



'SOFT RECOGNITION' ENABLING PARTICIPATION OF SELF-DETERMINATION GROUPS IN INTER- GOVERNMENTAL ORGANISATIONS

Report



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1. INTRODUCTION

International affairs are usually considered to be the preserve of the state. Central state authorities generally maintain control over core aspects including defence, border controls, customs, and immigration and foreign policy in multilateral organisations. However, not all foreign affairs powers are exclusively the concern of, or fall under, central state control. There are many examples of these powers being successively divided and shared¹ through mechanisms such as federalism, decentralisation or autonomous arrangements for self-governance within the borders of a state.

This report focuses on the way that sub-state political units that are territorially embedded, but are not fully sovereign entities, and enjoy a degree of self-governance (TENSE) are engaging in international affairs as an aspect of their right of self-determination. The focus is primarily on their participation in intergovernmental organisations (IGOs) and diplomatic relations. First, it explains the rationale and legal basis for such participation and notes some of the potential benefits, including in relation to prevention or resolution of self-determination (SD) conflicts. It then sets out some of the existing mechanisms for TENSE paradiplomacy² through participation in IGOs, which may take place as part of a 'parent' state's delegation to the IGO or via their separate representation to the IGO as an associate, observer or member. The final section pulls out some key messages and lessons from the practice described that can help encourage or inform future engagement from the perspectives of states/IGOs and groups seeking more participation in international affairs.

1.1. Audience, aims and limitations

The report aims to increase awareness and understanding among TENSE of potential opportunities to participate in IGOs, what they can offer, how to go about entering into such arrangements and the conditions and limitations of specific arrangements. It also aims to inform states - in their capacity as parent states and members of IGOs - of the range of options, what they can potentially achieve, and how that may serve their own and wider interests.

The arrangements presented here are almost all consensual i.e. the state has to give permission and may need to facilitate TENSE participation. The note does not address bigger political questions of how to incentivise states that are not predisposed to agree to cooperate or who actively seek to isolate relevant TENSE internationally. Neither does it provide in-depth analysis of the impacts of arrangements in specific cases, although it does outline what has been achieved in broad brush terms where information is available.

¹ International Committee of Lawyers for Tibet (ICLT) - Forms of Autonomy (unpublished)

² Paradiplomacy can be described as a "foreign policy capacity of substate entities, their participation, independent of their metropolitan state, in the international arena in pursuit of their own specific international interests (...) This capacity can be enjoyed by both the states (or provinces, regions, Länder) of federations and the autonomous entities of otherwise unitary states (Wolff, 2007).

BOX 1 - Definitions and terminology

Intergovernmental organisation	Organisation established by a treaty or other type of instrument governed by international law and possessing its own legal personality. Primarily composed of member states, but may also include other entities.
TENSE	Territorially embedded, but not fully sovereign, entity endowed with varying forms of self-government.
Paradiplomacy	The foreign policy capacity of a TENSE in pursuit of their own specific international interests, which may be socio-economic, cultural or identity based and/or political.
Protodiplomacy	Foreign policy where the objective is to establish an independent state.
Parent state	State that has international standing or legal recognition and which may include one or more TENSE within its jurisdiction.
Soft recognition	Recognition of a TENSE in international affairs, short of their 'hard recognition' as an independent state.
Self-determination conflict	A political dispute (sometimes violent) where at least one party – usually but not always a minority– seeks more powers to freely determine their political status and freely pursue their economic, social and cultural development. ³
Self-determination group	A group seeking to exercise their right of self-determination or that potentially has a self-determination claim, even though they may not frame it as such.

2. RATIONALE AND LEGAL BASIS OF TENSE INTERNATIONAL PARTICIPATION

There are pragmatic, legal and conceptual reasons for expanding the prevailing state-centric frameworks for participation in international affairs to include TENSE.

2.1. Globalisation and connectedness

In this globalised and interconnected world, lines between domestic and international politics are increasingly blurred. The big challenges of our time such as climate change, migration, pandemics or organised crime do not respect borders and require

regional and global responses. For better or worse, international developments ranging from internationalisation of the economy and finance, media and the artificial intelligence revolution inevitably permeate and impact domestic agendas of individual states. They affect everyone, including groups who are often minorities within the state, have a distinct identity and who aspire to, or are already exercising, their right of self-determination in some form within the state's boundaries and jurisdiction. 'Glocalised' approaches are needed to ensure policy and practice decided at global or regional level is informed by and

³ [Mediating Self-determination Conflicts](#) (London: Conciliation Resources and the Sasakawa Peace Foundation, 2023) [CR/SPF report].

adaptable to local conditions, including the cultures and needs of different populations. Interconnectedness and technology also mean that SD groups can engage in diplomacy more easily as they can potentially access decision-making bodies and individuals directly.

2.2. TENSE motivations

Like any other group living within a state's jurisdiction, the population of a TENSE has an interest in having an equal say in decision-making related to national and international trends that affect them and, in particular, to matters affecting their distinct identity and economic, cultural and social development. For example, where a group's culture and way of life is intrinsically tied up with the use of land and natural resources, this may be adversely affected by the impacts of climate change or national policies relating to ownership and use that, e.g., enable militarisation of land or land-grabbing by international actors.

TENSE participation in international forums can help ensure the specific perspectives, needs and interests of their populations - who are often minorities within the state - are represented. This is especially important where these may conflict with those of the central state in some respects e.g. where national development projects clash with the rights of indigenous or territorially based minority groups. It can also help ensure populations of these territories are not excluded from benefits of international economic development, for example, bearing in mind that minorities inhabiting border regions are often economically marginalised by the centre.

2.3. Basis of international participation of TENSE in international law

Many TENSE are inhabited by minority groups or indigenous peoples (MIPs) and are already exercising their right of self-determination through some mechanism of territorial self-governance, but may be seeking more powers of control over their own affairs. These may

include secessionist movements seeking recognition as a separate state (external SD) and groups seeking to transform governance or constitutional arrangements within the borders of and existing states (internal SD). TENSE may also be seeking more effective participation in central decision-making concerning the social, economic, cultural and political life of the state which impacts on them.

The right of self-determination

The right of self-determination is a foundational principle of international law which enshrines the right of all peoples to "freely determine their own political status and freely pursue their economic, cultural and social development."⁴ SD is therefore a process right that enables peoples to shape their political, cultural, and social futures. A fundamental aspect of the right lies in having a choice, with this choice potentially leading to different outcomes for each community that are suited to their specific situation and meet their needs, interests and aspirations. Expression and outcomes of the right of self-determination can therefore take many different forms in practice. They can include, but are not limited to, guarantees of cultural security, exercise of the right to freedom of religion and the expression of forms of collective identity such as language and institutions and political arrangements for self-governance.⁵

Arrangements that enable enjoyment of the right of self-determination may involve complete political and legal independence from a parent state, but there are many examples of internal SD whereby people living within the territory of an existing state enjoy autonomy over certain aspects of governance often related to minority identity. As the [report](#) of the 1998 UNESCO conference of experts on "The implementation of the right to self-determination as a contribution to conflict prevention" reminds us, one of the dimensions of the right of self-determination is effective participation at the international level.⁶

⁴ See: [International Covenant on Civil and Political rights](#), 1996 article 1.

⁵ The implementation of the right to self-determination as a contribution to conflict prevention: report of the international conference of experts, Barcelona, 21-27 November 1998.

⁶ Ibid.

Minority and Indigenous Peoples' rights

The effective participation of persons belonging to minorities, as also of indigenous peoples, is likewise a fundamental tenet of international law. MIP standards not only protect rights to equal participation in the wider political, social and economic life of the state. The exercise of MIP rights also enables communities to have control over matters directly affecting them.⁷ This often manifests in practice as autonomy over aspects of governance related to shared identity like language, culture and religion, but may extend to a range of other spheres such as social and economic development or justice and policing. MIP provisions also set out objectives and principles related to transfrontier relations such as freedom of association and the right to establish and maintain free and peaceful cross-border contacts. These apply not only to those with whom they share a common identity, but to anyone lawfully residing in another state. In this way the standards also support an external dimension to MIP's participatory rights.

2.4. Rights and conflict

SD is a core principle that underpins peace, human rights, and the ability of communities to control their own destinies. The inextricable link between SD, rights and peace is enshrined in Article 1(2) of the UN Charter according to which the purpose of the UN is to "develop friendly relations among nations based on respect for the principle of equal rights and self-determination of peoples, and to take other appropriate methods to strengthen universal peace."⁸ Violations of rights and failure to respond to SD claims are often the cause or driver of disputes and,

sometimes violent, conflict. Respect for the right of self-determination and MIP rights is therefore not only a matter of principle, it is also a vital tool for preventing or resolving conflicts by addressing these underlying grievances that are often related to real or perceived discrimination and exclusion, including a lack of effective participation. The right to effective participation is essentially a means of ensuring underlying and cross-cutting human rights. It also extends to MIP inclusion in initiatives for peace and reconciliation that may take place at national or international level.⁹

Despite the positive correlation between rights and peace, some states have an ideological resistance to the concept of group rights and do not recognise MIP communities or restrict recognition to a select few.¹⁰ International isolation is a feature of many SD conflicts, where the parent state may actively block contacts so that groups do not have access to diplomacy or a voice of their own on the international stage. This can lead to a cycle of increasingly reduced contact between SD groups and external actors, including those trying to support conflict prevention or resolution. The negative impacts of this exclusion on populations of TENSE may be felt in multiple sectors such as security, business, education or health and across economic, social and cultural spheres. Increased hardship and isolation can exacerbate grievances, harden polarised positions and possibly lead to calls for independence rather than internal SD as the solution where communities are frustrated and see no alternative. States may therefore need to be persuaded of the potential benefits of TENSE participation in the international arena, some of which are set out in Box 2.

⁷ Article 2.2. of the 1992 [UN Declaration on the Rights of Persons Belonging to National or Ethnic, Religious and Linguistic Minorities](#) provides that persons belonging to minorities have the right to participate effectively in cultural, religious, social, economic, and public life. Article 2.3. Articulates '[...] the right to participate effectively in decisions on the national and, where appropriate, regional level concerning the minority to which they belong or the regions in which they live, in a manner not incompatible with national legislation. Similarly, the 2007 [UN Declaration on the Rights of Indigenous Peoples](#) provides in Article 18 that indigenous peoples have the right to participate in decision-making in matters that would affect their rights.

⁸ See: [United Nations Charter](#).

⁹ Catherine Turner, Mapping a Norm of Inclusion in the *Jus Post Bellum* in Carsten Stahn and Jens Iverson (eds.) in: [Just Peace After Conflict: Jus Post Bellum and the Justice of Peace](#).

¹⁰ CR/SPF report, p. 8.

BOX 2: Benefits of TENSE participation in international affairs

For all (TENSE, parent states and multilateral organisations)

- Inclusion of TENSE perspectives and their input, including on matters directly pertaining to them, e.g. the impacts of climate change, contributes to better-informed outcomes, enhances the legitimacy of IGOs and global governance arrangements and helps the international community to be less top down.
- Arrangements for including TENSE in multilateral forums enable their participation without threatening the territorial integrity or sovereignty of member states, including the parent state.
- Where a TENSE has a voice but cannot vote neither the balance of power between the TENSE and parent state nor the dynamics within the IGO are substantially changed. Participation can nevertheless be effective in informing and influencing discussions and decisions.
- Effective TENSE participation on matters affecting them helps address grievances underlying conflict and identify arrangements that meet their needs, interests and aspirations - so helping to prevent or resolve disputes and conflicts.
- Enabling effective TENSE participation in international relations also has broader international conflict prevention and resolution potential as it helps promote more harmonious relations between and within states and address regional and global problems.
- Engagement enables international state actors, especially those with interest or influence in a context, to share expertise and help find solutions that benefit both TENSE and parent state and potentially improve the relationship between them.

For TENSE and the populations they represent

- International engagement enables them to express opinions, perspectives and world views in dialogue with individual states and intergovernmental decision-making forums regionally or globally.
- It signals a level of recognition and legitimacy, which is important symbolically, but also provides tangible benefits in terms of influencing policy and outcomes.
- Crucially it gives them a voice on certain matters, often related to identity, where their positions are not fully aligned with or may conflict with those of the state.
- Such engagement can provide links to technical assistance to address 'soft' policy areas which can be managed at local level such as development, education, and cultural identity.
- It can help TENSE develop capacity for governance in the areas where they have competences domestically. This may help avoid introspection and enhance alignment with global and regional standards,¹ which is particularly important in relation to the treatment of minorities living in the territories they govern.

3. FORMS OF SOFT RECOGNITION OF TENSE THROUGH THEIR PARTICIPATION IN IGOs

TENSE may have different needs and interests to the rest of the population that are not always adequately protected by the parent state and/or represented by the state in international forums. The opportunity to participate and have a voice in international decision-making forums is therefore crucial for them. This section provides examples from the wide range of formulas to enable TENSE participation in IGOs at UN, regional and sub-regional levels, which illustrate evolving practices in terms of arrangements and policy areas covered. The latter include, but are not limited to, development, tourism, language, education, and cultural identity, many of which are important for self-determination.

3.1. Basis for TENSE participation in IGOs

Whereas IGOs are usually composed of member states, entities other than states can also become contracting parties to the founding act that creates the organisation and, thus, members of the IGO. At times, IGOs are even created through instruments that are not treaties. Therefore, "An IO is any organization established by a treaty or other instrument governed by international law, and possessing its own international legal personality. In addition to states, an IO may include among its members entities other than states."¹¹ TENSE can participate in an IGO in two main ways:

1. **Within the framework of the parent state's delegation to the IGO** which encompasses participation in the state's representation and in legislative processes and organs, as well as IGO bureaucracy.
2. **As observers, associate members or full members** whereby they generally enjoy fewer rights than the full membership rights conferred to founding members or member states.

In this context, 'soft recognition' refers to the recognition of the TENSE in international affairs, short of their 'hard recognition' as an

independent state and, consequently, subject of international law.

A. Inside the Member State representation

Member States hold sovereignty over the nomination of their representatives to international bodies at different levels and it is only with their cooperation that TENSE are able to participate as part of a Member State delegation. This allows TENSE to potentially co-determine, or exert significant influence on, the orientation of the Member state's participation in the IGO decision making process, including leveraging on voting,

United Nations (UN) specialised agencies

Flanders, Wallonia (Belgium) and Quebec (Canada) provide examples of meaningful TENSE participation in UN specialised agencies such as the United Nations Educational, Scientific and Cultural Organization (UNESCO).

FLANDERS AND WALLONIA

The Belgian case demonstrates how federal entities are participating in an IGO based on constitutional provisions.

Domestic arrangements: According to the 1993 Belgian Constitution, Belgium is a federal state with decision-making powers divided between 3 levels of government: the federal government, three language-based communities and three regions. The language-based communities are French speaking (Walloons), Dutch speaking (Flemish people) and German speaking. They overlap with three territorial regions: Wallonia (French-speaking community); Flanders or Flemish region (Dutch-speaking community) and the Brussels-Capital Region. Both French-speaking and Dutch-speaking communities have competences in Brussels. The German-speaking Community is contained within Wallonia. The institutions of the Flemish Region and Flemish Community were merged

¹¹ Dormoy, 2022, p.114.

after 1980. Community governments in Belgium are each elected by people belonging to one language community – Dutch, French, and German-speaking – no matter where they live.

National authorities therefore share power with executive and legislative bodies representing the major politically defined regions and the major language communities of the country. Foreign policy is determined by the nature of the subject matter. The federal government is responsible for law and order and monetary policy.¹² All competences in the realm of cultural, educational and personal issues fall under the competence of the community governments, while the regions deal with everything else. The 'foro interno, foro externo' principle stipulates that these six Belgian federated entities (community governments and regions) are responsible for the international aspects of their competences, in three main respects:

- They can make or conclude treaties with third parties including sovereign states, entities with self-government and IGOs; and they should be consulted by the federal state if it wants to conclude an international treaty affecting the federated entities' competences.
- They are entitled to send representatives to bilateral posts, other regions and IGOs and appoint their own diplomatic representatives.
- The six governments have reached an agreement on the composition of delegations engaged in multilateral negotiations and participate in the formulation of federal foreign policy positions in the realm of their own competences.¹³

Arrangements for UNESCO participation:

The Belgian Permanent Mission to UNESCO is headed by the Ambassador of Belgium to UNESCO. The federal mission also includes a General Delegate and a Deputy General Delegate of the Wallonia-Brussels Federation

to UNESCO, as well as a General Delegate of the Flemish Community and the Flemish Region. Both enjoy diplomatic status. Whereas Belgium speaks with one voice and vote in UNESCO deliberations and decision-making processes, it only takes a position on determinate affairs if the six governments have previously reached a consensus.

Participation in practice: Flanders' position within the federal delegation as of 1993 has allowed it to maintain a high profile within UNESCO and enabled its active support of UNESCO cooperation programmes. Since 1999, UNESCO has been supported via a "Funds-in-Trust" mechanism whereby extrabudgetary contributions are made by states and IGOs, but also foundations, private companies or other sources. These enable UNESCO to carry out projects worldwide on the donor's behalf and at their request. There is a trust fund focused on heritage, with a special focus on Africa (FUT), and another that supports UNESCO's natural science programs (FUST).¹⁴ It created the Flanders Trainee Programme which has granted funding to a total of 116 internships at UNESCO. This has strengthened UNESCO's capacities with high quality trainees and offered many Flemish young professionals an insight into UNESCO's operations. Belgium (Flanders) was the biggest donor to UNESCO's International Oceanic Commission in 2020, Belgium (including Flanders for 97%) ranked with 5.5 million dollar signed agreements in the top 20 of UNESCO donor ranking 2020.

QUEBEC

Domestic arrangements: The Canadian province of Quebec's participation in UNESCO is rooted in a 2006 bilateral agreement reached between the federal government and the Government of Quebec.¹⁵ This 'Canada-Quebec UNESCO Agreement' is the expression of a so-called 'open federalism' that is asymmetrical in its application and recognizes the differences between the provinces and territories, particularly the unique identity of Quebec.¹⁶

¹² Coordinated Constitution of Belgium

¹³ [Criequemans](#), 2010, p.6-7.

¹⁴ Between 2010 and 2020 FUST contributed almost 30 million USD to UNESCO's scientific and heritage cooperation programme.

¹⁵ [ACCORD](#) ENTRE LE GOUVERNEMENT DU QUÉBEC ET LE GOUVERNEMENT DU CANADA RELATIF À L'ORGANISATION DES NATIONS LINIES POUR L'ÉDUCATION, LA SCIENCE ET LA CULTURE (UNESCO)

¹⁶ Ibid. Preamble.

Arrangements for UNESCO participation:

According to the agreement, Quebec's Permanent Representative will form part of the Canadian Delegation with the diplomatic rank of Counsellor. Quebec is allowed to participate in UNESCO on matters within its jurisdiction through Canada's representation given Quebec's distinct identity within Canada, based in particular on the use of the French language and a unique culture, which leads it to play a special role internationally.¹⁷ The agreement explicitly refers to the management of possible disagreements. Whereas Quebec's participation in UNESCO's work is supposed to be conducted in harmony with the overall directions of Canada's foreign policy, if disagreements arise during votes, resolutions, negotiations, or the drafting of international instruments within UNESCO, then the Quebec government "will decide alone whether it intends to implement the matters for which it holds responsibility."¹⁸

The Quebec government is represented fully and according to its wishes in all Canadian delegations to UNESCO's work, meetings, and conferences, with Quebec's representative having "the right to intervene to supplement Canada's position and to make Quebec's voice heard."¹⁹ Whereas the Canadian ambassador retains overall leadership of the Permanent Mission to UNESCO, Canada takes Quebec's position into account as effectively as possible.

Participation in practice: Quebec's potential in UNESCO's field of competence was manifested as of 1998, when Quebec's leading cultural associations created the so-called [Coalition on the Diversity of Cultural Expressions](#) (CDCE) and invited the main professional associations in the cultural sector in Canada to join. This was in opposition to the initiative on Multilateral Agreement on Investment (MAI), a draft agreement sponsored by the Organisation for Economic Co-operation and Development (OECD) between 1995 and 1998, which aimed to liberalise cultural goods and services. At the international level the CDCE and the joint forces of the governments of Quebec and

Canada have played a fundamental role in ensuring that the dual – economic, but also symbolic and identity – value of cultural goods and services is recognized. The creation of this movement led to the adoption of the [Convention on the Protection and Promotion of the Diversity of Cultural Expressions at UNESCO in 2005](#).

The 2006 Canada-Quebec UNESCO Agreement paved the way in subsequent years for numerous official meetings between the Prime Minister of Quebec and the UNESCO Director General and for Quebec's ministerial participation in UNESCO's General Conference. Quebec has made significant donations to the International Fund for Cultural Diversity, aimed at supporting cultural projects in developing countries that are Parties to the 2005 Convention, as well as UNESCO efforts to support educational services in Ukraine. As of 2023, 75 young professionals from Quebec had completed internships with UNESCO. In addition, several of Quebec's government and civil society experts have been seconded to UNESCO programmes in education, the prevention of radicalisation leading to violence, and artificial intelligence. Government experts have also participated in the drafting of UNESCO Conventions and the negotiation of legal texts on several issues, in particular on the UNESCO Recommendations on AI ethics and open science.

(Sub)regional organisations

Constructive formulas for meaningful participation can also be found outside the UN at the level of (sub)regional organisations like the Arctic and Nordic Council.

GREENLAND IN THE ARCTIC COUNCIL

The Arctic Council is an intergovernmental forum established in 1996 to promote cooperation, coordination and interaction on common Arctic issues, in particular on issues of sustainable development and environmental protection in the Arctic. All Arctic Council decisions and statements require consensus of the eight Member States having territories

¹⁷ Ibid.

¹⁸ [LE QUÉBEC ET L'UNESCO](#) UNE VISION, UNE COMMUNAUTÉ, DES PRIORITÉS POUR 2024 ET 2025.

¹⁹ "Lors de ces travaux, réunions et conférences, tout représentant du gouvernement du Québec aura droit d'intervenir pour compléter la position canadienne et faire valoir la voix du Québec. (Art. 2.3).

within the Arctic.²⁰ Their national jurisdictions and international law govern the lands surrounding the Arctic Ocean and its waters, and thus carry the role of stewards of the region.

Domestic arrangements: The Kingdom of Denmark is a coastal state centrally located in the Arctic, by virtue of one of its three countries, Greenland (the other two are the Faroe Islands and Denmark). While having a strong drive to independence particularly in the case of Greenland, today both Greenland and the Faroe Islands enjoy extensive self-government arrangements. Both territories have had home rule, since 1948 and 1979 respectively. Since then, home rule has come to encompass fields of foreign policy, including many addressed by the Arctic Council.²¹ In these areas, Greenland has also been granted the right to negotiate and conclude international agreements on behalf of the Kingdom. Under the Danish constitution, Denmark is responsible for foreign policy, as well as peace, security and defense on behalf of the Kingdom. Whereas the Kingdom speaks therefore with one voice in the Arctic Council, all the three parts of the Danish Realm are supposedly equal partners.

Participation in practice: The model is currently being tested within the framework of Denmark's chairmanship of the Arctic Council, which runs from 1 January, 2025, to 1 January, 2027. Denmark's ultimate responsibility for foreign affairs continues to shape the Kingdom's participation in the Arctic Council, as seen during its previous chairmanship from 2009 to 2011. However, Greenland asserts that its inherent interests in Arctic affairs have not been adequately reflected in the Kingdom's Arctic policies. In preparation for the current Kingdom's chairmanship, Greenland has not been merely seeking greater influence, but is now actively seeking to take back a leadership role. This stance is evident in Greenland's insistence that a Kingdom Arctic Strategy could not be finalised until a Greenlandic Arctic Strategy was adopted, and that the Kingdom's Arctic

Ambassador must be a Greenlander appointed by Greenland.

The late adoption of the Greenlandic Strategy left the Kingdom without much space to manoeuvre. Greenland crafted a strong negotiating position, which made it increasingly likely that Denmark will concede to these demands, effectively allowing Greenland to take the lead during the chairmanship. Nonetheless, Greenland will require substantial support from Denmark to manage this complex task. The limited capacity of Greenland's Ministry of Foreign Affairs, combined with the current challenges facing the Arctic Council, particularly in light of geopolitical tensions following Russia's invasion of Ukraine and the new US President's threats to take over Greenland, makes a collaborative approach with Denmark essential for a successful chairmanship.²²

A particularly salient detail in the light of Trump's "offer" to take over Greenland without ruling out the use of force, is the presence of the Pituffik Space Base, formerly Thule Air Base, located on Greenland's northwest coast near the Arctic Circle. This northernmost US military installation plays a critical role in US missile warning and space surveillance and acts as a key Arctic hub for defence, research, and logistics in harsh polar conditions. While Greenland's government holds no formal authority over defence and security matters, it will assign a staff member to the Danish mission to NATO (Reference pending) thus entering into the arena.

THE NORDIC COUNCIL

The Nordic Council and the Nordic Council of Ministers are the main forums for official Nordic co-operation involving the states of Denmark, Finland, Iceland, Norway, Sweden and their respective autonomous territories, the Faroe Islands and Greenland (Denmark) and Åland (Finland). The vision is to make the Nordic region the most sustainable and integrated region in the world.

²⁰ The 1996 Ottawa Declaration defines Canada, the Kingdom of Denmark, Finland, Iceland, Norway, the Russian Federation, Sweden and the United States of America as Arctic Council Member States.

²¹ Under the 2005 Takeover Act on Power of Matters and Fields of Responsibility and the Act on Faroes Foreign Policy Powers in the Faroe Islands, and the Greenland Self-Government Act of 2009 respectively.

²² Prip, C. [Denmark or Greenland in the Arctic Council chair?](#), FNI Report 5/2024, Fritjof Nansen Institute

Arrangements for participation: The Nordic Council focuses on subregional parliamentary cooperation and encompasses delegations representing the different autonomous parliaments. The Nordic Council of Ministers, is the official body for intergovernmental cooperation in the Nordic Region. Whereas, Denmark, Finland, Iceland, Norway and Sweden have been members of the Nordic Council of Ministers since 1971, the home rule governments of Greenland and the Faroe Islands, as well as the self-rule government of the Åland Islands, have acquired greater representation and stronger positions in the Nordic Council of Ministers over the years. Nowadays they enjoy practically the same representation as the other members within the framework of the parent state's delegation.

Participation in practice: The Nordic Council of Ministers consists of one or more members of each country's government and each Member State has one vote on the Nordic Council of Ministers. Representatives of the devolved governments of the Faroe Islands, Greenland and Åland also take part in the Council of Ministers' work. They can choose to endorse the decisions taken in the Nordic Council of Ministers to the extent allowed by their respective agreements on self-government. The 2007 Åland Document adopted by the Ministers for Nordic Cooperation laid out the initiatives to enhance the participation of the Faroe Islands, Greenland and Åland in Nordic co-operation.

B. Outside the Member State Delegation

TENSE's can also participate independently of a Member State's delegation to an IGO by virtue of its status as an associate member, full member, or observer. In this capacity, TENSE enjoy less rights than the full membership rights conferred to founding members or other member states adhering to the treaty-based IGO, or full membership rights in non-treaty based IGO. The

independent participation status of observers or associate members excludes the right to vote, so limiting their participation and influence in decision-making processes.

I. OBSERVER STATUS

United Nations

The status of a Permanent Observer is established solely through practice, as it is not outlined in the UN Charter. This practice originated in 1946 when the Secretary-General accepted Switzerland's designation as a Permanent Observer to the United Nations.²³ As far as entities that are not fully sovereign are concerned, observer status at the United Nations General Assembly (UNGA) was granted to National Liberation Movements (NLMs) in the context of decolonisation, becoming formalised in the 1970s. The UNGA extends observer status to NLMs recognized by various regional organisations, such as the Organization of African Unity and the Arab League. Examples include the African National Congress (ANC) of South Africa, the South West African People's Organization (SWAPO) of Namibia, and the Palestinian Liberation Organization (PLO). These Observers are permitted to "participate in the relevant work of the Main Committees of the General Assembly and its subsidiary organs, as well as in conferences, seminars, and other meetings held under the auspices of the United Nations that relate to their countries."²⁴ This recognition has paved the way for a gradual expansion of the rights granted to Observers which now encompass: the ability to intervene in broader issues, submit proposals, exercise a right of reply, distribute documents, and actively engage as observers - enjoying all the privileges of Member States except for voting rights, which remain exclusively reserved for members.²⁵

With the conclusion of the classical decolonisation period,²⁶ the UNGA no longer includes any NLMs on its observer list. However, some representatives have tentatively explored the relevance and

²³ See: United Nations, [About permanent Observers](#).

²⁴ UNGA Res 3280 (XXIX), Co-operation between the United Nations and the Organization of African Unity

²⁵ Dormoy (2020, p.115 and footnote 14 refers to the progressive enlargement of rights of the Palestinian Liberation Organizations.

²⁶ Although representatives of peoples listed on the UN List of Non-Self Governing Territories can participate in the UN Committee on Decolonization, their movements do not have UNGA observer status.

applicability of this status to post-colonial situations, such as the Faroe Islands, as a means of accommodating Faroese paradiplomacy.²⁷

TENSE observer status at the UN or UN organisations is limited. For example, the Dutch territory of Curacao and the Holy See has observer status at the World Trade Organization WTO. Palestine is an exception to this rule. Many UN specialized organizations like the World Health Organization, World Intellectual Property Organization (WIPO), the World Tourism Organization (now UN Tourism) grant observer status to Palestine. In each case, the governing bodies attach different rights to this status.

(Sub)regional organisations

MELANESIAN SPEARHEAD GROUP

The observer status that some (sub)regional organisations grant to movements accords similar rights to those granted to NLMs. For example, the Melanesian Spearhead Group (MSG) composed of the four Melanesian states of Fiji, Papua New Guinea, Solomon Islands and Vanuatu, has granted observer status to the Kanak and Socialist National Liberation Front, (FLNKS), the main pro-independence alliance of political parties in French New Caledonia. Similarly, the United Liberation Movement of West Papua (ULMWP), the 2014 merger of three political independence movements seeking independence of Western New Guinea (West Papua) from Indonesia has observer status, but has not achieved full membership despite pushing for this. In addition to working on common challenges on climate change or economic cooperation including in other international forums,²⁸ and in the Melanesian subregion, their observer status allows FLNKS and ULMWP to raise awareness of and plead

their respective causes and mobilise support of MSG Member States. The rotating leadership of the MSG allows the issue to be addressed in international fora, including at the UNGA, as in 2022.

ORGANIZATION OF ISLAMIC COOPERATION

The potential of observer status to contribute to solving SD disputes is illustrated by the Moro conflict in the Autonomous Region in Muslim Mindanao in the southern Philippines. The 1971 admission of the Moro Islamic Liberation Front (MILF) who were seeking more autonomy for the region, into observer status at the Organization of Islamic Cooperation (OIC) paved the way for the progressive involvement of the OIC and its member states in resolving the conflict. The ensuing creation, in 2019 of the Bangsamoro Autonomous Region in Muslim Mindanao (BARMM) has also allowed the BARMM transitional government to engage cross border cooperation with Malaysia and Indonesia.

ARCTIC COUNCIL

Arrangements for participation: A status similar to observer is the category of Permanent Participants in the Arctic Council. It is not attributed to TENSE, but to Indigenous Peoples that make up approximately 10% of the whole Arctic population. The 1996 Ottawa Declaration establishing the Arctic Council names four Permanent Participants “Mindful of the traditional knowledge of the indigenous people of the Arctic and their communities and taking note of its importance and that of Arctic science and research to the collective understanding of the circumpolar Arctic”²⁹ Permanent participation is equally open to “other Arctic organisations of indigenous peoples with a majority Arctic indigenous constituency, representing: (a) a single

²⁷ Skaale, S. (2004) - A Phrase Loaded with Dynamite. Impressions from Wetting the Corridors of the UN (p.148-168)) in Skaale, S. (ed). The Right to National Self-Determination. The Faroe Islands and Greenland, Leiden; Koninklijke Brill BV.

²⁸ [Written statement](#) of the Melanesian Spearhead Group to the International Court of Justice regarding the Obligations of States in respect of Climate Change (22 March 2024) 187 - Obligations of States in respect of Climate Change.

²⁹ [Ottawa Declaration](#) Preamble and art. 2: “The Inuit Circumpolar Conference, the Saami Council and the Association of Indigenous Minorities in the Far north, Siberia, the Far East of the Russian Federation are Permanent Participants in the Arctic Council.” The Arctic Council also has an explicit category of observers (art. 3), which is open to: (a) non-Arctic states; (b) inter-governmental and inter-parliamentary organizations, global and regional; and (c) non-governmental organizations.

indigenous people resident in more than one Arctic State; or (b) more than one Arctic indigenous people resident in a single Arctic state.”³⁰ The determination that such an organization has met this criterion is to be made by decision of the Council. Currently the Arctic Council counts six permanent participants representing the indigenous communities of the Arctic.³¹

Participation in practice: Whereas Permanent Participants have full consultation rights in connection with the Council’s negotiations and decisions, and make valuable contributions to its activities in all areas, the decisions of the Arctic Council are made by consensus of the Arctic Member States. Some hail the Arctic Council’s governance model as exemplary of “the few international arenas that proactively includes and welcomes Indigenous knowledge and perspectives when developing policies addressing climate change, environmental pollution and socio-economic problems.” It is therefore said to be supported by Indigenous Peoples as “a model for decision-making and addressing the challenges caused by the rapid change in the Arctic.”³²

Bringing together representatives of Indigenous Peoples and the Arctic States at the same table to discuss issues of common concern, along with consensus-based decision-making are key features that have enabled Indigenous Peoples’ organisations to actively participate in the political proceedings of the Council. This includes writing declarations, negotiating key documents and

agreements, and actively participating in Ministerial meetings.³³ Yet, others are more sceptical. It is difficult to ascertain the exact impact and role of the Permanent Participants, as intergovernmental Council discussions typically take place behind closed doors. One study concludes that Permanent Participation falls short of full participation on a par with Member States.³⁴

With regard to environmental matters, for example, Permanent Participants can influence discussions on this matter only in part, as they must manoeuvre within the limits set for them by the stronger nation-states, who are likely to have different motivations from the Indigenous Peoples concerning the environment. There are also disparities in the ability of the different Permanent Participants to effectively participate due to their different set-ups, historical relationships and geographical location. Additionally, although the Arctic Council has great potential to enable the Permanent Participants to create projects, their lack of capacity increases the risk of political interference.³⁵

OTHER EXAMPLES OF FOSTERING (SUB)REGIONAL COOPERATION

The governing bodies of (sub)regional IGOs like the Caribbean Community (CARICOM)³⁶ or the Pacific Island Forum³⁷ have admitted TENSE as observers in order to enhance their participation in regional coordination and integration. TENSE can also be part of thematic IGOs like the International Organization of the Francophonie (IOF) that promotes cooperation between French-

³⁰ [Ottawa Declaration](#) art. 2.

³¹ Aleut International Association. Arctic Athabaskan Council, Gwich'in Council International, Inuit Circumpolar Council, Russian Association of Indigenous Peoples of the North, Saami Council.

³² International Working Group on Indigenous Affairs (IWGIA) - [The Indigenous World 2024: Arctic Council](#).

³³ *Ibid.*

³⁴ M.L. Coote- [Environmental Decision-Making in the Arctic Council](#): What is the Role of Indigenous Peoples? Final Paper for Masters degree in MA Environment and Natural Resources, University of Reykjavik, 2015, p.4

³⁵ *Ibid.*

³⁶ CARICOM is a regional integration organisation focusing on economic integration; foreign policy coordination; human and social development; and security. The organisation’s General Assembly has accepted the Dutch Territories of Aruba, Curaçao and Sint Maarten as well as Porto Rico (USA) as observers.

³⁷ American Samoa, Guam and the Commonwealth of the Northern Mariana Islands enjoy observer status at the PIF, an international organisation that aims to stimulate economic growth and enhance political governance and security for the region, through the provision of policy advice. One of its objectives is the furtherance of regional cooperation and integration through coordinating, monitoring and evaluating implementation of Leaders’ decisions. The organisation’s mandate is set by decisions made at annual meetings of Leaders from the 16 Pacific Island Forum member countries, ministerial meetings convened by the Forum Secretariat, and decisions made under the Framework for Pacific Regionalism. Despite not having any competence in international affairs the French territory of Wallis et Futuna’s status as observer was changed into that of Associate Member.

speaking countries. For example, the admission of Ontario-Canada (2015) and Louisiana (2018) as observer governments has enabled them to enhance the protection and promotion of their French linguistic identity. Observers are permitted to participate in the IOF Summit, the ministerial conferences and the sessions of the Permanent Council of the Francophone. They are however not able to intervene in debates or vote on resolutions.

The Organization of Turkic States (OTS) likewise promotes cooperation on the basis of linguistic identity - in this case countries where Turkic languages are officially spoken. Established as an IGO in 2009, the primary objective is to foster comprehensive cooperation among the Turkic States of Azerbaijan, Kazakhstan, Kyrgyzstan, Türkiye and Uzbekistan. The self-declared independent Turkish Republic of Northern Cyprus (TNRC) was admitted in 2022 as the third Observer Member State after Hungary and Turkmenistan. The TNRC is also an observer to the Economic Cooperation Organization and Organisation of Islamic Cooperation (OIC) as well as the International Organization of Turkic Culture (TÜRKSOY).³⁸

ii. ASSOCIATED MEMBERSHIP

Associate Membership is another modality of independent participation outside the state delegation.

United Nations

At UN level, listed non-self governing territories (NSGTs) as well as some delisted territories can exercise their paradiplomacy by participating in the work of UN Regional Commissions as associate members. Examples include the 14 non-independent territories that participate as associate members in the UN Economic Commission on Latin America (UN ECLAC).³⁹ The Economic and Social Commission for Asia and the Pacific (ESCAP),⁴⁰ the most inclusive intergovernmental platform in the Asia-Pacific

region, promotes cooperation among its 53 member States and 9 associate members in pursuit of solutions to sustainable development challenges.⁴¹ However, despite being a full-fledged member of the African Union, the Democratic and Socialist Republic of the Western Sahara (RASD) is not a member (associate or otherwise) of the UN Regional Commission for Africa (ECA).

Associate Membership is a recurring feature across various UN Specialized Organizations. As a general rule, it is the Member State that applies for Associate Membership on behalf of the TENSE under its sovereignty. The application procedure typically clarifies that TENSE does not hold (final) responsibility for international relations. Once approved by the governing bodies, Associate Membership confers specific rights, as determined by those bodies. While Associate Members lack the right to vote, they are entitled to participate in meetings of governing bodies, including the right to speak at plenary sessions. On the Executive Board, Associate Members enjoy equal rights with Members to submit proposals and participate in committees of governing bodies, subject to the specific regulations established. Accordingly, Associate Members may engage in deliberations without a vote, including making proposals, amendments, and replies, and can propose items for inclusion on the provisional agenda of the Board. However, Associate Members are not eligible for membership on the Board.

Aside from paradiplomatic motivations, TENSE's associated membership is primarily driven by functional reasons, as the mandates of the relevant UN specialised agencies often align closely with TENSE's domestic areas of self-governance such as education or culture. The range and nature of Associate Members vary significantly. For instance, UNESCO, the UN agency with the most Associate Members (12), contrasts sharply with the World Health Organization (WHO) and the International Maritime Organization, which each have only three. The legal nature of these Associate

³⁸ See the Turkish newspaper Daily Sabah <https://www.dailysabah.com/politics/diplomacy/trnc-admission-to-otc-as-observer-a-triumph-turkish-envoy>

³⁹ Anguilla, Aruba, Bermuda, British Virgin Islands, Cayman Islands, Curaçao, Guadeloupe, Martinique, Montserrat, Puerto Rico, Saint Maarten, Turks and Caicos Islands, United States Virgin Islands.

⁴⁰ American Samoa, Cook Islands, French Polynesia, Guam, "Hong Kong-China", "Macau-China", New Caledonia, Niue and Northern Mariana Islands.

⁴¹ The other UN Regional Commissions do not have associate members.

Members includes former NSGTs, territories with special status, post-colonial autonomous regions, and even federated entities. Interestingly, some TENSE opt for distinct forms of participation across different IGOs. For example, Flanders participates in UNESCO with a special status within the framework of its federal Member State delegation, while opting for Associate Membership status in UN Tourism.

Associate Membership also legitimises TENSE to maintain technical contacts with these specialised IGOs within their respective areas of competence. These interactions occur both at headquarters and in regional field offices. In UNESCO's case, TENSE engage in efforts to introduce and implement international standards, particularly in addressing educational challenges. Substantial technical and financial support has been provided to protect and promote World Heritage Sites and Biosphere Reserves, which are central to the cultural identity of their populations. In addition, TENSE collaborate with UN agencies to develop and execute tsunami alert systems and climate change adaptation programs. It is worth noting that many of the current UNESCO member states, which gained independence during the decolonisation era, were previously UNESCO associate members during that period.

(Sub)regional organisations

CARIBBEAN

Regional and subregional organisations' provision for associate membership is particularly prevalent in Caribbean regional cooperation organisations such as CARICOM and the Organisation of Eastern Caribbean States (OECS).

All British Overseas Territories⁴² in the Caribbean have obtained associate membership status, while the French

Caribbean Overseas Departments and Regions - Guadeloupe, Guyane, and Martinique - are still awaiting approval for their admission as associate members.⁴³ In contrast, Martinique and Guadeloupe, along with Anguilla, successfully achieved OECS associate membership, joining the British Virgin Islands in this status. Comprising 35 Contracting States, Countries, and Territories of the Greater Caribbean, the Association of Caribbean States (ACS-AEC) seeks to enhance cooperation within the region, leveraging geographic proximity and deep historical ties. Among its associate members are seven non-sovereign entities: the Dutch territories of Aruba (1998), Curaçao, and Sint Maarten (2014); the French territories of Guadeloupe and Martinique (2014), and Saint Martin (2016); and the British Virgin Islands.⁴⁴

INTERNATIONAL ORGANISATION OF THE FRANCOPHONIE

The IOF includes associate member governments, such as Kosovo (associate member since 2018) and France-New Caledonia (since 2016). This status is open to governments where French is an official or widely used language and who share the Francophonie's values. Associate members can attend Francophonie events like summits and conferences but cannot participate in debates or closed-door sessions. They have a deliberative voice in the Permanent Council and commissions and receive non-confidential information from the Secretariat. They must pay a statutory contribution, may voluntarily support the Multilateral Fund (FMU), and cannot host official Francophonie meetings. Associate Members governments are distinguished from full members by the powers granted to them, but also to the fact that being an associate member is a necessary step to obtaining eventually the status of full membership.

⁴² These are self-governing territories that have a constitutional and historical link to the United Kingdom, where the UK retains responsibility for foreign affairs, defence, and security. While not forming part of the United Kingdom itself, they are part of its sovereign territory.

⁴³ Respectively the UK Overseas Territories of Anguilla (AI), Ascension (AC), Bermuda (BM), British Virgin Islands (VG), Cayman Islands (KY), Falkland Islands (Malvinas) (FK), Gibraltar (GI), Montserrat (MS), Pitcairn, Henderson, Ducie and Oeno Islands (PN), South Georgia and the South Sandwich Islands (GS), St Helena (SH) St Helena (Dependencies) (islands) (SH), Tristan da Cunha (TA) Turks and Caicos Islands (TC) as well as the Dutch Territories of the Kingdom of the Netherlands -- Aruba, Curaçao, and Sint Maarten (AW).

⁴⁴ The States of France and the Netherlands are also ACS-AEC Observers on behalf of some of their non-sovereign parts: France on behalf of Saint Barthélemy and French Guiana; and the Netherlands representing Bonaire, Saba et Saint Eustatius

C. Full membership

Some IGOs also provide the possibility for TENSE to become fully fledged members alongside states.

United Nations

At UN level Palestine is a specific case in point. Whereas its sovereignty is contested, its status was upgraded in 2012 to non-member observer State.⁴⁵ Until 2012, Palestine had observer status in the UN GA, but not as a State. Currently it is a fully-fledged member of the International Criminal Court, as well as of UNESCO, as well as of the UN Economic and Social Commission for Western Asia.

In terms of UN specialised agencies, the Universal Postal Union (UPU), founded in the late 19th century during the apex of European colonialism, provided the status of "Member Country" to non-sovereign entities in the past, granting them equal rights and obligations as member states. For historical reasons, overseas territories whose international relations are managed by the United Kingdom or the Netherlands which are members of the UPU are treated as "member countries" and enjoy equality of rights and obligation with member states. Whereas currently admission is reserved to sovereign states, any non-member country of the UN may become a UPU member provided that its request is approved by at least two-thirds of the member countries of the UPU.⁴⁶ The UPU now has 192 member countries. Other non-sovereign entities admitted into full membership are the Cook Islands to WHO, FAO, UNESCO, ICAO and Niue to UNESCO and the WHO.

(Sub)regional organisations

Full membership for non-sovereign territories is also enabled by some (sub)regional organisations. For example, despite its status as a UN NSGT, Montserrat was allowed by the Caricom's supreme governing body, the Conference, to sign up to the CARICOM treaty. It thereby converted itself into a full

member in the face of obstacles and delays to its accession to independence due to the massive destruction caused by natural disasters - Hurricane Hugo in 1989 and the 1997 volcano eruption. Montserrat is also a founding member of the OECS.⁴⁷ The Sahrawi Arab Democratic Republic (SADR), declared in 1976 by the Polisario liberation movement of the UN Non-Self-Governing Territory of Western Sahara, was admitted as a full member of the Organization of African Unity (OAU) in 1982. This status has been maintained within the OAU's successor, the African Union. Morocco withdrew from the OAU following the SADR's membership, but rejoined the African Union in 2017. Palestine is a full member of the OIC and of the Arab League.

THE PACIFIC COMMUNITY

The current Pacific Community, an intergovernmental forum to promote economic and social welfare and advancement of the peoples in the Pacific, was created in 1947 as the South Pacific Commission by Australia, France, Netherlands, New Zealand, the United Kingdom and the United States of America.⁴⁸ It has come to make a distinction between full members, which are states, as Contracting Parties, and full members as governments of not fully sovereign Pacific territories. Any government whose territory is located within the territorial jurisdiction of the Pacific Community and which is either fully independent or freely associated with an independent government, may, if invited by the member governments, become a party to the agreement establishing the Commission.

Other entities, states, and dependent territories have, however, been able to become members without individually adhering to the agreement. In 1983, the South Pacific Conference agreed to extend membership status to all countries that were then members of the Organization. These members are placed on equal footing with member governments, enjoying the same rights (including voting rights) and the same

⁴⁵ [UN General Assembly Resolution 67/19](#) on the Status of Palestine in the United Nations adopted on 29 November 2012, UN Doc. A/RES/67/19.

⁴⁶ In 2019, Palestine failed to be admitted as full member as it did not obtain a 2/3 majority of votes of the General Assembly.

⁴⁷ <https://oecs.int/fr/loeco/etats-membres>.

⁴⁸ [Agreement establishing the South Pacific Commission](#) [Pacific Community] (Canberra, 6 February 1947)

obligations (such as contributing to the organisation's budget), except for matters related to the constituent instrument to which they are not parties.⁴⁹ Today, among the 26 participants in the Organization, 12 are member governments (including four founding members, as well as the Cook Islands and Niue since 1980), and 14 are members, nine of which are non-sovereign territories.⁵⁰

INTERNATIONAL ORGANISATION OF THE FRANCOPHONIE

The IOF allows TENSE to participate as 'government members' provided that their admission is approved by their parent state and in accordance with respect for the state's sovereignty and its international competence. The specific modalities of participation should be agreed upon by the TENSE and its state⁵¹ and will take into consideration the distribution of competences between the respective TENSE and state governments. Canada-Québec (since 1971), Canada-New Brunswick (since 1977) and the Belgian 'Federation of Wallonia-Bruxelles' (1980) all participate as government members.

Government members are entitled to participate as full members, which includes the right to vote in governing bodies of the Francophonie (Francophonie Summit, Ministerial Conference, Permanent Council). In addition to the possibility to host meetings of these bodies, TENSE can present candidates for positions to be filled in these bodies and other institutions of the Francophonie in which they participate (sectoral ministerial conferences, Permanent Council commissions). They are obliged to pay a statutory contribution and also contribute through voluntary contributions to the Single Multilateral Fund, which finances Francophone cooperation. With regard to full membership, the sole distinction between 'government members' and 'state members' is in relation to the founding agreement. Only states can be 'Contracting Parties' of the foundational charter, in accordance with article 10 and only they can decide on the possible modification of the Charter in accordance with the decision of the Ministerial Conference of the Francophonie.⁵²

4. KEY MESSAGES / FINDINGS

TENSE participation in IGOs broadens the range of options available to SD groups in a globalised world. Creative and constructive participation in IGOs, often perceived as soft-recognition, empowers these groups to shape their future while exercising the right to freely pursue their economic, social and cultural development. It is not a panacea but it does open up possibilities to decide and co-determine a territory's future and identity in a globalised and dynamic world.

TENSE participation is possible through a variety of mechanisms. While the possibility for TENSE to participate in international affairs may seem limited by the concept of state responsibility in international law, examples

presented show that TENSE participation can be enabled in an organised way using a wide variety of arrangements. These broadly entail TENSE participation (a) in a parent state's delegation to an IGO or (b) separately as observers, associate members or full members.

TENSE paradiplomacy is firmly rooted in international and domestic law. The right of self-determination and MIP standards encompass a broad scope of possible outcomes and expressions suited to specific situations. These may include but are not limited to guarantees of cultural security, land and environmental rights, forms of self-governance, cross-border cooperation and,

⁴⁹ Dormoy (2020, 133).

⁵⁰ They are: American Samoa, French Polynesia, Guam, New Caledonia, the Northern Mariana Islands, Pitcairn, Tokelau, Wallis and Futuna. While New Caledonia and French Polynesia determine their own representation, the French state ensures the representation of Wallis and Futuna, with elected representatives from the territory participating in the delegation and occasionally leading it Dormoy (2020, 133).

⁵¹ Charter of the Francophonie (Charte de la Francophonie, 2005) article Convention relative à l'Agence de coopération culturelle et technique.

⁵² Dormoy (2020, 133).

crucially, effective participation at the international level. Models of implementation will look different and can be incorporated into domestic law according to context. In particular, self-government arrangements in domestic law can be finetuned in order to enable the effective participation of TENSE in international affairs.

Arrangements require parent state consent. The parent state is a largely unavoidable actor, key to allowing the TENSE's meaningful participation inside the state delegation, but also in facilitating necessary agreement for a TENSE's participation in an IGO outside the state's delegation. In the vast majority of cases, the state needs to convey to the IGO its consent that the TENSE can take part as an observer, associate member or full member.

The state and TENSE need to agree on the modalities of participation whether they be within the framework of the member states delegation (e.g. the Canada-Quebec UNESCO agreement) or separately in some observer or membership status. For example, Canada-Quebec negotiations progressively enlarged the scope of Quebec's participation in the IOF leading to agreement that Quebec could participate in the summits of the OIF, but under clearly specified conditions.

The IGO has large control over the modalities of participation. In the vast majority of cases, the extension of rights is regulated either by the covenant founding the IGO, or by its governing bodies in admitting the TENSE as observer, associate member or full member.

TENSE status may change. In some instances, there is a continuity between two distinct statuses within IGOs. For example, Quebec demonstrates how full membership in the IOF is often preceded by a period of associate membership. Similarly, newly independent UNESCO member states emerging from decolonisation often transitioned from an earlier status as associate members.

TENSE have a substantial interest in participating in matters of foreign affairs on global issues which affect their areas of self-governance, including via their participation in IGOs. This is especially the case for TENSE

that enjoy a high degree of internal self-governance and enjoy a wide range of competencies in spheres such as education, culture or trade.

TENSE participation helps highlight their concerns. Engaging effectively in IGOs expands TENSE's capacity to highlight the specific concerns of their territories in global forums, plead their respective causes and potentially mobilise support of Member States. This is illustrated by the French overseas territory of New Caledonia's participation in (sub)regional organisations in the Pacific region, for example.

The scope of self-government is not limited to 'soft' policy areas. These cases illustrate internal self-government cannot be uncoupled from international affairs and that, moreover, the traditional scope of self-government at times becomes progressively intertwined with hard core powers as defence, peace and security traditionally reserved for the state. For example, since Sweden and Finland joined NATO the long-standing demilitarisation of the Åland Islands, an autonomous region of Finland with strategic importance, is now being opened for question in the face of geopolitical tensions and threat of militarisation.

The connection with IGOs allows TENSE to maintain technical relations with IGO bureaucracies in the realm of their competencies, and thereby design policy options in line with international standards. This is especially important where the TENSE territory is also inhabited by people from other identity groups (which is always the case to some degree) to ensure the rights, needs and interests of all are respected, protected and promoted.

TENSE participation as part of their Member State's delegation allows them to influence their state's position during intergovernmental negotiations and decision-making processes. For example, Quebec has particularly valued the ability to express dissenting views on Canada's position within UNESCO's governing bodies, ensuring its voice is heard. Co-determining their state's stance in this way would not be possible under associate membership to UNESCO.

Parent states may have little interest in a specific area of foreign policy that is related

to a governmental function within TENSE control. For example, where Canada may have no involvement in the French cultural and linguistic identity of Quebec it may have little interest in the power to enter into international agreements or cooperation at the IOF affecting the language and culture of this autonomous territory.

TENSE participation does not risk disturbing the power-dynamics inside IGOs. Creative formulas alleviate potential tensions arising from meaningful participation of TENSE within IGOs. With the exception of the vast majority of full membership situations, TENSE cannot vote in decision-making processes with rights limited to having a voice and to expressing opinions. These have value but do not affect the balance of power within IGOs.

TENSE participation in IGOs may nevertheless give rise to concerns or objections by other member states, which might consider foreign affairs, or the functions derived thereof, as matters reserved for the state. For example, Sweden in assuming the

Chairmanship of the Nordic/Atlantic Council obliged Denmark to remove the Greenlandic and Faroese flags prominently displayed at the Danish delegation table.

TENSE engagement creates opportunities for the international community to contribute to conflict prevention/resolution.

Exchanges in an IGO setting can allow member states to actively participate in establishing the groundwork for addressing SD conflicts in a particular context, as demonstrated in regions like Mindanao and West Papua.

More in-depth study is needed on: practical steps for entering into such relationships, including the groundwork that needs to be done domestically and internationally; TENSE ambitions and expectations when doing so; and how they have worked out in practice, including tangible impacts as well as challenges and limitations. Such analysis would be invaluable in furthering understanding the potential of soft recognition as a tool for addressing SD conflicts.

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