist of five to seven members, is appointed by the *Lagting* and must be the result of as broad a majority as possible—a minority government cannot be appointed. The chair of the Government is called the *Lantråd*. The Government is assisted by an administration consisting of a central board and six departments. It exercises its administrative authority in all spheres which under the Autonomy Act devolve upon the Åland authorities.

Legislative as well as administrative authority is divided between the centre and the province but, despite clarifications in the 1991 Autonomy Act, the division is not always clear. The *Lagting* has legislative competencies in the following spheres, *inter alia* (sections 17-18): education, culture, and preservation of ancient monuments; health and medical services; social welfare; promotion of industry; internal communications; housing, tenancy and rent regulation, lease of land; municipal administration; additional tax on income; public order and security; the postal service, radio and television; farming and forestry, agriculture and fishing; protection of the environment; mining rights (Palmgren 1997: 86-88). The spheres of competence which the Finnish authorities have retained are: foreign affairs, civil and penal law, courts of justice, customs and monetary services. The division of powers is actually quite flexible as some powers may be transferred from the State to the province or vice-versa. For example, Finland and Åland may agree to transfer to Åland some spheres of power which would normally lie within the competence of the State, e.g. population registers, trade and shipping registers, pensions and other social insurance, banking and credit services; there may also be an agreement on transfer of administrative powers from the State to a provincial officer and vice-versa (Lapidoth 1997: 73). In some instances, the Åland Government may hear appeals against administrative decisions by the Finnish State (section 25). Even in the matters reserved for the State, Åland's interests are represented. This is guaranteed by a

representative for the Islands, elected to the Finnish Parliament. Furthermore, the provincial authorities may submit initiatives on matters within the legislative or administrative power of the State to the Finnish Government which must then present them to the Finnish Parliament for consideration (section 22).

The *Lagting* is subject to clear though limited legislative supervision from the centre (sections 19-20). All laws which it passes must be submitted to the President of Finland for approval within four months, in order not to drag the process indefinitely. He may impose his veto in two cases only: if the *Lagting* has exceeded its legislative competence or if the law affects the external or internal security of the country. In order to minimise the number of such occurrences, before a draft law is presented to the President, it must be presented to the *Åland Delegation* (see below) which gives its opinion on the matter (section 19). It may also be dissolved by the President, after consultation with the speaker of the *Lagting*.

The 1991 Act considerably expanded the economic autonomy of the province and sought to regulate economic relations with the State. Besides passing laws, the main duty of the *Lagting* is to adopt the budget of Åland. The Finnish State collects taxes, customs and duty charges in Åland, as in the rest of Finland; in return, Åland is compensated by an allocation of 0.45% of the State budget, not including state loans. This lump sum is placed at the disposal of the *Lagting* to manage affairs which would otherwise be administered by State authorities. This 'equalisation' sum is "to cover the costs of autonomy" (section 45). There is also a provision for tax retribution (section 49) which allows Åland to receive a share of the gains if income and property tax levied in the province exceeds 0.5% of the corresponding tax in the entire country.

Finally, the *Åland Delegation* is a joint organ of Åland and the Finnish State. Chaired by the Governor, it consists of two legal experts appointed by Finland and two appointed by the *Lagting* (sections 5, 55-57). Its duties are to carry out 'equalisation', seek fiscal adjustments (also called tax retribution). Occasional financial arrangements made by the Åland Delegation require the President's approval. The expenses of the *Åland Delegation* are shared by Åland and the Finnish State.

4. An International Voice in Europe

Although Finland is responsible for foreign affairs, Åland enjoys a certain international voice. Since 1970, it has had its own representation in the Nordic Council and the *Landskapsstyrelse* participates in the work of the Nordic Council of Ministers.¹⁴ Åland also has a representative in the Finnish Permanent Mission to the EU in Brussels, acting not as an ambassador but as a contact link. Also, one of Finland's representatives in the EU Committee of the Regions is from Åland.

According to the provisions concerning international treaties in the Autonomy Act, the Government of Åland may propose negotiations on a treaty with a foreign state. Furthermore, the Åland Government must be informed of negotiations on a treaty with a foreign state if the matter is subject to its competence and it may even participate in the negotiations (section 58). If Finland contracts an international treaty which contains a provision coming under the sphere of competence of Åland, then the consent of the *Lagting* is required for the treaty to apply to Åland as well (section 59). Thus, because part of the legislative power of the Finnish State and of Åland had to be transferred to EU institutions, the consent of Åland had to be obtained through referendum before Finland joined the European Union in 1995. The 1991 Autonomy Act was also amended to include a new chapter on the participation of Åland in EU matters. Certain exemptions were decided and were included in a separate protocol to the accession treaty (Suksi 1996: 32-36).¹⁵

¹⁴ The members of the Nordic Council are: Denmark, Finland, Norway, Sweden, Iceland as well as Greenland, the Faroe Islands and the Åland Islands.

¹⁵ Åland stands outside the EU tax union and has retained the limitations on ownership of land and operation of business.

IV. ORIGINS OF THE CONFLICT AND STATE RESPONSES

This section seeks to explain the origins of the Åland crisis and the emergence of the "Corsican Question" and to evaluate state responses by Finland and France respectively. A separate section shall be devoted to what can be considered the most significant effort to date of the French Government to settle the conflict in Corsica, together with elected representatives of the Corsican population, and to design genuine remedies in the form of autonomy: the "Matignon Process" (December 1999 to July 2000) which resulted in a set of compromise proposals by the French Government on 20 July.

A. The Åland Islands

1. The Åland Crisis (1920-1922)

Due to their strategic location in the Baltic Sea, the Åland Islands have been the subject of considerable military interest; their strategic importance has also had a significant impact on their history. After a long period of Swedish rule (1157-1809), the Åland Islands were lost to Russia along with Finland. Finland, including the Åland Islands, became an autonomous Grand Duchy within the Russian Empire and the Constitution of Sweden continued to be in force during the period of Russian rule (1809-1917). Åland was heavily fortified by Russia during 1836-1853. During the Crimean War, the fortifications were destroyed by the French and British and Åland was "offered" to Sweden; for fear of Russia and from the desire to preserve its neutrality, this offer was declined by Sweden but Russia was compelled to sign a treaty on the demilitarisation of the Islands at the Peace of Paris in 1856.

Defensive fortifications did not prevent Åland from being occupied during the First World War, first by Sweden and then by Germany. During the chaos of the collapse of the Russian Empire in 1917, a movement took shape in the Åland Islands seeking reunification with motherland Sweden fear of losing their language and cultural in the case of an independent Finnish state. Sweden, which saw foreign rule of the islands as a security threat, reacted supportively. Two unofficial petitions organised by the Ålanders (in December 1917 when Finland declared independence and again in June 1919) yielded an overwhelming majority in favour of reunion (Suksi 1996: 23-24).

The Åland dispute was first referred to the Paris Peace Conference in 1919 by Sweden, hoping for a similar settlement as with the Schleswig Question. This did not succeed and the case was raised at the Council of the League of Nations on 11 July 1920 by Great Britain (a party to the 1856 demilitarisation treaty). Preferring to grant some rights rather than risk losing the Islands entirely, Finland proposed the *Act on Self-Government of 6 May 1920*. These original offers of autonomy were rejected by the Åland Islands which invoked the principle of self-determination (Cassese 1995: 27-33). Finland tried, without success, to have the case withdrawn from the agenda of the Council, maintaining that it was an internal dispute. Sweden favoured an official plebiscite in Åland which it knew would turn out in favour of reunification. The Council of the League of Nations recognised that the Åland Islands were a matter of international concern but it rejected Åland's claims to self-determination because of its opinion that minority groups did not have the right under international law to demand to be separated from their state. While Finland's sovereignty over the Islands was recognised, the Council recommended that Finland provide additional guarantees for the protection of the Swedish character of the Islands. Finland thus undertook a series of commitments concerning the language of instruction in schools, the limitation of the sale of land to persons not domiciled in the Islands, financial matters, and a supervisory function for the Council of the League of Nations. These guarantees, which were reached by agreement between Sweden and Finland and were approved by the Council of the League of Nations on 27 June 1921, were incorporated into the Finnish legal system by the *1922 Åland Guarantee Act*.¹⁶

2. The Development of Åland's Autonomy Regime

While the Ålanders were disappointed by the outcome and Finland was not happy about outside intervention, the first twenty years of autonomy were marked by the correct and law-abiding if not always enthusiastic attitude of the Finnish Government.

¹⁶The Åland Islands Agreement of 27 June 1921 (Hannum 1993: 141-143) is exceptional in many respects. It was signed by neither Sweden nor Finland, it does not appear in the treaty series of the League of Nations nor in the official Finnish or Swedish treaty series. The procedure of incorporation into Finnish law was also exceptional as, rather than being reprinted in the official treaty series, it was incorporated into Finnish legislation by a new act (that of 11 August 1922). Modeen (1991: 160-163) postulates two reasons: (1) the agreement concerned only the Åland Islands and since Finland maintained her sovereignty and Sweden did not obtain any rights, Sweden did not find it necessary to mention the agreement; (2) Finland did not wish to emphasise Sweden's role as a party to the agreement and preferred to see it only as a League of Nations instrument; also, Finland's obligations would be more readily accepted by domestic opinion than if Sweden had been mentioned.

The autonomy of Åland has been expanded through two major revisions to the autonomy act in 1951 and in 1991. The first revision was initiated after the Second World War, when a new generation of politicians came to power. A regional movement also developed in Åland during the years 1950-1975. National symbols were created (the Åland flag, stamps and a national museum). The 1951 Autonomy Act introduced the specific *right of domicile* (or "regional citizenship"), although elements of it already existed in the previous act. In the Autonomy Act of 16 August 1991, which entered into force on 1 January 1993, satisfactory knowledge of Swedish as a requirement for regional citizenship was added. The other aims of the 1991 revision, enacted with the mutual consent of both the Finnish government and the Åland legislative assembly, was to define more clearly the legislative competencies of the state and of the provincial authorities; to transfer additional areas of competence to Åland and to provide for the later transfer of increased authority in other areas; and to expand autonomy in the economic sphere (Hannum 1993: 116).

3. Evaluation of the Success of Conflict Regulation

Conflict regulation through the establishment of autonomy for the Åland Islands in 1920-22 and its further development can be judged as successful from several aspects.

a. Containment of the Conflict

That the supervision mechanisms by the League of Nations and the Permanent Court of International Justice established in the 1922 Act never had to be used is a sign that a reasonably good atmosphere prevailed in that period.¹⁷ Today, the attitude of most Ålanders towards autonomy is positive and both the Finnish and the Åland governments present Åland as one of Finland's strategies for safeguarding the rights of minorities in Finland. The region has always been very peaceful, although calls for independence were heard for the first time in the political debate during the fall 1999 election campaign. Still, the prospects of a separatist movement or calls for a referendum on independence are highly unlikely in the near future.

¹⁷ This mechanism disappeared with the end of the League of Nations and was not replaced in the 1951 Act as the United Nations did not wish to take on a supervisory role.

b. Preservation and Promotion of the Minority Identity

The combination of wide-ranging provisions in the spheres of language and education as well as regional citizenship aiming at the protection of the specificity of Åland has contributed to allaying fears that the language and identity of Ålanders would be lost through eventual assimilatory state policies or demographic and migration processes. Although the Swedish nature of the Islands would have probably survived unharmed until the 1940s, it would have come under considerable ‘threat’ due to the population movements after the Second World War, had it not been for the far-ranging provisions of the autonomy act (Modeen 1991: 167).

c. Political and Institutional Stability

The political and institutional situation has been stable, and by clarifying division of competencies and increasing economic autonomy, the effectiveness of the institutions has been enhanced. This does not mean that there are not lively and sometimes heated political debates in Åland as elsewhere.

B. Corsica

1. What is the “Corsican Question”?

Relations between the French State and Corsica have to this date been characterised by misunderstanding and mistrust based on misperceptions concerning the "Corsican Question" (Briquet 1997; 1998) which is often reduced to a problem of violence. Terrorist actions receive a lot of press in Paris. Thus, the actions of a minority of Corsicans are seen as an expression of the will of the majority, as exemplified by a statement in 1996 by former Prime Minister Raymond Barre: if Corsicans want to be independent, then let them! (“S’ils veulent l’indépendance, qu’ils la prennent!”). However, this is not the main demand of Corsicans: only about 6-7% of the Corsican population favour independence,¹⁸ while the share in the population of France as a

¹⁸ According to an opinion poll by the French weekly *Le Nouvel Observateur* on 4 April 1996, 10% of Corsicans and 41% of nationalists sympathisers polled were in favour of independence. An opinion poll by another weekly, *L'Évènement du Jeudi*, taken a few days after the murder of the Prefect in February 1998, showed 6% of Corsicans in favour of independence, compared to 7% in October 1996. The separatist nationalists of *Corsica Nazione* obtained 16.8% in the second round of the 1999 regional elections; however, this included autonomist and other votes which went to *Corsica Nazione* because they were the only party to make it past the 5% threshold for the 2nd round.

whole is as high as 40%, reflecting perhaps a certain lassitude regarding the fate of this at times loved, at times scorned island seen by many in France as a guzzler of state funds. The Corsican Question is also perceived as a problem of political corruption and nationalist straying from the original ideals towards Mafia-style racketeering ("*dérive mafieuse*").

Corsica's problems have often been attributed to its specific social and cultural characteristics. In Corsica itself, these problems are seen as a consequence of the refusal of the French State to take the island's specificity into account. But the Corsican Question is also a product of its specific history or, more exactly, a product of the particular relations between Corsica and the French State. Several features will be highlighted (Briquet 1998):

- major reorganisation of the agricultural sector, without bringing any benefits to the local population (1957 *Programme d'Action régionale de la Corse*) but rather to the settlers from Algeria after 1962.
- A state policy of development of tourism perceived as a violation of the territory and as colonial exploitation.
- An economy highly subsidised by the French State; the public sector is the main source of employment. This is a contradictory model: state intervention ensures the modernisation of society but this in turn leads to increasing expectations which the state cannot fulfil. It also leads to an increasing desire to live and work in Corsica rather than exodus and therefore to demands for better educational opportunities in Corsica.
- Corsican nationalism is built on public dissatisfaction and has succeeded in mobilising society and in uniting a variety of interests. Protest has become a valid political strategy. Local political actors have fought militant nationalism because it attacks the power of the (political) clans. In contrast to other regions of Europe, the nationalist movement has not been a part of official political life.
- Successive statutes have reinforced the power of the local élite and their control over resources.

2. Emergence of the "Corsican Question" and State Responses¹⁹

(See Annexes 2 & 3 for an overview of political parties in Corsica and a genealogy of Corsican nationalist movements and clandestine groups).

a. Historical Background

Due to the island's strategic position in the Western Mediterranean, Corsican history has been a tumultuous succession of domination by foreign peoples (Romans, Pisans, Genoese and even the French) and rebellions. Short, though important, was the period of virtual independence during the 18th century under Pasquale Paoli (1755-1769) which was achieved by rebellion against repressive Genoese rule. Unable to put down the rebellion, the Genoese sold the island to France in 1768 (just in time for Napoleon Buonaparte to be born a French citizen). After the 1789 French Revolution, the Corsicans rebelled again, holding a plebiscite in 1794 calling for union with Great Britain. Lost during the Napoleonic Wars to Britain, it was regained by France at the Congress of Vienna in 1815. Another important period in Corsica's history was the uprising against the Italian occupation forces in 1943. Expecting independence, the Corsicans found themselves again under French rule.

Four historical phases of political and identity claims in Corsica can be distinguished, according to Corsican historian Ettore (Hintjens, Loughlin and Olivesi 1995: 121):

- i. 1869-1896: a period marked by competition between French and Italian influences won by the former; slow integration into the French polity.
- ii. 1896-1940: revival of cultural opposition and appearance in 1896 of the first review in the Corsican language; this was followed by political revival with the emergence in 1922 of the *Partitu Corsu d'Azione* (which becomes the *Partitu Corsu Autonomistu* in 1927). It did not survive the Second World War due to fascist inclinations during occupation by Mussolini (1940-1943).
- iii. 1940-1965: economic, demographic and cultural decline. The central government tried to stem the massive post-war exodus with the *Plan d'Action Régional* in 1957, again reactivated in 1958 as a means of facilitating the relocation of 17,000 "*pièd noir*" settlers from Algeria following independence in 1962. The settlers were given

¹⁹ Eric Conan, "Voyage dans la tête des Corses," *L'Express*, 28 January 1999; Michel Labro, "Comment on en est arrivé là," *L'Express*, 12 February 1998.

preferential treatment for obtaining land in the east (*Plaine orientale*), much to the annoyance of local Corsicans.

iv. "Final phase" (late 1960s until today): marked by the attempt of various movements to force the French government to recognise the specificity of the island rather than trying to forcibly assimilate it.

b. The Failure of Corsican Regionalism and the Emergence of Corsican Nationalism

According to some interpretations, the French Government contributed to the rise of Corsican nationalism by refusing to search for the roots of the crisis and to grant French regions more powers in the early 1970s when regionalist movements were sweeping Europe. The origins of the Corsican nationalist movement can also be traced to the failure of the formation of regionalist parties in Corsica (Olivesi 1998). One of the important moments in the history of the nationalist movement was the publication in 1974 of a document called "Autonomia" by the ARC ("*Action régionaliste corse*", later renamed "*Action pour la renaissance de la Corse*") led by the charismatic Edmond Simeoni. From that moment on, demands for a special status and the constitutional recognition of the Corsican people were closely linked. The turning point occurred on 21 August 1975, when the peaceful occupation of a wine cellar of a "pied noir" settler in Aléria by ARC militants turned into tragedy as the cellar was stormed by the *gendarmes* and two of them were killed. One year later, on 5 May 1976, the separatist militant FLNC (*Fronte di Liberazione Naziunale di a Corsica* / Corsican National Liberation Front) was born. Its name was inspired by the anti-colonial liberation front in Algeria. The appearance of the FLNC marked the beginning of a vicious cycle of terrorist violence and state repression. It also indicated a major split in the nationalist movement between two general tendencies: "separatist nationalists" who sought independence from France, and "autonomist nationalists" who favoured a form of autonomy for Corsica within the framework of the French State. Although these two tendencies shared a number of common positions, for example they both recognised the existence of a separate "Corsican people", they differed substantially on the methods to be used. Autonomists have now largely abandoned the use of violence, whereas separatist nationalists systematically resort to it. From then on, but especially over the last decade, the nationalist movement has become crippled by fragmentation and infighting.

c. *Institutional Solutions: Decentralisation in 1982 and the 1991 Special Statute*

The socialist victory in 1981 marked a new phase of in the French Government's policy towards Corsica, in strong opposition to the heavy-handed approaches of previous governments. In keeping with a promise made to Corsicans in Ajaccio by future President François Mitterrand, Corsica received a special statute on 2 March 1982.²⁰ Although Interior Minister Gaston Defferre had announced that it would be similar to those of Sicily and Sardinia, the final result was much less significant in the form of a simple law. The attenuation of the statute was also due to pressure from one of the political clans in Corsica, the left-wing MRG (*Mouvement des Radicaux de gauche*).²¹ Although the term "*peuple corse*" (Corsican people) had to be stricken from the final text (it was deemed in contradiction to the principle of indivisibility of the French Republic), for the first time the specificity of Corsica as well as its cultural identity, language and traditions were accepted. The measures introduced by the 1982 law were dissipated by decentralisation in the whole of France one year later, as well as by developments in the French overseas territories.²² Corsica's institutions were similar to those given to other regions with the exception that Corsica's elected body was called *Assemblée de Corse* / Corsican Assembly rather than *conseil régional* / regional council; also, two consultative councils on economic, social and cultural matters were established. The Corsican Assembly had no legislative powers and could only solicit the Prime Minister who was not obliged to follow the advice of the Assembly (Hintjens, Loughlin and Olivesi 1995: 124).²³ The powers of the Corsican Assembly were more extensive in areas relevant to the specific needs of the island: culture, transport, planning, and education. A special feature of the 1982 Statute was that the Assembly had a unique capacity to communicate directly with the Government (art. 27) or to be consulted by it on all matters concerning Corsica. It

²⁰ Law no. 82-214 of 2 March 1982 "Statut de la Collectivité territoriale de Corse", *Journal officiel de la République française*, 3 March 1982).

²¹ This is the party of former minister Emile Zuccarelli who continues to this day to strongly oppose autonomy for Corsica. Another MRG member and major advocate of autonomy is Paul Giacobbi, president of the North Corsica Council and Deputy at the Corsican Assembly.

²² A circular from the Ministry of the Interior and of Decentralisation dated 20 February 1986 stated that "all regions, including Ile-de-France, Corsica and those overseas, are from now on regulated by the law of 2 March 1982 and the modified law of 5 July 1972"; Corsica thus became one of the 26 French regions (Hintjens, Loughlin and Olivesi 1995: 124).

²³ The Government did accept some recommendations on non-controversial issues related to the environment but not in linguistic or educational matters.

should be noted that whereas in the case of Corsica this right was limited to consultation, the TOM had the right to abrogate a law which affected them.

In 1990, renewed debates over Corsica led to a new attempt to lay the institutional foundations for the development of Corsica while respecting its special identity (Olivesi 1991). On 29 September 1988, less than four months after the re-election of Mitterrand, an inter-ministerial committee was set up by Interior Minister Pierre Joxe with the task of formulating an approach. The aim of the reform was to enhance the effectiveness of the regional institutions and to give Corsicans "greater control over their destiny". One of the promises which Joxe made was to incorporate the resolution of the Corsican Assembly from 13 October 1988 which called for the recognition of the *peuple corse*. The new statute adopted by the French Parliament on 12 April 1991 (despite the opposition of almost all opposition deputies) was an advanced form of decentralisation; still, it was original in many respects. The law of 13 May 1991 reinforced the Corsican region or *collectivité territoriale de Corse*²⁴ and gave it specific institutions different from those of other French regions. The 1991 law also sought to re-establish the foundations of democracy by dissolving the electoral lists in an attempt to eradicate electoral fraud and non-existent voters.²⁵ What caused the greatest controversy was article 1 of the law which explicitly referred to the "*peuple corse*".²⁶ Even though the term was not used in isolation but as "*le peuple corse, composante du peuple français*" (which the nationalists, on the other hand, found too weak), the French Constitutional Council²⁷ ruled that it was contrary to the Constitution and had to be cancelled.²⁸ The 1991 Statute was thereby deprived

²⁴ See section III.A.3 on Current Institutional Arrangements and footnote 9.

²⁵ This caused the number of registered voters to drop from 200,000 to 158,000.

²⁶ Article 1 read: "The French Republic guarantees to the historic and cultural community constituted by the Corsican people, constituents of the French people, the right to preserve its cultural identity and to defend its specific economic and social interests. These rights related to insularity are to be exercised with respect for national unity, within the framework of the Constitution, of the laws of the Republic, and of this present statute" (author's translation).

²⁷ The French Constitutional Council / *Conseil constitutionnel* is a permanent consultative court (but not a supreme judiciary court) whose powers can be divided into two categories: judicial authority, covering disputes in the area of electoral and referendum disputes for example; and consultative powers concerning the conformity of a draft law with the French Constitution. In this latter case, it gives its opinion when consulted by the French President; its decision is binding and no appeal may be made. Decisions may lead to total or partial censure of a law but not its annulment as decisions are handed down before promulgation or ratification. For more, see: <http://www.conseil-constitutionnel.fr/anglais/ang4.htm>).

²⁸ The Constitutional Council ruled on 9 May 1991 that this article was contrary to the preamble and article 2 of the French Constitution according to which the French People and the French Republic are indivisible, and also contrary to article 3 which designates the French people as the holder of national sovereignty (see Constitutional Council Decision no. 91-290 of 9 May 1991 at: [http://www.conseil-](http://www.conseil-constitutionnel.fr/anglais/ang4.htm)

of its very political foundations (Hintjens, Loughlin and Olivesi 1995: 126). One may also note that the 1991 Statute sought to justify the special measures devised for Corsica by relating them to insularity, thereby aiming to avoid similar claims in other French regions with a strong identity.

d. A Government Policy of Divide and Conquer

The impact of the 1982 reforms was significant for the nationalists who obtained political recognition and were able to participate in regional elections to the newly created Corsican Assembly.²⁹ With 11-21% percent of the votes in the period 1982-1993, the nationalist movement enjoyed a certain political influence in the Corsican Assembly. Although local politicians were markedly hostile to the nationalist discourse, elements of this discourse (e.g. the need to protect the specific Corsican identity, language and culture, and demands that the State ensure the development of the island) soon became part of the mainstream political discourse. Despite a relative electoral success, by the early 1980s the clandestine dimension of the nationalist movement had grown beyond control, factions of which gave in to the temptations of illegal business. A revolutionary tax was imposed and anyone who refused to pay it risked losing his life.³⁰ In 1990, a major split occurred in the FLNC,³¹ yielding two groups who carved up their spheres of influence: the *FLNC-Canal historique* / historic channel (and its political front *A Cuncolta Naziunalista*) and the *FLNC-Canal habituel* / "usual" channel (with the MPA—*Mouvement pour l'autodétermination*—as its political front). This split was a reflection of the conflict between "political nationalists" and "militant nationalists". The more moderate MPA was selected by Socialist Interior Minister Joxe for discreet negotiations. By this time, the division

constitutionnel.fr/decision/1991/91290dc.htm). However, it also ruled that to recognise the specificity of Corsica was not in violation of the constitutionally recognised principle of equality. For an official English translation of the French Constitution of 1958 see: www.elysee.fr/ang. The French original is at: http://www.legifrance.gouv.fr/html/frame_constitution.htm.

²⁹ The autonomist UPC headed by Edmond Simeoni obtained 11% of the votes (7 seats) in 1982 but only 3 seats in 1984 as there was also a separatist nationalist list which obtained 3 seats as well. A joint list in 1986 resulted in 6 seats only. In 1992 and thereafter, the nationalist movement was divided.

³⁰ Shot on New Year's Eve 1983 for refusing to pay this 'tax', the Corte-based veterinarian Jean-Paul Lafay survived and became active in helping victims of terrorism. He was killed in Ajaccio on 16 June 1987 after participating in a live TV programme on violence.

³¹ A third smaller clandestine organisation was also born: *Resistenza*, the clandestine wing of the *Accolta Naziunale Corsa* (ANC) which split from *Cuncolta*.

between political violence and common criminality had become vague, earning the nationalist movement the general label of "dérive mafieuse".³²

The policies of the successive right wing interior ministers from 1986 to 1997 (interrupted by a Socialist Interior Minister, Joxe, during 1988-1993)³³ were characterised by repression and a policy of "divide and conquer". In 1983, the FLNC was declared illegal and "dissolved" by the French Government. The successor to Deferre, Interior Minister Charles Pasqua (from the Gaullist RPR—*Rassemblement pour la République*—actually Corsican himself) boasted that he would "terrorise the terrorists" during his first term in 1986-1988. During his second term, from 1993 to 1995 as a result of a period of "cohabitation" between left and right, Pasqua sought to placate the terrorists, choosing the *FLNC-Canal historique* as a privileged interlocutor.³⁴ At the same time, relations with rival group *FLNC-Canal habituel* were also cultivated through its political front, the MPA. The period 1993-1996 was marked by a "fratricidal war" with a high number of murders of nationalist militants, creating a demand for gun-carriers recruited from the lowest levels of society. Interior Minister Debré (also RPR) continued Pasqua's policy of favouring discussions with the *FLNC-Canal historique*. He became infamous for encouraging the *FLNC-Canal historique* to hold a clandestine press conference announcing a suspension of violence before the French Government was due to propose some institutional changes. The public show of strength of the FLNC at Tralonca on 12 January 1996 overshadowed the message and was a major source of embarrassment for the Government. The explosion of a bomb in Bordeaux at the mayor's office (who was Prime Minister Alain Juppé) on 5 October 1996 was used as a pretext to take Debré off the Corsican dossier. While the Prime Minister insisted that the Government would deal with elected Corsican representatives only, deals with the clandestine militants continued; the presumed leader of the *FLNC-Canal historique* was even offered an important amount of money to leave the country.

³² The MPA was even coined by some as the "*Mouvement pour les affaires*" (Movement for Business).

³³ Charles Pasqua (1986-1988), Pierre Joxe (1988-1993), Pasqua (1993-1995), Jean-Louis Debré (1995-1997).

³⁴ See the account "Pour solde de tout compte" by Jean-Michel Rossi (assassinated on 7 August 2000) and François Santoni both members of *A Cuncolta Naziunalista*, the political front of the *FLNC-Canal historique* (Paris: Editions Denoël, 2000).

e. "Re-establishment of the rule of law"

The assassination of the French Prefect in Corsica, Claude Erignac, on 6 February 1998 marked a turning point in the history of Corsican nationalism. Deeply shocked, thousands of ordinary Corsicans, with women at the forefront, took to the streets in the days following the assassination to voice their protest—a reaction considered unusual in a region where a major tradition is that of *omerta* (law of silence). A new prefect was quickly dispatched and was charged with re-establishing "the rule of law" (*l'Etat de droit*). The logic behind this highly-publicised approach was that the same standards should apply to the State and to Corsica; if Corsicans were expected to act according to the law, then the State must encourage them by upholding it. Indeed, a main criticism which had been levied against the French State by various Corsican actors but also a main finding of several parliament enquiry committees, was that the State shared a large degree of responsibility for the misfunctionings (*dérives*) in Corsica.³⁵ Although spectacular results were obtained in the area of public order and tax collection in 1998,³⁶ the policy of re-establishment of the rule of law soon led to exasperation by Corsicans and was perceived as harassment of petty criminals rather than aimed at those persons responsible for massive fraud and other more serious crimes. The nationalist milieu in particular did not appreciate the intense police scrutiny and arrests it was subjected to in connection with the investigations into the Prefect's murder. Within a year, the over-zealous Bonnet was involved in two scandals: rival investigations into the murder of his predecessor³⁷ and the "*affaire des paillotes*" which exploded in April 1999, leading to his arrest on 3 May 1999.³⁸

³⁵ See the report on the use of public funds in Corsica by a French parliamentary commission headed by Jean Glavany (9 September 1998) (<http://www.assemblee-nat.fr/2/2dossiers.html>); see also two other reports by the Parliament and the Senate on the actions of state security forces in Corsica ("Corse - Les Dossiers Noirs", *L'Express*, 18 November 1999).

³⁶ For the first time in 50 years, 29 murders were resolved in 1998 (compared to less than 10 in previous years), armed robberies were reduced by 60%, and explosions were down by 66%. Whereas 40% of companies did not file their V.A.T. declarations, this share was reduced to 5%.

³⁷ The main suspect, who was the son of a respected Corsican Socialist politician, mysteriously disappeared right before the police came to arrest him and went into hiding; he still has not been found.

³⁸ The French Prefect in Corsica Bernard Bonnet was arrested for his role in the arson attack on an illegally-built seaside restaurant (*paillote*), "Chez Francis", popular with local politicians. The affair led all the way up to two advisors of the Prime Minister but stopped there. Clearly, during the illness of Interior Minister Chevènement from September 1998 to January 1999, Jospin's office had enjoyed a special freedom in dealing with the Corsican dossier, a feeling that had been communicated, willingly or not, to the Prefect. The affair ended with the resignation of the Interior Minister's advisor for security matters.

3. Evaluation of the French Government's Policies towards Corsica until 1999

The response of the French State to the problems in Corsica can be characterised as a policy of “double diplomacy”: negotiating with the main Corsican political actors while at the same time dealing with clandestine movements and playing one against the other. Negotiations (overt or secret) have alternated with periods of open repression. The Corsican nationalist movement also practised a double policy of clandestine violence and political tactics, setting off bombs while candidates of the nationalist parties ran for regional elections. The policies of left-wing and right-wing governments have differed (at least on the surface): indeed, one notes that the two attempts at institutional reform were undertaken by socialist interior ministers Deferre and Joxe; strong-arm tactics were mostly associated with Gaullist interior ministers. The Government's changing conflict regulation policies reflected its ambivalent attitudes towards the Corsican Question. It is not surprising, therefore, that neither institutional reform nor alternating tactics of repression and negotiation were successful in tackling the chronic political instability and the economic underdevelopment of the island; neither did they manage to restore confidence of the inhabitants of the island in the French State. The cycle of violence has persisted and the Corsican crisis has become more entrenched with every successive government.

a. Containment of the Conflict

Violence was on the increase from 1971 to 1998, although not on the same scale as in other conflict regions in Europe. There were about 45 political murders, of which 21 claimed by nationalists; 11 murders were probably linked to infighting amongst nationalists in 1995 alone; to this, one should add widespread racketeering. Violence was again on the increase in the second half of 1999 with the appearance of a range of new clandestine organisations such as Armata Corsa which claimed an army of 200 men and smaller groups.

Nationalists grew politically from 1982 to 1992, and were again on the rise in 1998 and 1999 following a period of electoral decline. In the 1999 regional elections (Loughlin and Daftary 1999: 61), the separatist nationalist votes totalled 19.61% in the first round (not including the 3.85% for the UPC autonomists). The only nationalist movement to make it to the second round of voting, Corsica Nazione,

obtained 16.77% (against 9.85% in 1998). This is the best that had been achieved by the nationalists since a peak of almost 25% obtained in 1992.

b. Preservation and Promotion of the Minority Identity

Although undoubtedly faced with challenges in preserving their language (which relies heavily on the commitment of parents to transmitting Corsican to their children, although there is also a network of private schools "Scuola Corsa"), the situation is by no means critical and the island is certainly among the regions of France with the strongest regional identities. One might say that Corsican has been preserved "despite" government policies. A different insight into the question is offered again by Briquet (Briquet 1998) according to whom demands to protect the specific Corsican language and culture are not a symptom of a suppressed identity. Rather, these demands have been taken up by various political, nationalist and civil society actors because of their mobilising potential. Recognition of these demands and institutional measures proposed by the Government result in fights over credit for these concessions so that reform actually leads to increased conflict between various political interest groups.

c. Political and Institutional Stability

Corsican institutions have been relatively weak and unstable. The Corsican Assembly in particular has been plagued by intense political instability, with no less than four elections between 1982 and 1991 (Savigear 1990). After the 1991 reforms, both the nationalist movement and the main parties were fragmented. In the 1992 regional elections, 13 lists were presented, with two nationalist lists, five from the left and six from the right. This was a result of divisions between those who supported the 1991 statute and those who opposed it. In the 1998 and 1999 regional elections, there were as many as five nationalist (separatist as well as autonomist) lists. The traditional left managed a semblance of unity, with a coalition "*gauche plurielle*" list (as in the rest of France) while the right presented as many as five lists in 1998.

At no point until the "Matignon Process" was genuine autonomy with legislative competencies for the local assembly discussed by the Government as a possible solution to the Corsican Question. The argument advanced by opponents of autonomy was that the founding principles of the French Republic do not allow for an

asymmetrical approach to regional specificity. However, as we shall see in the following section, Prime Minister Jospin was able to skilfully initiate a process of dialogue and joint consultations with Corsican deputies culminating in an original compromise proposal on 20 July 2000 which, once elaborated, will serve as the foundation for limited autonomy in Corsica.

C. The "Matignon Process"

1. Increasing Demands for Autonomy in Corsica and Beginning of Nationalist "Reconciliation"

Starting in 1998, demands for autonomy and institutional reform became stronger within civil society but also within the Corsican Assembly. It was not so much the content of the demands by certain deputies which was noteworthy but the fact that a coalition had emerged between certain deputies from the main political parties and the nationalist group at the Corsican Assembly ("*Corsica Nazione*"). This "evolutionary" movement was headed by the President of the Assembly, José Rossi (centre-right party "*Démocratie libérale*"), but its main instigator had been another Assembly deputy: Paul Giacobbi—a symbol of traditional clanism in Corsica (his father had been President of the General Council of North Corsica before him). His positive attitudes on autonomy greatly irritated the Jacobin head of his party (MRG), mayor of Bastia and former French government minister Emile Zuccarelli. The two main proposals which emerged from a working group of the Corsican Assembly established in April 1999 were a revision of the 1991 Special Statute with a view to devolve legislative powers and the abolishment of the two administrative departments of North and South Corsica (Annex1). A few days prior to a planned visit to Corsica by the Prime Minister, José Rossi publicly called for autonomy for Corsica.³⁹

At the same time, the nationalist movement had been undergoing significant changes during 1998-1999. It is now marked by two opposite tendencies. On the one hand, a recent radicalisation and the appearance of new groups on the fringes of the main clandestine organisations has caused consternation that this would herald a new

³⁹ Christophe Forcari, "Rossi à Jospin: La Corse veut plus d'autonomie", *Libération*, 4-5 September 1999.

period of violence. Investigations into the murder of the French Prefect in Corsica concluded that it was intended as a "pure act" to signal a return to the idealist nationalism of the 1970s. This radicalisation contributed to further splintering of the clandestine groups (see Annex 3). At the same time, a process of reconciliation had been initiated by the main nationalist groups with the aim of strengthening the movement and putting an end to violence *between* nationalists.⁴⁰ An umbrella organisation, *Unità*, was formed on 4 November 1999 by nine nationalist organisations; their stance on violence in general is, at best, ambiguous.⁴¹ Several nationalist organisations therefore withdrew from the process because of the refusal to condemn all forms of violence. The reconciliation process was threatened as early as June 1999 by a newly created and heavily armed clandestine group *Armata Corsa* which claimed responsibility for the "preventive murder" of a hired hand acting for rival nationalist factions.

2. The "Jospin Method"

For a dialogue to begin, the Prime Minister had clearly stated during his speech to the Corsican Assembly on 6 September 1999 that there must be an open condemnation of violence. Thus, at the time of his visit to Corsica, the main issue to be dealt with was not institutional reform but violence. Paradoxically, what triggered the process of dialogue was a bomb explosion in broad daylight in Ajaccio on 25 November 1999, later claimed by a new group called *Clandestinu*.⁴² Perhaps fearing that Corsica might fall prey to renewed violence, on 30 November Jospin announced that he was willing to meet with elected representatives from the Corsican Assembly.

No direct negotiations were possible with *Unità* because it had not openly condemned violence. The choice of regional deputies as negotiation partners had one major

⁴⁰ While this initiative did not become public until 3 July 1999 when the 13 nationalist organisations of the "Fium'Orbu Committee" signed a joint protocol (two months before Jospin's planned visit to Corsica), it is believed to have been launched shortly after the murder of Prefect Erignac.

⁴¹ The main organisations which formed *Unità* are "A Cuncolta", "Corsica Viva", PPI and ANC. The UPC and the MPA were not part of it—the former because of *Unità*'s refusal to condemn the use of violence, the latter because it has been dissolved following the exile of its former leader Alain Orsoni in Nicaragua. A second umbrella organisation of "democratic nationalists", *Mossa Naziunale / "National Movement"*, was formed soon after by nationalist groups (including the autonomist UPC) who refused to join *Unità* because of its ambiguous stance concerning violence.

⁴² This hypothesis is based on the assumption that *Clandestinu* was probably affiliated with *Corsica Viva* (a member of *Unità*) and that it was designed as a means of jump-starting dialogue with the French Government.

implication: the French Government would also be dealing with representatives of the most radical nationalist organisation which happened to be the only one represented in the Corsican Assembly: *Corsica Nazione*.⁴³ This was a highly controversial decision for, although *Corsica Nazione* had condemned the murder of the Prefect as well as the November bomb attacks—a minimal condemnation which enabled Prime Minister Jospin to include them in the negotiations—it consistently refused to condemn the men behind the murder whom it viewed as heroes. Much press coverage was given to the unusual alliance between the centre-right President of the Corsican Assembly José Rossi and *Corsica Nazione* deputy Jean-Guy Talamoni.

The decision to deal with regional deputies raised two further questions:

- whether this group of elected representatives from Corsica was truly representative of the Corsican people; not only was civil society and the hundreds of mayors left out, but also, after the initial meeting in Paris (see below), so were the Corsican politicians who did not have a seat at the Corsican Assembly (incl. three Corsican deputies at the French Parliament).
- whether any solution reached with the agreement of the nationalists of *Corsica Nazione* would guarantee peace. There are naturally no absolute guarantees of peace for three reasons: (1) the process of reconciliation has only just begun; (2) even if *Corsica Nazione* manages to maintain the support of *Unità*, the organisations behind it might still engage in violent acts as this initiative was designed to strengthen the nationalist movement through consolidation, not to disarm it. While some smaller clandestine organisations whose sole purpose was to protect their leaders against attacks by rival groups might disappear as a result, the larger ones will remain for some time to come and will be a force to reckon with if the political negotiations do not go as they wish; (3) finally, there remains the possibility of violence perpetrated by armed clandestine organisations outside *Unità* and who were against the negotiations with the French Government.

⁴³ As a reminder, *Corsica Nazione* was the only nationalist electoral list to obtain seats in the Corsican Assembly in 1998 and 1999. It is now practically the same as *A Cuncolta*, the political front of the militant nationalists of the *FLNC-Canal historique*, as the other three parties which had been part of this electoral coalition in the 1992 elections withdrew in 1998.

Still, the choice of regional deputies as negotiation partners sent one important message: no more secret negotiations nor divide-and-rule tactics; the process was to be fully transparent. In addition, the Prime Minister stressed the importance of reaching a general consensus on any decision. A third feature of the method chosen by the Prime Minister was to listen first, draw up a list of the ideas set forth ("*droit d'inventaire*"), and then react. Finally, although everyone was eager to arrive at a solution as fast as possible, Jospin stressed that time must be allowed to take its course ("*donner du temps au temps*"). His political opponents, especially Debré, criticised his methods and accused him of buying time and making promises which he could not keep beyond the end of his term in 2002.

3. The "Nationalist Method"

The nationalists have pursued a double strategy of engaging in political negotiations while also using the threat of violence. On the political side, they presented five major short-term demands: strict application of the law on protection of the Corsican coastline; protection of the wild areas in Corsica; total cessation of "inquisition-style" practices of the French administration and justice system; an end to the "de-Corsification" of jobs;⁴⁴ and the re-grouping of all "political prisoners" near Bastia, Corsica. It is very interesting to note that the recognition of the "*peuple corse*" was no longer a main nationalist demand, as institutional preoccupations became the main subject of discussions.

In December, one day before the first meeting with the Prime Minister was to take place in Paris, a series of bomb attacks took place in Corsica. Without claiming responsibility for these events, the *FLNC-Canal historique* announced the following day that it would soon make a historic announcement to show its support for political dialogue and for the supposed radical change in the French Prime Minister's attitude. Accordingly, a major sign of support to the political process was given on 24 December when four of the largest clandestine organisations, including the one

⁴⁴ This term refers to the increased reliance on labour from outside the island or by immigrants, for example during the tourist season, which is in fact a result of the lack of qualified personnel locally. Some mainland political actors claim that to give preference to Corsicans for jobs would be discriminatory and even racist, comparing this to the policy of "préférence nationale" of the *Front national* / National Front.

responsible for the November 1999 bombs in Ajaccio,⁴⁵ announced a "cease-fire" as well as a fusion between them—an unprecedented event in the history of Corsican nationalism! At the same time, *Unità* put pressure throughout the process on the two nationalist deputies seeking to obtain concrete concessions (such as the re-grouping of prisoners) and threatened to withdraw support for the negotiations. Towards the end of the Matignon Process, stakes were raised when responsibility for four bombs, one of which was found undetonated in Paris, was claimed by the *FLNC*. Paradoxically, the *FLNC* claimed that this did not signify an end of the "cease-fire" of 24 December. Seen by some as a warning sign to the French Government, it was interpreted by others as an internal message designed to placate the more impatient elements in favour of a show of strength.

4. The Negotiations

Two major meetings took place in Paris between the Prime Minister and elected representatives from Corsica, on 13 December and 6 April respectively. While at the first meeting, "Matignon I", 28 representatives were present, including the Senators and Parliament members from Corsica, only 22 regional deputies were involved in "Matignon II" and subsequent meetings which, starting on 15 May, were held every Monday in Paris. At these "Lundis de Matignon" (Matignon Mondays), three persons represented the French Government: Jospin's advisor for Corsican affairs Alain Christnacht (the person behind the new statute for New Caledonia, see below), the Corsican Prefect Jean-Pierre Lacroix, and the head of the Interior Minister's office, Christian Proust. Thus, what began as a high-level negotiation evolved into a genuine and in-depth discussion of the main issues raised by the Corsican deputies. Gradually, six "dossiers" emerged: questions related to European integration; taxes; economic development; language and culture; institutional reform (simplification of administrative structures); and devolution of legislative competencies. A compromise seemed possible on issues such as economic development, fiscal matters, and even the mandatory teaching of Corsican, while the thorniest issues were the devolution of legislative competencies for the Corsican Assembly and the simplification of the administrative structure of Corsica (abolishment of the two departments). There were

⁴⁵ The four clandestine organisations which merged to form the 'new FLNC' were: *FLNC-Canal historique*, *FLNC du 5 mai (1996)*, *Fronte Ribellu*, and *Clandestinu*.

also serious disagreements among the Corsican deputies concerning the devolution of legislative competencies, as witnessed in the vote in March of two different proposals by the Corsican Assembly to the French Government.⁴⁶

5. The Compromise of 20 July 2000

On 10 July, having submitted synthesis notes on the main dossiers discussed a week earlier, the Government sought to limit the options by making a first series of proposals to the Corsican deputies. Two issues remained open: the question of administrative simplification and that of legislative competency. On the first point, the Government offered two possibilities: either a single Corsican region with a single *département* formed by the fusion of the two current ones, or a single region with no *département* (abolishment of the two *départements*)—and indicating its strong preference for the first option (already in force in some DOM) which would not entail a revision of the Constitution. On the issue of legislative competency, the Prime Minister expressed the opinion that the areas in which the Corsican deputies had wanted a transfer of powers did not justify a transfer of such competency. But Jospin had also prepared a genuine *coup de théâtre*: a possibility was found to grant the Corsican Assembly regulatory powers—not legislative competency—in certain areas. Based on a 28 July 1993 decision of the Constitutional Council regarding educational institutions (unearthed by the head of Jospin's cabinet, Olivier Schrameck, who served as general secretary for the Constitutional Council), this proposal consisted of an experimental transfer of regulatory powers for a specific period of time and subject to the subsequent ratification by the French Parliament in order for these adaptations to become permanent. The Prime Minister also proposed to implement article 26 of the 1991 Special Statute which allows the Corsican Assembly to submit proposals concerning draft French laws so that they may be adapted to Corsican specificities.

⁴⁶ Rather than adopting a compromise proposal, two motions were passed by the Corsican Assembly on 10 March 2000: a minority one (22 votes) in favour of autonomy, backed by the President of the Corsican Assembly, the nationalists, and the "Corsistes"; and a majority motion (26 votes) in favour of more decentralisation but against autonomy, backed by the "nationaux-républicains", headed by Emile Zuccarelli. This surprising outcome, due to Zuccarelli producing his alternative proposal while serious attempts were being made to reach a general consensus, caused the Government quite some embarrassment as it was not sure how to proceed. The nationalists in particular were taken aback as they had made significant concessions in order for a compromise to be reached with the other deputies (see: Christophe Forcari, "L'autonomie trébuche à l'assemblée corse. Le texte Zuccarelli a devancé la motion Rossi-nationalistes," *Libération*, 11-12 March 2000).

The Government also proposed that, on questions related to European Integration, a list of requested dispensations be drawn up jointly and presented to the European Commission as soon as possible.

Still, Jospin's proposals of 10 July were not deemed satisfactory by the nationalists, backed by the President of the Corsican Assembly José Rossi, who insisted on devolution of legislative power (which would entail a revision of the Constitution and would therefore be a permanent step). The experimental and temporary nature of the proposed mechanism raised concerns that it could be taken away by a decision of the Constitutional Council; it was also not clear whether this 1993 ruling might legally be applicable to Corsica. On the other hand, these proposals were already too far-reaching for Zuccarelli (and several other members of the Corsican Assembly) who believed that such steps would ultimately lead to independence. After not-very-transparent lunchtime negotiations, Rossi claimed the support of the majority of the Assembly deputies for a two-phase plan. The main idea of this counter-proposal was to enlist the support of the nationalists by introducing a phased approach, with a first phase—from 2000 until 2002—during which the proposal of the Prime Minister for an experimental transfer of regulatory powers would be tried out; however, guarantees were demanded for a revision of the Constitution after 2002 so that the subsequent approval of the French Parliament would no longer be required and that the process become irreversible. The Corsican deputies also opted for abolishing the two administrative departments and having only a Corsican region with an assembly to be established in the 2004 regional elections (a constitutional revision will therefore be necessary as the *département* is the basic administrative building block).

The seventh months of joint negotiations finally culminated in a compromise presented in the name of the French Government on 20 July 2000 to the Corsican deputies gathered at Matignon (Annex 4).⁴⁷ This time, the proposals of 20 July were approved by an overwhelming majority of the deputies at the Corsican Assembly on 28 July (with 2 votes against and 5 abstentions). The general aims of the proposed reforms, as stated in this document, are to better take into account the specificity of

⁴⁷ Before this meeting, the Prime Minister had taken care to gather his ministers to inform them and to obtain their support.

Corsica within the (French) Republic, to clarify responsibility in the management of the island, to promote its economic and social development, and to establish the lasting foundations for civil peace. No mention is made of the "*peuple corse*" which had not been an element in the negotiations. In this counter-counter-proposal incorporating most of the new proposals worked out by Corsican side, the French Government proposed a two-phased approach:

- A transitory phase (2000-2002) during which the maximum number of measures not requiring a modification of the Constitution would be introduced.
- A second "constitutional" phase (2002-2004) would then follow, after evaluation of the transitory phase. A major precondition for embarking in this second phase of the devolution process is the "durable re-establishment of civil peace". Also, this phase would only begin after the general French elections and only if the parties then in power agree (an important element is that a constitutional revisions may only be undertaken with the approval of the French President, which Jospin hopes to become in 2002).

More concretely, the measures outlined on 20 July were as follows:

a. Institutional Structures

A single region / *collectivité* will replace the current structure of one region plus two departments. This reform can only be implemented after 2004, pending revision of the Constitution and when the term of the current Assembly has expired.

b. Legislative Competencies

New competencies may be devolved to Corsica in the following spheres: land and infrastructure planning; economic development; education; professional training; sports; tourism; environmental protection; transportation. Two complementary mechanisms are proposed:

1-Regulatory Powers: a modified implementation of article 26 of the 1991 Statute. Rather than having to submit proposals for modifications to French laws, through its deliberations the Corsican Assembly may adapt regulatory documents to the specific situation of Corsica

Le Gouvernement proposera au Parlement de doter la collectivité territoriale de Corse d'un pouvoir réglementaire, permettant d'adapter les textes réglementaires par délibération de l'assemblée

2-Power to Adapt Laws during a transition phase, based on decision no 93-322 of 28 July 1993 of the Constitutional Council. In certain limited spheres, under certain conditions, and for a certain period of time, the Corsican Assembly would be able to derogate from French laws. any derogation would have to be evaluated and approved by the French Parliament

S'agissant de l'adaptation de dispositions législatives, le Gouvernement proposera au Parlement de donner à la collectivité territoriale de Corse la possibilité de déroger, par ses délibérations, à certaines dispositions de législatives, dans des conditions que le Parlement définirait ...

A second phase will follow, once the administrative simplification has taken place, when the new Corsican Assembly, to be established in 2004, would have the possibility to adapt French laws without subsequent ratification by the French Parliament

Le Parlement pourrait ainsi autoriser l'assemblée territoriale de Corse à adapter par ses délibérations, dans certains domaines précisément déterminés et dans le respect des principes qu'il aura fixés, des dispositions législatives déjà en vigueur ou en cours d'examen. Les délibérations adoptées par l'assemblée de Corse dans ces conditions seraient, sous réserve de l'exercice des voies de recours devant la juridiction administrative, exécutoires. De valeur réglementaire, elles ne seraient pas soumises à une validation ultérieure obligatoire de la part du législateur.

This power to "adapt legal measures" ("*faculté d'adaptation de mesures législatives*") without subsequent approval by the French Parliament also necessitates a revision of the Constitution.⁴⁸

c. Fiscal Matters

The Government also proposes a new fiscal system of tax credits over a period of 10 years designed to encourage investment in the sectors where they are needed most (the hotel business, new technologies, industry, energy). These measures, which are also designed to spur economic growth in the least developed areas inland, will

⁴⁸ According to article 34 of the French Constitution, "la loi est votée par le parlement" ("statutes shall be passed by Parliament").

replace the free zone in 2002. Regarding the special inheritance tax regime⁴⁹, the transitory period for maintenance of the full exemption regime is extended to ten years; after that, for a further period of five years, only 50% tax will be levied.

d. The Corsican Language

Corsican will be taught in kindergartens and primary schools during normal hours as a mandatory subject, unless parents are opposed. Additional measures are proposed to ensure sufficient supply of qualified teachers without however making knowledge of Corsican a requirement for employment.

e. Economic Development

A 15 year public investment plan for Corsica is proposed, to be financed jointly by the State (70%) and Corsica, in order to catch up with other French regions; sectors to receive special support include road and rail infrastructure.

6. Assessment

Will Corsica enjoy a form of autonomy? The issue which caused the most confusion was whether legislative power would be devolved to the new Corsican Assembly.⁵⁰ This point is crucial in determining whether Corsica will enjoy a limited form of political autonomy or mere administrative autonomy. The term "*auberge espagnole*"⁵¹ was used to explain the diverging interpretations of the proposals which seemed to satisfy both those who had categorically refused the devolution of legislative powers and constitutional revisions as well as those who would not settle for less. Corsican Assembly President Rossi hailed the Government's proposal as an innovation, midway between mere regulatory powers and legislative competencies. The nationalists, too, seemed satisfied that their demand for legislative power had been fulfilled; but, in

⁴⁹ Under the previous regime, established by the so-called "arrêtés Miot", Corsicans were exempted from paying inheritance taxes. This special regime was to be abolished in 1999 (but later extended to 2001) to bring Corsica in line with the rest of France.

⁵⁰ In the days before a final compromise was reached, certain Corsican deputies and the press claimed that the State was ready to grant "shared and limited legislative powers" ("*un pouvoir législatif partagé et encadré*") (Christophe Forcari, "Vers un statut expérimental pour la Corse. L'Etat est prêt à accorder un 'pouvoir législatif partagé et encadré' à l'Assemblée territoriale", *Libération*, 11 July 2000); but this expression had never been used by the Government.

⁵¹ Literally "Spanish Inn", perhaps the best English/American equivalent is "potluck" where everyone brings his or her own favourite dish (see for example, Christophe Forcari, "Matignon fait le Grand Accord," *Libération* 21 July 2000).

their eyes, this was only a first step in a longer process which they hoped would lead towards independence. Whether the power to adapt laws without subsequent approval by the French Parliament, which the Corsican Assembly would be given in 2004 after revision of the Constitution, would consist of a power to adapt French laws or to pass specific Corsican laws⁵² will not be fully clarified until a draft law has been prepared by the French Government. This draft law is expected in Fall 2000 for adoption by the Parliament before the end of 2001. At this stage, then, we can say that Corsica will probably have the power to adapt French laws in very limited areas of special concern only. We should therefore speak of a limited transfer of legislative power.

The creation of a single Corsican region, without parallel state administration through the departments, was perhaps the second most significant measure as it would result in an asymmetric organisation of the French State. However, some of the non-institutional measures are also very important in the French context. The linguistic measures proposed, although weak in comparison to some other regions of Western Europe where the language of the minority enjoys a minimum official status in the region concerned, are daring in a country where the French language is the sole language recognised in the Constitution: "The language of the Republic shall be French" (article 2).⁵³ The mandatory teaching of Corsican is controversial even for some Corsicans who jealously protect their language and do not wish to see non-Corsican children learn it! Other positive elements in the 20 July proposals are the fiscal incentives and economic autonomy needed for establishment of a functional autonomy.

⁵² The latter is conceivable within the French context; the Congress of New Caledonia, for example, has the power to adopt local laws ("lois du pays") and French Polynesia wants the same.

⁵³ This new provision, added to article 2 of the French Constitution in 1992 in the context of European enlargement, caused great problems when France was considering ratifying the European Charter for Regional or Minority Languages.

V. AUTONOMY AS A MODE OF CONFLICT REGULATION ? LESSONS FROM THE ÅLAND AND CORSICA CASES

Success is a relative term in the case of conflict regulation; it depends on whether it is evaluated based on containment of the conflict and prevention of violence, or whether one looks at whether the root causes of the conflict have been addressed, for example concerns about protection of the minority identity or economic under-development. Especially in the case of high-level negotiations, what might be a political success for the élites involved might not enjoy the support of the population as a whole. Two more comments must be made: (1) it is important to keep in mind the *time* factor, and to evaluate conflict regulation throughout time and whether one or the other approach allows for maturation of the actors and revision (for improvement) of the settlement; (2) in the same way, it is important to note that despite an overall “failure” at a particular point in time, there might *be elements of success* within a particular approach which might work better within a different combination of measures. This having been said, the two cases studied must be briefly evaluated and elements which contributed to success will be highlighted.

A. Lessons from the Åland Case

The Åland case indeed deserves attention as a successful case of conflict regulation through the development of autonomy based on compromise between the conflict parties, even though the early years of autonomy were not always without difficulties, especially concerning the jurisdiction of the local authorities.

The autonomy of Åland, which was jointly developed by the Finnish State and the Åland authorities, has shown that autonomy can succeed in settling a conflict, even in the case of a strategically sensitive area (at the time). The autonomy established in 1920-1922 has become ever stronger, with amendments in 1951 and 1991. Although the arrangements contain elements of minority protection, protection of the territory was the central concern. The settlement of the Åland conflict displays several interesting characteristics which have contributed to its success and which may be relevant for the regulation of disputes in other regions (Lapidoth 1997: 70-77; Modeen 1991: 167).

- Strong guarantees that the specific character of the autonomous region will be preserved (language and education provisions, regional citizenship).
- Consensus Agreement. In the case of the Åland Islands, the fact that a consensus existed as to what the Åland population wanted acted as a positive factor, even though this might seem paradoxical for it was not autonomy but reunification with Sweden which the majority wanted. Even before Finland declared independence, the wish for reunion with Sweden had been presented to the Swedish King and Government, supported by a petition which had been signed by an overwhelming majority of the resident adult population. Reaching a consensus was facilitated by the fact that the population was quite homogeneously Swedish-speaking. It has been difficult so far to constitute a stable majority in Corsica for a particular solution due to the high degree of political fragmentation, both of mainstream but also nationalist parties, and disagreements over the extent of autonomy which Corsica needs.
- Open attitude of both the central and as well as Åland politicians which has facilitated discussions and enabled the statute to be improved over time. What perhaps contributed to Finnish good will was the fact that the Åland conflict was limited to a well-defined territory and did not threaten to spill over to other Swedish-speaking regions of Finland (Modeen 1991: 155).⁵⁴ This made it easier in a sense for Finland to make important concessions to the Åland Islands.
- The autonomy of Åland was created in the framework of a state system which recognises the equality of Finnish- and Swedish-speakers (1919 Constitution, Language Act of 1922 and section 17 in the 1999 Constitution). This status and the recognition of two equally valid cultures has without doubt made the settlement of the conflict easier.
- Flexibility of the autonomous regime, allowing for transfer of administrative authority from the state to the autonomous region and vice-versa.
- Possibility of evolution. The autonomy provisions have been amended several times, always with the assent of the provincial authorities. The introduction of changes requires an act of the Finnish Parliament, in accordance with the

⁵⁴ No separatist movement existed among the Swedish-speakers in the other Finnish provinces, even though there were demands for self-government.

procedure for amending the Constitution, as well as approval of the *Lagting* by at least a two-thirds majority. Revisions do not necessarily mean failure of the previous statute, but might also reflect constant improvement based on increasing experience. This process of step-by-step evolution and the conditions under which the statute may be revised seem to have worked well, even though some Ålanders would say that evolution has been too slow.

- Obligation to consult the autonomous authorities (this obligation was increased by the 1991 Åland autonomy act) in matters which affect it and the existence of other mechanisms aiming at ensuring that Åland's interests are represented and that it has a say, even in spheres which do not lie directly within its competence (e.g. European matters, regional co-operation, etc). These have contributed to the success of the autonomy regime.
- The existence of an organ of Cupertino between the Finnish Government and Åland which may also act as an informal dispute settlement mechanism in certain areas. Although it is hard to say whether this would prove sufficient to resolve disputes, it certainly has the potential.
- Involvement of international actors. Without the involvement of the League of Nations and other international actors, Finland would not have agreed to a special status for Åland.
- The attitude of Sweden, which shares the cultural and language features with Åland, also greatly contributed to success. By collaborating in the establishment of autonomy through the 1921 agreement and by renouncing to the Åland Islands thereafter, even after the Second World War when the wish for reunion was again expressed by the Ålanders, Sweden greatly contributed to a positive atmosphere. Sweden, which remains a party to the agreement, has continued to contribute to the stability of Åland's autonomy regime by refraining from criticising Finland's handling of the Åland question.
- Absence of violence from the beginning.

As a final note, although the 1991 Autonomy Act does not include any special provisions for the settlement of disputes between Finland and the Åland Islands, it does contain numerous safeguards. In the sphere of adjudication, an appeal against the legality of a decision by the Åland government may be brought before the Supreme Administrative Court of Finland (section 25(2)). Furthermore, any dispute

between the State and the province in other spheres must be settled by the Supreme Court. Lapidoth (1997: 76) views the Åland Delegation as an informal organ of mediation. It is indeed authorised to settle disputes in certain spheres, e.g. in controversies concerning the opening of new merchant shipping lanes or the allocation of land in Åland for State administration purposes (section 62). It may also be called upon to issue an opinion upon request either by the State or by the provincial authorities (section 56). Finally, the system by which Åland draft laws must first be submitted to the Åland Delegation before they go to the Finnish President also aims to avoid a presidential veto which might give rise to a dispute. Thus far, no major dispute has arisen to test the ability of the Åland Delegation.

B. Applicability of Elements from the Åland Case to Corsica

What lessons may be drawn on autonomy as a mode of conflict regulation in Corsica, based on the experience of the Åland Islands?

The Åland case is often presented as a successful solution of a minority conflict. However, many Ålanders take a different view as they see the conflict as having been mainly a territorial dispute between Sweden and Finland.⁵⁵ In this regard, it seems particularly relevant for Corsica where an insular territory is the main reference point for the minority identity which is perceived as being under threat from assimilatory influences from the mainland. Major differences between the two contexts are also apparent: Ålanders did not want independence but reunion with Sweden, there was a consensus among the population as to what it wanted, and there was international involvement as it was decided, because of Åland's international demilitarised status, that it was a matter of international concern. Last but not least, the political culture in the two cases is fundamentally different, with a tradition not of political violence but compromise in the Åland case.

One of the most interesting aspects of the Åland case was the concept of "regional citizenship". There is no question of introducing a specific "Corsican citizenship" yet,

⁵⁵ Barbro Sundback, *The Åland Islands - A Success Story*. Paper presented at the conference "Culture, Nation and Region in Europe," 10-11 September 1998.

even if this is interpreted in a broader sense to include those who are long-term residents ("*communauté de destin*": community of those who wish to share the destiny of the Island). Precisely both these elements have been granted in the case of an Overseas Territories, New Caledonia (and soon in French Polynesia) where the Caledonian "Congress" has the competency to vote local laws ("*lois du pays*") in a whole range of areas; there is also a Caledonian citizenship which is necessary to be able to vote.⁵⁶ This would have been an important measure in an island where persons who have de facto not resided there for decades or who have long been dead are still able to have say. The only measures concerning protection of the Corsican identity are linguistic.

Another interesting feature of the Åland case for Corsica was the process of developing autonomy in stages. Even though the extent of the measures proposed in the two cases are very different, one can say that the evolutionary process of the autonomy of the Åland Islands constitutes a relevant example for Corsica which, like Åland, might soon receive a third statute. A legitimate question is where the process will end, in other words, whether autonomy will be a lasting solution for Corsica, or whether, as the nationalists hope, this is merely the first step in a longer process leading towards independence. Legal innovations and institutional reform are good but might not be sufficient to remedy the chronic political instability and economic and social under-development of Corsica. Pending major transformation of the Corsican political class, it is difficult to envisage a prosperous, sovereign Corsica without the intervention of the central state. The majority of Corsicans do not want to left alone with their politicians, as reflected in the low support for independence.

⁵⁶ Following the Noumea Accords of April 1998 between the French Government, the loyalists of the RPCR and the separatist FLNKS, a referendum was held in New Caledonia in November 1998, approving a new statute which will lead to a gradual transfer of powers over a period of 15 years to the elected assembly or Congress which enjoys legislative powers in a number of areas. Furthermore, a Caledonian citizenship has been created, conferring privileges on the local job market. The French Constitution had to be revised before the referendum was held.

C. Prospects for Success of Autonomy in Corsica

1. Application of Lapidoth's Autonomy Success Factors

As an indicator of the prospects for success of autonomy in Corsica, it is useful to first attempt an application of the autonomy success factors developed by Lapidoth to Corsica (Table 1).⁵⁷

1. *Consent of the population?* NO. Although a consensus seems to have finally reached amongst the politicians, the opinion of Corsican society as a whole as not been determined. Polls indicate that it is divided.

2. *Consent of foreign state with same ethnic or other affiliation.* N.A. (No foreign state with which Corsicans have an ethnic or other affiliation exists.)

3. *Regime beneficial for both state and autonomous region.* Probably YES. The regime should certainly be beneficial for Corsica; as to the State, it will probably continue to heavily subsidise the autonomy regime for some time to come.

4. *Symbolic paraphernalia of self-determination.* NO. It is highly improbable that the Moor's head which is the Corsican emblem will be accepted as an official flag nor will the language be accorded an official status. One highly symbolic matter which needs to finally be resolved is the recognition of the "*peuple corse*".

5. *Clearly defined division of powers.* YES. Still, a clear definition of the division of powers will be a great challenge, especially given that this is a first experimental attempt. At least the administrative simplification of Corsica will facilitate this task as there will be no state administration through the departments. Debate might arise over social matters which have not been expressly mentioned as being within the authority of the Corsican Assembly; however, the unions strongly advocate this.

6. *Consultation.* MAYBE YES. This will be attempted by applying article 26 of the 1991 statute.

7 & 8. *Organ for co-operation, dispute settlement mechanisms.* NO. A major deficiency might be that no dispute settlement mechanism exists nor has an organ for co-operation between the central government and the local authorities been established.

⁵⁷ "YES" indicates that this factor is present, "NO" that it is not. It could also be too early to say, in which case a prudent "unclear" will be indicated.

9. & 13. *Autonomy in stages and clearly defined options.* MAYBE YES. A definition of stages has been done by establishing two short term phases from 2000-2002, and 2002-2004. However, it is not at all clear what will follow, and what the procedures for evaluating the functioning of the regime will be. In the case of New Caledonia, a 15-year time frame was chosen and it would be desirable to plan ahead for Corsica as well, making clear what the Government's stance on independence is and whether a referendum is to be held at some point.

10. *Democracy.* YES. Both the central government and the regional authorities are democratic, although there are hindrances to democracy because of persistent electoral fraud, corruption and nationalist threat of violence.

11. *Guarantees for the respect of human rights.* YES. The French Constitution, which strictly upholds the principle of equality, is the legal reference. Fears that the rights of non-Corsicans, especially immigrants, might not be protected explain the reticence of the Government to discuss the establishment of a Corsican "regional citizenship". It also explains why even in the recruitment of teachers, two separate systems will be established for Corsican-speakers and non Corsican-speakers so that the latter are not discriminated against.

12. *Similar stage of relative economic development* NO. Corsica does not enjoy a rather similar stage of economic development and standard of living and it will take some time to make up for the neglect which has caused this situation.

14. *International rules of behaviour.* NO. The settlement of conflict in Corsica is considered a purely internal affair where only French law is applicable, not international norms. Not even the European Charter for Regional or Minority Languages can be referred to for language standards as it has not been ratified by France.

15. *Atmosphere of goodwill.* Probably YES. There has been much effort by the Prime Minister and his advisors to show goodwill and openness with respect to the demands presented by the Corsican deputies. However, good will is lacking among important actors in the French Government, notably the Interior Minister, and among some local politicians who only very grudgingly endorsed the proposals as well as those who voted against or abstained. Much will depend on the outcome of the 2002 presidential elections and the situation in Corsica until then.

16. *Autonomy established before serious deterioration.* Unclear. Autonomy might have come too late; however, relations between the French population and the Corsica

are not characterised by hatred but rather frustration or even indifference. This might actually be a positive feature although scepticism amongst the general French population is high.

2. Potential Obstacles or "Autonomy Failure Factors"

a. Political Divisions within Corsica and the French Government

As we have seen, the Corsican political class has been traditionally highly fragmented and has displayed major inconsistencies and shifting positions during the Matignon Process, suggesting political deals behind the scene. Rifts have appeared also within parties between the national and the Corsican sections, for example within the RPR whose national president is strongly opposed to autonomy in Corsica while Jean Baggioni, the RPR President of the Corsican Executive Council, who in March 2000 had voted against devolution of legislative power, voted in favour in July 2000.

Within the French Government, there was a significant opposition by the "*souverainistes*" such as Interior Minister Chevènement and his colleagues of the MDC (*Mouvement des Citoyens*). Disagreements between the Prime Minister and the Interior Minister during the "Matignon Process" threatened to result in a governmental crisis. Finally, on 29 August, the Interior Minister resigned, having explicitly stated that he will not be the one to present the draft law on Corsica to the Parliament. He was replaced by a close collaborator of Jospin who supports the Corsican reforms. As to French President Chirac, after a certain silence he voiced his prudent support for "reform". His mandate expires in 2002 and so the success of the process greatly depends on his successor.

Finally, these were élite negotiations; it is therefore difficult to say, without holding some kind of poll or referendum, what the majority of Corsicans want. The nationalists support the idea of a referendum on the future of Corsica; however, they wish to poll only Corsicans and those who have resided in the island for a certain period of time, excluding civil servants who are there for a short period; this poses

problems of constitutionality.⁵⁸ The second limitation is that it may not be held on a question directly entailing revision of the Constitution (Corsicans may not be asked whether they wish to see the transfer of legislative competencies) but they may be asked to decide on the adoption of a law which would lead to decentralisation of additional powers to Corsica. A third option would be to revise the Constitution before a Corsican referendum, as was done in the case of New Caledonia. This "Caledonian Logic" is strongly rejected by the Jacobins, notably Interior Minister Chevènement and his colleague Georges Sarre of the Jacobin MDC (*Mouvement des Citoyens*), and Zuccarelli. Calls for a referendum also emerged from those who opposed autonomy, such as former Interior Minister Debré who wants the entire country to be polled, expecting the results to be against autonomy.

b. Renewal of Nationalist Violence

The process might also be disrupted by a decision by the nationalists to resort again to violence rather than dialogue. Violence by clandestine movements which are not part of the nationalist reconciliation effort might also disrupt the process in the interest of those who wish to preserve the status quo. One problem is that the precondition of "durable re-establishment of civil peace" set forth by the Government in the 20 July proposals has not been clearly defined. It was therefore not clear whether the two assassinations which occurred in August and September 2000 constituted a breach of the "cease-fire".

Problems might arise especially over the issue of amnesty for "political prisoners". Amnesties have been granted before: in 1981 upon election and again in 1988 upon re-election by Mitterrand as a conciliatory gesture towards Corsican nationalists. However, that nationalists want amnesty to include those convicted of murder is deemed particularly outrageous by various French political actors as it would mean pardoning the assassins of the Corsican Prefect. This issue was not openly debated during the Matignon process and there was no mention of the Government's official position on the question in the proposals of 20 July. Jospin's opponents sharply

⁵⁸ According to legal experts, a referendum may be held on a limited part of France but it can only be consultative (no legal obligation for the government to act on the results).

criticised him for not openly stating that there would be no amnesty, at least not for Erignac's murderers. The issue remains open and threatens to come up repeatedly.

c. Corruption

The Corsican experience has demonstrated the importance of coupling institutional solutions with the financial means to carry them out and economic and fiscal measures to ensure development. However, this cannot be done in a context of widespread corruption of the entrenched local élite. This threatens to seriously hamper implementation of the autonomy measures. This is also one of the main reasons why there is so much opposition to devolving legislative power to local Corsican politicians.

3. Prospects for Success of the Matignon Proposals

What lessons then may be drawn on the prospects for success of the Matignon proposals and, more generally, on autonomy as a mode of conflict regulation in Corsica? As we have seen above, the prospects for success of the Matignon Process are mixed. There are positive elements, not least in the compromise reached among the deputies of the Corsican Assembly and the efforts of the nationalists to unify and to engage in political dialogue. The élite negotiations at Matignon were a learning process for all those involved, especially the nationalists who for the first time were equal partners in a democratic political dialogue. However, there are major obstacles as well. What can be said at this still early stage is that very few of success factors are present at the moment while there are many external obstacles. Some major steps need to be taken, including a referendum in Corsica, to enlist the support of the people designed to benefit from these reforms and to create the favourable conditions for their implementation. The content of the proposals must also be carefully developed, especially where the competencies of the new Corsican Assembly are concerned. Once the draft law on the third Corsican statute has been prepared for the French Parliament, it will be easier to assess the content of the autonomy proposals for Corsica. The work has only just begun and it will take much legal and political skill to enact the reforms to the end, leading to a third statute for Corsica.

Admittedly, the lessons drawn from the failure (so far) of conflict regulation in Corsica do not bode well for autonomy as a solution to the Corsican conflict.

Undeniably, local political actors in Corsica are to blame to some extent for the failure of the successive statutes. Perhaps they never truly felt responsible for the course the island was taking; this attitude was reinforced by the attitude of the French State which treated them like they could not be trusted.⁵⁹ Unless an entirely new generation of Corsican politicians emerges, it is hard to see how this might change in the near future. The reasons for the persistent crisis may also be traced to the weakness of the French State in Corsica or to what has been termed the "Crisis of the State" (*crise de l'État*). This emanates from several parliamentary investigations over the past two years which have come to harsh conclusions on the performance of the French State in Corsica in many spheres. However, there has been a considerable evolution in attitudes and a new generation of politicians who reject the rule of the clans is slowly coming to power. There is furthermore more interest in similar developments in the rest of Europe and a realisation that Corsica must seize on a historic opportunity to evolve.

Despite widespread scepticism amongst the population on the mainland⁶⁰ and in Corsica, there are high hopes in Corsica and in Paris that a third statute will restore mutual trust between the French State and Corsica and put an end to the nationalist violence which has plagued the island for decades. But for this to happen, the local political élites must also make room for the "political" nationalists so that they might better integrate the public sphere rather than opt for clandestine militancy and violence (Briquet 1998: 37).

⁵⁹ In 1988, then Interior Minister Joxe had chided the deputies of the Corsican Assembly for not having succeeded in adopting a development scheme for Corsica, despite several extensions; in the end, the Prefect had to do the job.

⁶⁰ According to an opinion poll realised on 21 July, 46% of the French population believe that the measures announced by the Government on 20 July will not lead to civil peace in Corsica against 45% who believe that they will; 9% were unsure. 59% were favourable to enabling the Corsican Assembly to adapt French laws to the specific situation of the island under supervision of the Parliament, while 30% were against. Support was much lower for a power to adapt laws without subsequent approval by Parliament, with 61% against and only 34% in favour (IFOP poll of 802 persons, published on 23 July 2000 in the *Journal du Dimanche*, cited in *Le Monde*, 25 July 2000).

VI. CONCLUSION: CONFLICT SETTLEMENT IN CORSICA THROUGH AUTONOMY?

The study above shows that autonomy can be a method of resolving territorial conflicts and that it presents particular advantages in the case of insular regions. However, while in the case of Åland, autonomy was a clear success which was furthermore strengthened by two successive statutes, many obstacles are present in the Corsican case related mainly to the history of State-region relations and local political actors. Success factors which were instrumental in the case of Åland, such as the unity of the Ålanders and the intervention of outside actors (League of Nations), are absent in Corsica. The new proposals for reform are a positive step for two reasons: process and content. However, one must be sober in assessing the prospects for success of the Matignon Proposals of 20 July 2000 and foresee periodic eruptions of violence. Further revisions and fine-tuning will no doubt be needed and this should ideally already be foreseen in the draft law. The year 2002, when the French general elections will be held, will be a crucial turning point in the process. Indeed, the new parties in power will then have to initiate the irreversible, second phase of the reform process which will result in the devolution of limited legislative power to a new Corsican Assembly to be established in 2004.

In seeking to evaluate the broader impact of the autonomy proposals for Corsica by the French Government, one very important question comes to mind: *Was the threat of violence by nationalists instrumental in the process and in obtaining concessions from the Government?* Indeed, given the use of violence at key stages in the process, one must ask whether the process was not to a certain extent run by nationalists, as many French politicians and most of the French media have claimed. One notes that the process was launched right after a series of bomb attacks in Ajaccio, that another series of bombs exploded one day before the first meeting in December; and that yet more bombs were found in June shortly before the French Government was due to make its first proposals.⁶¹ Furthermore, violence continue to be used as a stick when,

⁶¹ The French national press has been very critical of Jospin's overture and inclusion of the nationalist deputies in the talks, as witnessed by the following headline: "Lionel Jospin dans le piège corse" ("Lionel Jospin in the Corsican trap") (*Le Monde*, 12-13 March 2000); an article in the French weekly *L'Express* from 27 July 2000 states "the first error [committed by the Prime Minister] was to give in to the blackmail of violence by inviting after the bomb attacks of November 1999 all the elected representatives of Corsica, including the separatists of Corsica Nazione, to come to Matignon to negotiate... ." (Christophe Barbier and Eric Conan, "Jospin le funambule," *L'Express*, 27 July 2000).

following the adoption by the Corsican Assembly on 28 July of these proposals, the triumphant nationalists deputies seemed to threaten a renewal of violence if the Government did not deliver on its promises. Whether or not the use of violence had been calculated with such skill in the case of the Matignon Process, it was certainly perceived as having been by other French regions prone to separatist violence, namely Brittany and also the French Basque country. Indeed, the moderates of the Basque National Party as well as the separatist AB (*Abertzale Batasuna* / Union of Patriots) stated that they were dismayed that the Corsicans had succeeded in obtaining major concessions through the use of violence.

*What will be the impact on other French regions? Will the French Government face a chain-reaction effect in other regions? Within days of the 20 July proposals, cracks in the "one and indivisible" Republic began to appear: the Britons were the first to react, with the UDB (*Union démocratique bretonne*) stating on 21 July that the proposals for Corsica represented a tremendous encouragement and that an autonomy statute for Brittany would be a major political issue in the 2004 regional elections. Similar reactions were also heard in the Basque Country, Alsace and Savoie. The proposals are also of great interest for the French Overseas Departments (DOM). Three of them (Martinique, Guadeloupe and Guyana) have called for the replacement of their current mono-departmental institutional structure (with a regional assembly and one departmental council), by a single region with an assembly—exactly what the French Government has agreed to in the case of Corsica.⁶² The French Basque Country is also interested in the institutional reforms for it has been calling for the creation of a single Basque department in France (not a unification of the French and Spanish Basque regions). Support is building in Paris for taking into account the specificity of individual regions and developing asymmetrical solutions rather than opting for uniformity;⁶³ on the other hand, some politicians have called for a second wave of decentralisation. Certainly, other French regions could benefit from greater*

⁶² This will necessitate a revision of the French Constitution because of a 1982 ruling by the Constitutional Council that the department is the lowest administrative entity and that therefore to have an administrative unit without a department would be contrary to the French Constitution. Of particular interest therefore to the DOM is the acceptance of Corsican demands for abolishing the two departments, despite the Government's clearly stated preference for a single body *alternating* as a regional assembly and as a departmental council.

⁶³ Guy Carcassone, "Le sacrifice de l'uniformité", *Le Point* 28 July 2000.

involvement in the decisions and laws affecting them. However, to downplay the specific needs and features of Corsica by extending the same measures to all French regions would be demeaning and might jeopardise the whole process.

* * *

The European state has been undergoing profound changes, as its authority and powers have been eroded from three directions: from above by globalisation, from below by regional and local assertion, and laterally by the advance of the market and civil society. With the process of European Integration, states have had to rethink the very notion of national sovereignty and identity. Due to the pressures of globalisation, the state has lost its monopoly on defining and reproducing a national culture. Demands for more power for the regions are still perceived by a large portion of the political class as a threat against the unity and indivisibility of the French Republic. Not only is the French State undergoing a period of crisis, but so is French identity itself. Despite the decentralisation reforms of 1982, and the special statute for Corsica in 1991, France is still governed in a very centralised fashion where regions possess only limited competencies and no legislative power whatsoever. There is an important rift in the French political class between the "*nationaux-républicains*" or "*souverainistes*" and the *régionalistes* who are in favour of recognising the diversity of the country are holding back evolution of the French State. These divisions cut across political affiliations and threaten at times to cause a governmental crisis. The intensity of the debates on whether or not France should ratify the Council of Europe's European Charter for Regional or Minority Languages, which it had just signed in May 1999, testified to the importance of this rift.

We are finally witnessing a slow recognition by France of diversity, exemplified by recent developments in Corsica where a serious effort has been undertaken to settle the conflict. These events indicate increased openness to novel and asymmetric solutions, including a subject long considered taboo and contrary to the founding principles of the French Republic: autonomy. It remains to be seen whether this was merely a political ploy or whether this signals the end of the single institutional model and the beginning of a new era where France can demonstrate that it has deserves to play a central role in European affairs.

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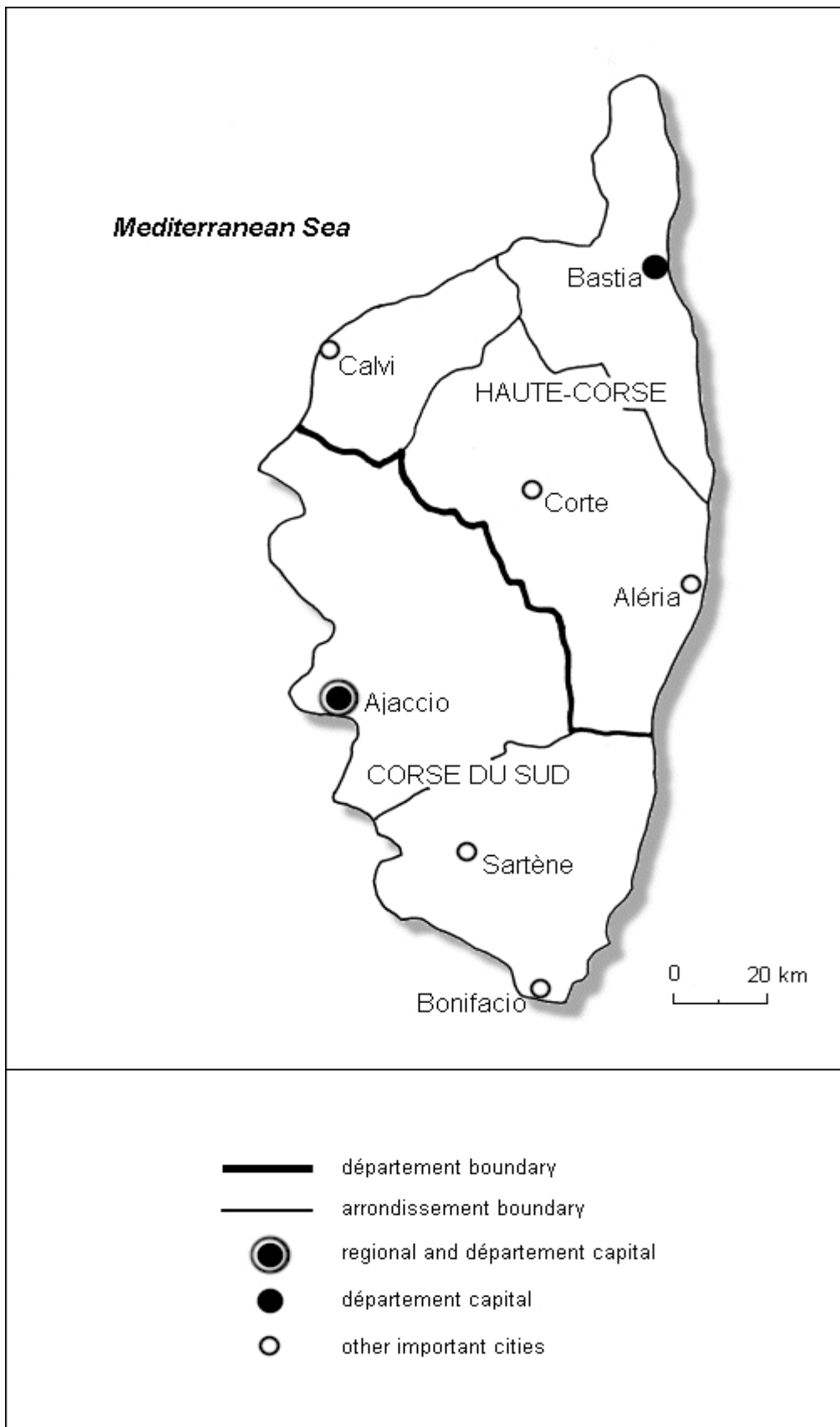
TABLE 1**APPLICATION OF AUTONOMY SUCCESS CRITERIA
TO THE CASES OF ÅLAND AND CORSICA***

"Ingredient for Success"	Present in Åland?	Present in Corsica?
1. A regime of autonomy should be established with the consent of the population intended to benefit from it.	Yes	Not yet; a referendum needs to be organised.
2. The regime should be established with the consent, express or implied, of a foreign state to which the autonomous group may have an ethnic or other affiliation.	Yes. Sweden agreed.	N.A. (in the 19 th century Italy could have been considered)
3. The regime should be beneficial for both the state and the population of the autonomous region.	Yes.	Probably yes.
4. The local population should be permitted to enjoy the formal or symbolic paraphernalia of self-determination, such as a flag, an anthem, and an officially-recognised language.	Yes The fact that Swedish is an official language in Finland was a facilitating factor.	Highly improbable. The "Corsican people" has not been recognised.
5. The division of powers should be defined as clearly as possible.	Yes, but this was the result of several revisions.	Probably yes, but it will be a significant challenge. Administrative simplification will greatly facilitate this.
6. If activities of the central government in spheres that are under its authority directly affect the autonomous region, the local authorities should, if possible, be consulted.	Yes	Yes, if a similar provision to article 26 of the 1991 statute is applied.
7. An organ for cooperation between the central government and the local authorities should be established.	Yes (The Åland Delegation)	None so far. This might be a major deficiency.
8. Modes and mechanisms for settling disputes between the centre and the local authorities should be established, with a maximum of detail.	Yes	Only the State Council (<i>Conseil d'Etat</i>) can adjudicate
9. Under certain circumstances it may be preferable to establish the autonomy in stages, that is, to transfer the relevant powers (and perhaps also the territory involved) gradually.	Yes (see 1991 Autonomy Act)	Possibly. Two stages have been defined (2000-2002, and 2002-2004) but a 15 year time frame as in New Caledonia is highly improbable.
10. The prospects for success are greater if both the central government and the autonomous authorities are based on democratic regimes.	Yes	Yes, both are democratic, although because of widespread fraud and nationalist threat of violence, this statement must be somewhat qualified.

11. Every regime of autonomy must include guarantees for the respect of human rights, including the principle of equality and non-discrimination among all the inhabitants. Similarly, a minority that lives within an ethnic group that has been granted autonomy should enjoy minority rights.	Yes	Yes, the French Constitution upholds the principles of equality and non-discrimination.
12. A rather similar stage of economic development and standard of living in the autonomous region and in the state as a whole may enhance the chance of success.	No (but yes on individual level; however, there exist mechanisms for redistribution of additional income from taxes on Åland).	Corsica is one of the least developed regions of France
13. If autonomy is established for a limited period, the procedure to be followed at the end of that period should be established. If possible, a list of tentative options to be considered at that stage should be drafted.	N.A.	N.A. See point 9.
14. If the autonomy arrangement includes a commitment to certain rules of behaviour, it may be helpful if those rules can be based on international norms.	N.A.	The Corsican conflict is a purely internal affair, and no reference to international norms on minority or language rights is possible in the case of France.
15. The most important and indispensable condition for a successful autonomy is a prevailing atmosphere of conciliation and goodwill. This condition must be generated by an energetic and sustained effort to explain and to engage in patient dialogue.	Yes	Probably yes. There has been much effort to show goodwill by both the Prime Minister and the Corsican deputies. But this is not the case of the whole Government nor of the nationalists and some other Corsican deputies.
16. Autonomy should be established before the relations between the majority in the state and the majority in the region deteriorate considerably. If there is hatred and frustration, it is too late, and autonomy will not be able to soothe the strained atmosphere.	Yes	Unclear whether it is "too late". At least, there is not hatred between the French and Corsicans, but rather indifference.

* The success criteria are from Lapidoth (1997: 199-201).

ANNEX 1: Administrative Structure of Corsica



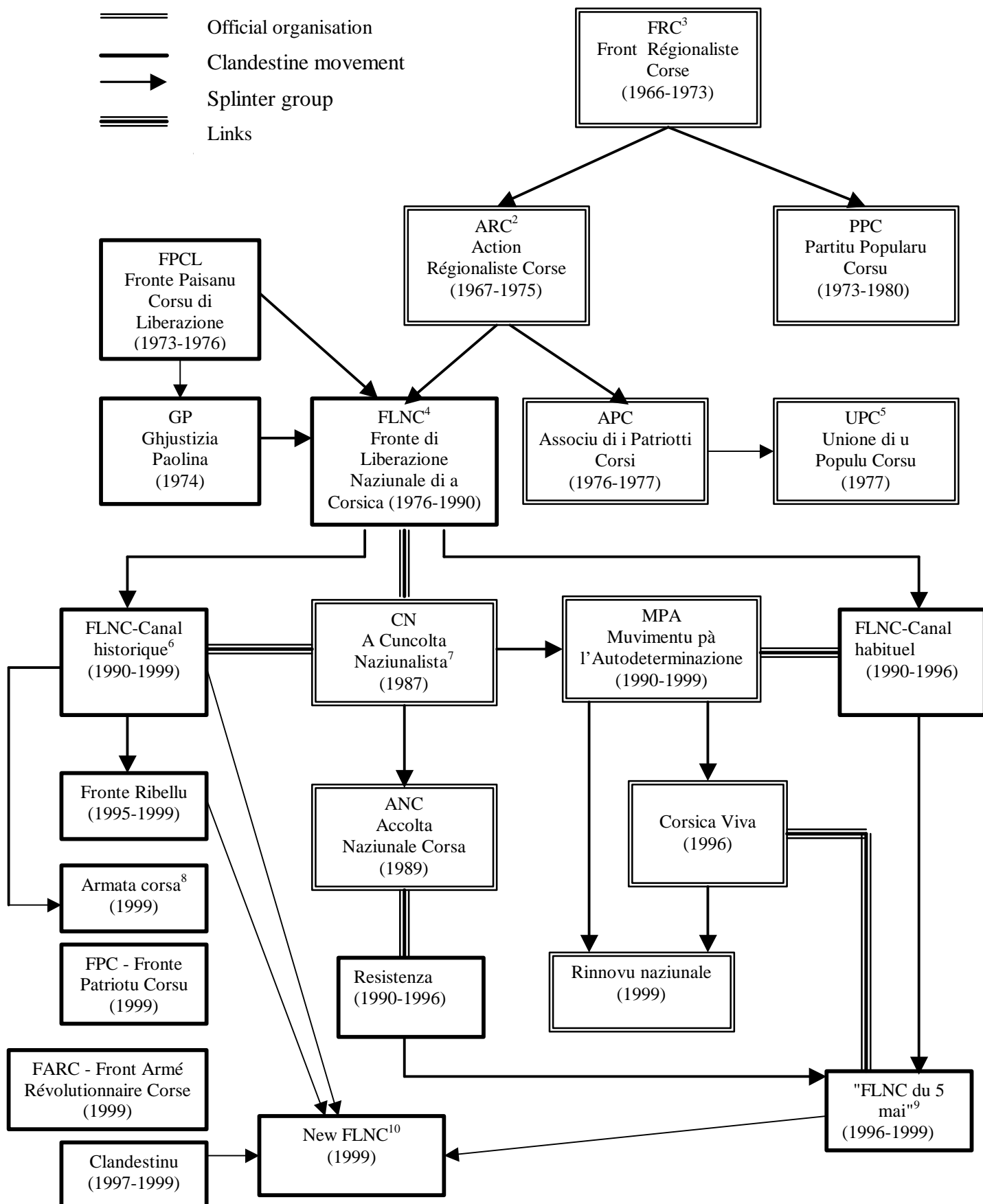
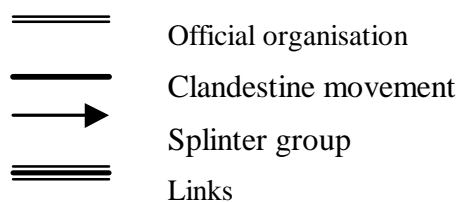
ANNEX 2

POLITICAL PARTIES IN CORSICA

- **Gauche « plurielle » / pluralist left:** at both the national level and in Corsica, it unites the Socialist Party / *Parti socialiste* (PS), the French Communist Party / *Parti communiste français* (PCF), the Citizens' Movement / *Mouvement des Citoyens* (MDC), which is the Jacobin party of Interior Minister Jean-Pierre Chevènement, and the Left Radicals / *Parti des Radicaux de Gauche* (PRG) of Minister Emile Zuccarelli.
- **Other Corsican left wing parties** which are not part of the *gauche « plurielle »* government coalition include:
 - *Mouvement pour la Corse* is a centre-left party, led by Toussaint Luciani.
 - *Corse Social démocrate* is a citizens' movement, rather than a political party, and is led by the charismatic Ajaccio paediatrician Simon Renucci (formerly of the Socialist Party).
- **Regionalists, autonomists and pro-independence nationalist parties:**
 - *Unione di u Populu Corsu* / Union of Corsican People (UPC). Long the leading autonomist party, led by the Simeoni brothers, it has undergone difficult periods following the forced retirement of Edmond Simeoni in the 1980s due to illness and recent internal divisions.
 - *Corsica Nazione* is the leading nationalist electoral list and is basically identical to *A Cuncolta Naziunalista* (CN) since the other three parties which originally belonged to this coalition in the 1992 elections, *Accolta Naziunale Corsa* (ANC) UPC and *I Verdi Corsi*, withdrew.
 - *Corsica Viva* is a young nationalist movement which formally denounces the use of violence and with a strong basis in university circles as well as dissidents from more radical nationalist groups. A splinter group, *Rinnovu Naziunale* / National Renewal, was formed in early 1999 before the regional elections.
 - *Muvimentu pà l'Autodeterminazione* / Movement for Self-determination (MPA) is a nationalist party generally in favour of the Joxe Statute and the federalism proposed of the Maastricht Treaty.
 - *Manca Naziunale* is the only truly left-oriented nationalist party.
 - The women's list of Pascale Bizzari represented Pauline Sallembien's movement *51 femmes pour une Corse de l'an 2000* (51 Women for a Corsica of the year 2000) which did not succeed in obtaining the minimum 5% to reach the second round. They were however satisfied with the results of this very new movement which was born in the aftermath of Prefect Erignac's assassination in February 1998.
 - *I Verdi Corsi* / Corsican Greens.
- **The Traditional Right**
 - *Rassemblement pour la République* (RPR). The right-wing Gaullist party of President Jacques Chirac and President of the Executive Council of Corsica Jean Baggioni.
 - *Démocratie libérale* (DL): the right-of-centre coalition party of José Rossi, President of the Corsican Assembly. It is affiliated with the UDF on the national level. In the 1999 elections, in a show of unity in the right, Baggioni and Rossi presented a joint list under the title "*Une majorité pour la Corse*".
- **Other Right Wing Parties:**
 - Philippe Ceccaldi's party *Corse Nouvelle* is a right wing, neo-Bonapartist traditionalist party.
 - *Front National* (FN). France's far-right party has always failed to reach the same level of support in Corsica as in the rest of France.

ANNEX 3

A GENEALOGY OF CORSICAN NATIONALIST MOVEMENTS AND CLANDESTINE GROUPS ¹



NOTES

1. This diagram does not claim to be exhaustive nor up-to-date and is indicative only of the complex history of regionalist, autonomist and nationalist movements in Corsica. It is mostly based on articles which have appeared in the French press, in particular the daily *Libération* and the weekly *L'Express* as well as a book entitled *Le Nationalisme corse – genèse, succès et échec* by Emmanuel Bernabéu-Casanova, Paris : L'Harmattan, 1997. See also the diagrams in Claude Olivesi, "The Failure of Regionalist Party Formation in Corsica", In: Lieven de Winter and Huri Türsan (eds.), *Regionalist Parties in Western Europe* (London and New York: Routledge, 1998), p.181; and in Pierre Poggioli, *Journal de Bord d'un Nationaliste Corse* (Saint-Etienne: L'Aube, 1996), p. 38. Thanks also goes to Dominique Ferrandini for his comments. The full names of the various organisations are given either in French or, when available, in Corsican, for reasons of space. The dates indicate founding and dissolution, where applicable.
2. ARC - *Action Régionaliste Corse*, changed its name in 1973 to *Azzione per a Rinascita Corsa*. It was dissolved by the French Council of Ministers on 28 August 1975.
3. FRC - *Front Régionaliste Corse*, changed its name in 1973 to *Partitu Popularu Corsu* (PPC).
4. FLNC - *Fronte di Liberazione Naziunale di a Corsica* or, in French, *Front de Libération Nationale de la Corse*. In 1983, when the FLNC was dissolved by the French government, it persisted as a clandestine movement and was referred to as the "ex-FLNC."
5. APC - *Associu di i Patrioti Corsi* was founded in early 1976 by Max Simeoni with similar objectives to the ARC: autonomy within the French state and the legal recognition of the "*peuple corse*". The use of violence is rejected outright. In 1977, the APC changed its name to the *Unione di u Populu Corsu* (UPC), led by Max Simeoni and his brother, Edmondu.
6. The actual name of this movement, considered the main clandestine organisation in Corsica, is *FLNC-historique* but it is commonly called *FLNC-Canal historique* (historic channel), as a counterpart to the *FLNC-Canal habituel* (usual channel).
7. Two movements which need to be mentioned here, as predecessors to CN, are the *Cunsulta di i Cunitati Naziunalisti* (CCN) (1980-1983); and the *Muvimentu Corsu pà l'Autodeterminazione* (MCA) (1983-1987).
8. Despite its short period of existence, *Armata Corsa* has already claimed a whole series of terrorist acts, including one murder, which is threatening the fragile nationalist reconciliation (following an initiative by the Fium'Orbu Committee at the beginning of 1999 which gathered 14 nationalist movements and resulted in an agreement on 3 July to put an end to the use of violence between nationalists in Corsica). *Armata Corsa* claims to have 200 members and is very critical of the *FLNC-Canal historique*. Its suspected leaders are dissident former members of the FLNC.
9. Also referred to as the "FLNC of 5 May 1996" to avoid confusion with the *FLNC-Canal historique* and the *FLNC-Canal habituel*.
10. The "new FLNC" was created by fusion of four groups on 24 December 1999: *FLNC-Canal historique*, *FLNC "du 5 mai"*, *Fronte Ribellu* and *Clandestinu*.

ANNEX 4

PROPOSITIONS DU GOUVERNEMENT SOUMISES AUX REPRESENTANTS DES ELUS DE LA CORSE*

Paris, le 20 juillet 2000

Les discussions qui ont eu lieu depuis le 13 décembre 1999 entre le Gouvernement et des représentants élus de la Corse ont conduit le Gouvernement aux conclusions suivantes, qui doivent permettre l'aboutissement positif de ces discussions.

Afin de mieux prendre en compte les spécificités de la Corse dans la République, tenant à sa situation insulaire et à son histoire, ainsi que les enseignements de l'application de son statut particulier et dans le but de clarifier les responsabilités dans la gestion des affaires de l'île, de favoriser son développement économique et social et de fonder durablement la paix civile :

- Des réformes seront proposées dans les domaines suivants :
 - l'organisation administrative de la Corse et les compétences de la collectivité territoriale ;
 - le statut fiscal, la fiscalité sur les successions et le financement de l'économie;
- l'enseignement de la langue corse.
- Un projet de loi de programmation sera élaboré, pour permettre une mise à niveau des infrastructures publiques.
- Des discussions seront engagées avec la Commission européenne, sur la base du document annexé, élaboré conjointement.

1- L'organisation administrative de la Corse et les compétences de la collectivité territoriale :

La simplification de l'organisation administrative :

L'existence d'une collectivité territoriale et de deux départements pour l'administration de la Corse ne favorise ni la clarification des responsabilités, ni l'efficacité de la gestion.

Une première solution, pour laquelle le Gouvernement avait exprimé une préférence, parce qu'elle semblait pouvoir être menée à terme sans révision de la Constitution, consistait dans la suppression d'un département. Le département désormais unique et la collectivité territoriale auraient eu une assemblée et un exécutif communs.

Lors de la réunion des présidents de groupe de l'assemblée de Corse, une préférence s'est nettement exprimée pour la suppression des deux départements et la mise en

* See website of the French Government at <http://www.premier-ministre.gouv.fr/FAIT/JUILLET00/210700.HTM#anchor15>.

place d'une collectivité unique, cette réforme ne devant intervenir qu'à l'expiration du mandat de l'assemblée de Corse, en 2004.

Le Gouvernement est disposé à se placer dans cette perspective, tout en relevant que celle-ci n'a pas à être concrétisée durant la présente législature et qu'elle impliquerait une révision constitutionnelle.

La suppression envisagée des départements ne devrait porter atteinte ni à la qualité du service public, ni à l'équilibre entre les parties de la Corse. L'organisation et l'implantation des services de l'Etat et de la collectivité territoriale devraient tenir compte de ces impératifs.

La réorganisation des services serait alors conduite en concertation avec les organisations représentatives des personnels.

Tant que les trois collectivités subsisteront, la collectivité territoriale de Corse pourra mettre en place avec les deux départements un dispositif de coordination de leurs politiques, dans le respect des compétences de chacun.

Une amélioration de l'organisation des institutions de la collectivité territoriale devra également être recherchée.

La décentralisation de nouvelles compétences :

De nouvelles compétences seront décentralisées au profit de la collectivité territoriale de Corse.

Elles pourraient concerner les champs d'activité suivants :

- l'aménagement de l'espace,
- le développement économique,
- l'éducation,
- la formation professionnelle,
- les sports,
- le tourisme,
- la protection de l'environnement,
- la gestion des infrastructures et des services de proximité,
- les transports.

Ces transferts de compétences seront opérés avec le souci de favoriser la constitution de " blocs de compétences " cohérents. Des discussions ultérieures entre le Gouvernement et les élus de Corse permettront d'en préciser les contenus.

L'organisation des services de l'Etat sera modifiée, après concertation avec les organisations syndicales, pour tenir compte des transferts de compétences réalisés. L'Etat conservera dans tous les cas la capacité de mettre en œuvre les politiques nationales et d'exercer ses missions de contrôle.

L'adaptation des normes :

Les spécificités de la Corse peuvent justifier que des normes réglementaires voire certaines dispositions législatives soient adaptées à la Corse.

Le statut actuel de la Corse prévoit déjà, dans son article 26, que " L'assemblée de Corse peut présenter des propositions tendant à modifier ou adapter des dispositions législatives ou réglementaires en vigueur ou en cours d'élaboration concernant les compétences, l'organisation et le fonctionnement de l'ensemble des collectivités territoriales de Corse, ainsi que toutes dispositions législatives ou réglementaires concernant le développement économique, social et culturel de la Corse ".

Ce mécanisme n'a pas fonctionné. Il apparaît aujourd'hui que cette faculté d'adaptation, qui est nécessaire, serait mieux mise en œuvre si la collectivité territoriale de Corse pouvait procéder à certaines adaptations par les délibérations de son assemblée, dans des conditions qui seraient déterminées par la loi.

Le Gouvernement proposera au Parlement de doter la collectivité territoriale de Corse d'un pouvoir réglementaire, permettant d'adapter les textes réglementaires par délibération de l'assemblée.

S'agissant de l'adaptation de dispositions législatives, le Gouvernement proposera au Parlement de donner à la collectivité territoriale de Corse la possibilité de déroger, par ses délibérations, à certaines dispositions législatives, dans des conditions que le Parlement définirait, les adaptations ainsi intervenues à l'initiative de l'assemblée devant, comme le prévoit la décision n° 93-322 du conseil constitutionnel du 28 juillet 1993 qui affirme la conformité à la Constitution de telles expérimentations, être ensuite évaluées avant que le Parlement ne décide de les maintenir, de les modifier ou de les abandonner.

Les élus de l'assemblée de Corse ont également exprimé le souhait qu'au-delà de cette procédure autorisant des délégations temporaires par le Parlement du pouvoir de déroger à des dispositions législatives, et à l'issue de ce qu'ils qualifient de période transitoire s'achevant avec la mise en place de la collectivité unique, soit reconnue de manière permanente à la collectivité territoriale de Corse la possibilité d'adapter par ses délibérations des dispositions législatives, selon des principes généraux et dans des conditions fixées par le Parlement.

Dans cet esprit, il peut apparaître cohérent avec une démarche de responsabilisation des institutions de la Corse d'envisager l'élargissement et la pérennisation du dispositif qui aurait été mis en œuvre sur la base de la décision du conseil constitutionnel du 28 juillet 1993. Le Parlement pourrait ainsi autoriser l'assemblée territoriale de Corse à adapter par ses délibérations, dans certains domaines précisément déterminés et dans le respect des principes qu'il aura fixés, des dispositions législatives déjà en vigueur ou en cours d'examen. Les délibérations adoptées par l'assemblée de Corse dans ces conditions seraient, sous réserve de l'exercice des voies de recours devant la juridiction administrative, exécutoires. De valeur réglementaire, elles ne seraient pas soumises à une validation ultérieure obligatoire de la part du législateur.

Il est certain toutefois que l'attribution à la collectivité de Corse d'une telle faculté d'adaptation de mesures législatives, en dehors de la procédure décrite par la décision du conseil constitutionnel du 28 juillet 1993, nécessiterait une révision préalable de la Constitution. Celle-ci serait entreprise au regard du bilan des adaptations déjà réalisées d'ici 2004.

Il est bien entendu que les révisions constitutionnelles ci-dessus envisagées supposeraient l'accord des pouvoirs publics alors en fonction. Elles nécessiteraient en tout état de cause le rétablissement durable de la paix civile.

2- Le statut fiscal, la fiscalité sur les successions et le financement de l'économie :

Le statut fiscal :

le dispositif d'incitation à l'investissement

L'objectif de développement économique de la Corse doit guider la définition du statut fiscal appelé à succéder à la zone franche, à compter de janvier 2002.

Ce statut doit bénéficier d'une certaine stabilité dans le temps, viser la réalisation d'objectifs de nature économique et sociale et faire l'objet d'une évaluation périodique conduisant, en tant que de besoin, à des adaptations.

Le coût des exonérations devra tenir dans une enveloppe constante, telle qu'elle peut être évaluée aujourd'hui.

Les objectifs prioritaires sont :

- la relance de l'investissement et le développement de la capacité de production de l'économie de la Corse dans des secteurs définis comme prioritaires : hôtellerie, nouvelles technologies, industrie, énergie.

- le développement économique des zones défavorisées de l'intérieur de l'île.

Le Gouvernement proposera au Parlement d'inciter à l'investissement dans les secteurs prioritaires de l'économie de la Corse par un mécanisme reposant sur un crédit d'impôt, égal à un pourcentage à déterminer de l'investissement réalisé. Ce crédit d'impôt serait reportable et partiellement remboursable, au terme d'une période à déterminer.

Ce dispositif de soutien à l'investissement en Corse aura vocation à s'appliquer pendant 10 ans, sous réserve de l'agrément communautaire.

b) la fiscalité indirecte

La situation actuelle se caractérise par des taux particuliers de TVA, une affectation de 3 % des recettes de TIPP aux départements et de 10 % à la collectivité territoriale de Corse, une affectation totale à la celle-ci des droits sur les alcools, une affectation de 25 % des droits sur les tabacs aux départements et 75 % à la collectivité territoriale de Corse, leur taux étant réduit par rapport au continent. Au total, l'ensemble de ces dispositions se traduit chaque année par une contribution du budget de l'Etat de 930 MF.

Le Gouvernement proposera au Parlement :

- de maintenir le dispositif existant, sous réserve de sa conformité aux règles communautaires
 - de remplacer le transfert des droits sur les alcools par un transfert équivalent de TIPP.

La part de la TIPP transférée au profit de la collectivité pourra être accrue pour tenir compte notamment de la charge résultant des compétences nouvelles qui lui seront transférées.

B La fiscalité sur les successions :

Le Gouvernement proposera au Parlement le dispositif suivant :

- le principe de l'obligation de déclaration de succession s'appliquera pour les successions ouvertes à compter du 1^{er} janvier 2001 ;
- la reconstitution des titres de propriété sera effectuée au cours d'une période transitoire de 10 ans ; pendant cette période, des mesures d'aide à l'expertise seront financées avec le concours de la collectivité et de l'Etat ; l'exonération des droits de licitation et de partage ainsi que des droits sur les procurations et les attestations notariées après décès sera reconduite ;
- pendant cette période de 10 ans, l'exonération des droits sera complète. Pour une deuxième période, d'une durée de 5 ans, un dispositif comportant une réfaction de 50% sur la valeur des immeubles sis en Corse sera mis en place pour les successions ;
- le délai de dépôt des déclarations de succession sera allongé pendant la période transitoire de 10 ans pour permettre, quand c'est nécessaire, la reconstitution des titres de propriété ;
 - Le bénéfice des dispositions précédentes sera conditionné par la reconstitution des titres de propriété, lorsqu'ils font défaut ;
 - la définition du régime fiscal applicable aux successions à l'issue de ces deux périodes transitoires, de 15 ans au total, fera l'objet d'une concertation entre la collectivité et l'Etat.

C - le financement de l'économie

a) Le capital risque

Le capital de la société de capital risque " Femu Qui " sera porté de 4 à 23 MF afin de permettre d'accroître ses interventions. Des solutions adaptées à ses difficultés de fonctionnement seront recherchées.

b) Le financement bancaire

Un dispositif renforcé de garantie (SOFARIS-région) est en cours de mise en place avec le concours de la BDPME, de la Collectivité de Corse et de fonds communautaires.

Le Gouvernement souhaite l'installation de la BDPME en Corse, celle-ci paraissant susceptible de contribuer à la dynamisation du système bancaire.

c) Le crédit bail

La présence d'un organisme de crédit bail sera encouragée en Corse ; celui-ci pourrait être Corsa Bail, sous réserve du rachat de ses parts par des investisseurs privés.

3- L'enseignement de la langue corse :

Les élus de l'assemblée de Corse ont unanimement demandé la définition d'un dispositif permettant d'assurer un enseignement généralisé de la langue corse dans l'enseignement maternel et primaire, de manière à favoriser la vitalité de cette langue.

Le Gouvernement proposera au Parlement le vote d'une disposition posant le principe selon lequel l'enseignement de la langue corse prendra place dans l'horaire scolaire normal des écoles maternelles et primaires et pourra ainsi être suivi par tous les élèves, sauf volonté contraire des parents.

Pour atteindre l'objectif recherché, il est nécessaire d'accroître le nombre des enseignants du premier degré formés à l'enseignement de la langue corse.

Il est ainsi prévu :

- de donner une forte impulsion à la formation initiale et continue en langue corse des enseignants du premier degré. Les professeurs des écoles seraient recrutés à leur choix par deux concours, dont l'un comporterait des épreuves de langue corse ;
- de recourir davantage à l'intervention des enseignants de langue corse du second degré, en augmentant, si besoin est, le nombre de postes ouverts au CAPES de langue corse, ainsi qu'à des intervenants extérieurs et à des aides-éducateurs recrutés sur le profil " langue et culture corse " .

4 - Une loi de programmation :

Le Gouvernement proposera au Parlement de voter un dispositif législatif prévoyant une programmation sur 15 ans d'investissements publics destinés à combler les retards d'équipements dont la Corse souffre encore dans plusieurs secteurs. Ces investissements seront financés par l'Etat et la collectivité de Corse, selon des proportions tenant compte des capacités de financement de la collectivité ; en moyenne 70% seront à la charge de l'Etat.

La programmation portera notamment sur les grandes opérations d'infrastructures routières et ferroviaires nécessaires au désenclavement des territoires.

La mise au point de cette programmation sera effectuée en concertation entre le préfet de Corse, qui recevra un mandat du Gouvernement, et la collectivité territoriale.

Un dispositif d'assistance à l'ingénierie publique sera mis en place.

5- Calendrier législatif :

Afin d'assurer la mise en œuvre de celles des propositions ci-dessus qui appellent des mesures législatives pendant la présente législature, le Gouvernement élaborera un projet de loi, qui pourrait être déposé devant le Parlement avant la fin de l'année pour être voté en 2001. Les mesures relatives à la fiscalité sur les successions feront l'objet de dispositions fiscales spécifiques pour être mises en œuvre à partir du 1^{er} janvier 2001.