

## **SOME REMARKS ON THE SCOTTISH INDEPENDENCE**

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### **1. Introduction**

Some authors<sup>1</sup> claim that we are witnessing the twilight of nation states, which are eroded by two major forces: *firstly* the ever growing number and power of supranational organizations and *secondly* the spread of minority-regionalism. The latter could easily render nation states fragmented and insignificant, that's why the author finds it important to examine this phenomenon through the scope of the Scottish and Catalonian aspirations for independence. Both groups are so called "captive nations" or "substate nations": they are culturally distinct groups living on their traditional territory, who think of themselves as distinct people or a distinct nation, and show a deep attachment to their cultural distinctiveness and to their homeland, which they have struggled to maintain despite being incorporated (often involuntarily) into a larger state.<sup>2</sup>

According to the widespread view, the ultimate aim of these substate nations can only be independence and nothing less. Every compromise or favour granted for them – including autonomy – is the first step to secession. Contrary to these opinions the author of the current article argues that the alteration of the borders does not always serve the best interest of the minorities;<sup>3</sup> as the 2014 referendum on the Scottish independence and the similar strives of Catalans prove it. The Scots voted against independence<sup>4</sup> and opponents of independence became the majority in Catalonia December 2014.<sup>5</sup> The referendum on the Scottish independence gained significant attention in the international community: while some feared of losing the great-power status of the UK or the very existence of GB, some – like the *Seklers* – waited for the possible *spill-over* effects.

Although, David Cameron said<sup>6</sup> that the issue of Scottish independence had been settled "for a generation", after Brexit-vote,<sup>7</sup> proponents of the Scottish independence claim that

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<sup>1</sup> See: TRÓCSÁNYI, László: *Alkotmányos identitás és európai integráció*. Budapest, HVG-ORAC, 2014, 280.

<sup>2</sup> KYMLICKA, Will: Beyond the Indigenous/Minority Dichotomy. In: ALLEN, Stephen–XANTHAKI, Alexandra (eds.): *Reflections on the UN Declaration on the Rights of Indigenous Peoples*. Oxford, Hart Publishing, 2011, 194–197.

<sup>3</sup> Prior to the referendum on Scotland's independence the polling of the voters showed that 70% of them chose the further devolution of rights upon the Scottish Parliament over independence. – KING, Charles: The Scottish Play: Edinburgh's Quest for Independence and the Future of Separatism, 91. *Foreign Affairs*, Issue 5 (2012), 113–124.

<sup>4</sup> BBC: Scotland Votes No. <http://www.bbc.com/news/events/scotland-decides/results> (24 October 2016)

<sup>5</sup> JONES, Jessica: Most Catalans say no to independence: new poll. *The Local*, 19 December 2014. <https://www.thelocal.es/20141219/most-catalans-say-no-to-independence-poll-spain-politics> (24 October 2016)

<sup>6</sup> OSBORN, Andrew–HOLTON, Kate: Cameron says Scottish independence issue settled 'for a generation'. *Reuters*, 19 September 2014. <http://uk.reuters.com/article/uk-independence-scotland-cameron-idUKKBN0HE0IN20140919> (24 October 2016)

the issue ought to be put on the agenda again.<sup>8</sup> They argue that most voters, who voted against independence on the 2014 Scottish referendum, did so in order to retain the EU membership.<sup>9</sup> However, polling on the public opinion shows that despite the initial anger rising after the Brexit referendum, the majority of the Scots still want their country as the part of the UK.<sup>10</sup> As a result – before initiating a new referendum – the *Scot National Party* has to consider every possibility, since another “no” to Scottish independence, would – mean the end of the party and – render it impossible to put the independence on agenda again.

## 2. The creation of the UK and the emerging role of the Scottish Parliament

The UK was created in 1707, when England and Wales merged with Scotland according to the Treaty of Union; the original states lost their sovereignty, which was inherited by the newly formed entity. While Scottish nationalists like to refer to this event as an occupation, it was much like a cool calculation of business interests, however: the English crown offered to pay the debts of the Scottish nobles, in turn for political union. The latter ones accepted the offer and – after dissolving the Scottish Parliament – took their seats in the English Parliament.<sup>11</sup>

The Scottish Parliament was not summoned until 1999, when *Winifred Margaret Ewing* – the oldest Member of the Parliament – greeted her fellow MPs with the following words: “The Scots Parliament, last adjourned on 25<sup>th</sup> May, 1707, is hereby reconvened.”<sup>12</sup> The legal basis of the adjournment was created by the *1998 Scotland Act*,<sup>13</sup> which instead of listing, what belongs to its jurisdiction, list the exceptions. Most importantly the Scottish Parliament is constitutionally subordinate to Westminster, the latter one however tried to avoid using its powers. In case of a possible debate between the two institutions, the *Supreme Court of the UK* has the jurisdiction to settle them.<sup>14</sup>

## 3. Self-determination, territorial integrity and succession in international treaties

Based on the current stand of the international law, the right to self-determination – at least which includes the right to secession – was only granted for the former colonies. In contrary, *Anikó Szalai* argues that the independence of *Kosovo* – inducing significant political tensions<sup>15</sup> and rising questions regarding the interpretation of international law<sup>16</sup> –

<sup>7</sup> The exit of Great-Britain from the EU.

<sup>8</sup> Brexit: Nicola Sturgeon says second Scottish independence vote ‘highly likely’. *BBC*, 24 June 2016. <http://www.bbc.com/news/uk-scotland-scotland-politics-36621030> (24 October 2016)

<sup>9</sup> HENNESSY, Peter John: A Political Perspective on the Scottish Independence Referendum. 3. *Cambridge Journal of International and Comparative Law*, Issue 1 (2014), 159–161.

<sup>10</sup> KHOMAMI, Nadia: ‘No real shift’ towards Scottish independence since Brexit vote – poll. *The Guardian*, 30 July 2016. <https://www.theguardian.com/politics/2016/jul/30/no-real-shift-towards-scottish-independence-since-brexit-vote-poll> (24 October 2016)

<sup>11</sup> EWING, Fergus–ERICKSON, Jennifer: The Case for Scottish Independence. 25. *Fletcher Forum of World Affairs*, Issue 2 (2001), 90.

<sup>12</sup> EWING–ERICKSON: i. m. 91.

<sup>13</sup> Scotland Act of 1998 (46).

<sup>14</sup> HALLIDAY, Iain: The Road to Referendum on Scottish Independence: The Role of Law and Politics. 5. *Aberdeen Student Law Review*, 2014, 34–35.

<sup>15</sup> *The Economist*, A New Battlefield, 12 July 2007. <http://www.economist.com/node/9481463> (24 October 2016); WILSON, Nigel: *Serbia and Albania Leaders Clash Over Kosovo Independence*. 10

suggest different outcomes.<sup>17</sup> Nevertheless, the writer of the current article reminds that the international community made it clear from the very beginning that Kosovo was an exceptional and one-off case:<sup>18</sup> atrocities committed against the Kosovars rendered the secession as the only possible alternative. According to the rules of international law, the integrity of the states is to prevail;<sup>19</sup> therefore the above mentioned captive nations – or any other minorities – do not have many possibilities to create their own nation state, unless the mother state approves.<sup>20</sup>

Despite Scotland remained part of the UK, it is worth devoting a few lines to the question of succession of states with special regard to the membership in international organisations, like the *Council of Europe* and the *European Union*. In accordance with the rules of international law,<sup>21</sup> there are two possible outcomes: *in the first case* one state is the “continuator” state and the other – the seceding – state is a new entity. While the continuing state retains its rights and obligations arising from international treaties, including its membership in international organizations, the seceding state does not inherit them. *In the second case*, two new successor states are created. Neither of them is a successor of the former entity and neither of them succeeds in international treaties. *James Crawford* and *Alan Boyle*, in their opinion – constituting the Annex of the report made for HM Government – argued that the secession of Scotland would realize the first possibility: while the UK would be the continuator state,<sup>22</sup> succeeding in the international treaties and retaining its membership in the international organisations;<sup>23</sup> the newly born Scotland should request its admittance to the said bodies.

Rules of international law did not prevent the proponents of Scottish independence – like *Nicola Sturgeon*, the prime minister of Scotland – to gain support with slightly unrealistic theories. According to the first theory, the break-up of the UK would result in the creation of two continuator states, both of them succeeding the rights and obligations of the former UK. The second theory suggests that the seceding Scotland would be the

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November 2014. <http://www.ibtimes.co.uk/serbia-albania-leaders-clash-over-kosovo-independence-1474106> (24 October 2016)

<sup>16</sup> *ICJ*, Advisory Opinion in accordance with international law of the unilateral declaration of independence in respect of Kosovo (22 July 2010).

<sup>17</sup> SZALAI, Anikó: 5. *A kisebbségvédelem az ENSZ Közgyűlésében*. Dr. Szalai Anikó honlapja. <https://drszalainiko.hu/2014/04/25/a-kisebbssegvedelem-az-ensz-kozgyuleseben/> (24 October 2016)

<sup>18</sup> COPPIETERS, Bruno: The Recognition of Kosovo Exceptional but not Unique. In: What is ‘Just’ Secession? (Is Kosovo Unique?) *European Security Forum Working Paper*, No. 28. (February 2008), 3–8. <http://aei.pitt.edu/11495/1/1601.pdf> (24 October 2016)

<sup>19</sup> Timothy Walters argues that the sustainability and its contribution to the stability of the World is at least questionable. – WATERS, Timothy William: Taking the Measure of Nations: Testing the Global Norm of Territorial Integrity. 33. *Wisconsin International Law Journal*, Issue 3 (2015), 563–586.

<sup>20</sup> PERRY, Frederick V.–REHMAN, Scheherazade: Secession, The Rule of Law and the European Union. 31. *Connecticut Journal of International Law*, Issue 1 (2015), 61–92.

<sup>21</sup> 1978 Vienna Convention on Succession of States in respect of Treaties (*United Nations*, Treaty Series, Vol. 1946, 3).

<sup>22</sup> HM Government, Scotland analysis: Devolution and the implication of Scottish independence (2013), Annex A. CRAWFORD, James–BOYLE, Alan: *Opinion: Referendum on the Independence of Scotland – International Law Aspects*, §. 50–70.

<sup>23</sup> The UK is part of approximately 14,000 bi- a multilateral international treaties. – AIKENS, R. J. P.: The Legal Consequences of Scottish Independence. 3. *Cambridge Journal of International and Comparative Law*, Issue 1 (2014), 166.

successor of the “pre 1707 Scotland”.<sup>24</sup> The latter one is not a new theory, however: one only has to remember the words of Winifred Margaret Ewing in 1999, when she opened the session of the Scottish Parliament.

Among the memberships in international organisations the EU membership can be considered probably as the most important one: the possibility of losing it can retain minorities intending to secede.<sup>25</sup> While the Scottish Government often cited Article 34 and 35 of the 1978 Vienna Convention, arguing that Scotland could retain its membership even after the secession; Crawford and Boyle dismissed this argument: they believe that Article 4 of the said Convention is to prevail, which demands the basic document of the international organisations to decide the question.<sup>26</sup>

As for the EU, however, not only must legal rules<sup>27</sup> be considered, but also political realities: several EU member states have a minority group with significant number, demanding higher degree of autonomy, e.g. the Sektlers in Romania. The Catalans of Spain – at least some part of them – claim even more: independence. In Italy and Belgium, too, the idea of secession emerges from time to time. These states, being afraid of encouraging their own minorities to secede and in order to protect their territorial integrity, denied any concessions to the Scots.<sup>28</sup> Fearing of the possible spill over effects – namely the strengthening of minority regionalism – the then president of the *European Council*, *Herman Van Rompuy* made it clear that: “The European Union has been established by the relevant treaties among the Member States. The treaties apply to the Member States. If a part of the territory of a Member State [...] becomes a new independent state, the treaties will no longer apply to that territory. [The new entity will] become a third country with respect to the Union and [...] may apply to become a member of the Union according to the known accession procedures. In any case, this would be subject to ratification by all Member States and the Applicant State.”<sup>29</sup>

#### 4. The attitude of the governments and the scope of electors

In the words of *Ved Nanda* international law provides little help for those who want to create an own national state.<sup>30</sup> In other words: if the mother state does not approve the secession, those intend to secede do not have many possibilities to do so. As a result the attitude of the mother state is of paramount importance, which is illustrated by the author through the example of the Scot and the Catalan example.

When the possibility of an accidental Scottish referendum first occurred, the English government made it clear that such a referendum is out of the Scottish Parliament’s jurisdiction and will enforce its prerogatives in front of the Supreme Court.<sup>31</sup> Contrary to

<sup>24</sup> AIKENS: i. m. 164–165.

<sup>25</sup> PERRY–REHMAN: i. m. 63.

<sup>26</sup> CRAWFORD–BOYLE: § 119–133.

<sup>27</sup> The procedure of admission to the EU is regulated by Article 49 of the Treaty on the Functioning of the European Union (*OJ C*, 326 [2012], 2012. 10. 26. 1).

<sup>28</sup> AIKENS: i. m. 168–169.

<sup>29</sup> Remarks by President of the European Council Herman van Rompuy, on Catalonia, 12 December 2013 (EUCO 267/13).

<sup>30</sup> PERRY–REHMAN: i. m. 89.

<sup>31</sup> Ministry on Scotland: Scotland’s Constitutional Future (2012) Cm8203, 9–10.  
[https://www.gov.uk/government/uploads/system/uploads/attachment\\_data/file/39248/Scotlands\\_Constitutional\\_Future.pdf](https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/39248/Scotlands_Constitutional_Future.pdf) (24 October 2016)

this the Scottish Parliament argued<sup>32</sup> that the referendum is conform with the Scotland Act, since it is not about independence, but the further devolution of rights to the Scottish Parliament, including the right to decide on the independence.<sup>33</sup> The *House of Lords Constitutional Committee* pointed out that the SNP's manifesto clearly indicated the real purpose of the referendum: the achieving of independence. As a result should the referendum be peremptory or not, it would clearly constitute an excess of jurisdiction.<sup>34</sup>

2012 brought radical changes in the attitude of the English government: the parties agreed that deciding the case before the courts would not serve the interest of neither party.<sup>35</sup> According to this, the Westminster changed the Scotland Act in order to allow the Scottish Parliament to legally declare the referendum. From this aspect the Scottish referendum is unique for being the first occasion, when a non-colonial minority group was allowed to decide on its own fate within democratic frameworks. *Benjamin Levites* identifies three main aspects, which underpin the democratic nature of the referendum, namely the (i) consent of the mother state, the (ii) the clear and polar question and last – but not least – (iii) the requirement of simple majority.<sup>36</sup>

It is worth mentioning for many reasons, in the current article, however, the author will only pick one of them. As *Tamás Ádány* pointed out at the public debate of the author's PhD dissertation, while in accordance with EU<sup>37</sup> and *British Common Wealth* law<sup>38</sup> not only Scottish citizens were entitled to vote: while those who had a permanent, registered residence in Scotland were eligible to vote, those Scottish nationals, living outside the country at the time of the referendum did not have the possibility to vote. Therefore Ádány argues that considering the above mentioned reasons calling the referendum Scotland referendum or referendum in Scotland, instead of Scottish referendum is much more appropriate from a terminological point of view.

As mentioned earlier the question of Scottish independence was decided by a simple majority, regarding this, the million dollar question was, who should constitute this majority? Should the all affected principle prevail or it is enough to ask only the citizens? Some authors argue that the wider the scope is, the more democratic the result is.<sup>39</sup> Although one could bring strong arguments in favour of the all affected principle, determining the scope of persons eligible to vote is a serious problem, which needs thorough deliberation, at the same time offers the possibility of interesting commentaries. *Ben Saunders* brings forth the theoretical example of a student, who – at the time of the

<sup>32</sup> Scottish Parliament: Your Scotland, Your Referendum (2012).  
<http://www.gov.scot/Publications/2012/01/1006/0> (24 October 2016)

<sup>33</sup> Neil MacCormick argued in of its writing back in 2000 that the Scottish Parliament has an unlimited power to negotiate any issues with the Westminster, including the initiating of a non-decisive referendum. – MACCORMICK, Neil: Is There a Constitutional Path to Scottish Independence? 53. *Parliamentary Affairs*, 2000, 72.

<sup>34</sup> HALLIDAY: i. m. 39.

<sup>35</sup> Edinburgh Agreement, 15 October 2012.

<sup>36</sup> LEVITES, Benjamin: The Scottish Independence Referendum and the Principles of Democratic Secession, 41. *Brooklyn Journal of International Law*, 2015. Issue 1 (2015), 373–406.

<sup>37</sup> Treaty on European Union (*OJ C*, 326 [2012], 26. 10. 2012). 47–390, 20, 22. art.

<sup>38</sup> 1981. évi törvény a brit állampolgárságról, 37. §.

<sup>39</sup> Robert Gooding argues that the most expedient way is involving every affected to the deliberation process: e.g. if the British would like to build a plant station that pollutes the Scandinavian countries, they should ask the locals. – GOODIN, Robert E.: Enfranchising All Affected Interests, and its Alternatives. 35. *Philosophy & Public Affairs*, Issue 1 (2007), 40–68.

referendum – studies in Scotland and has a permanent residence in the country, thus eligible to vote. This student most probably will not be in the country at the time, when the consequences of the referendum take effect. As he writes: filtering out, those who are not eligible to vote, due to being unaffected, would place too much burden on the authorities, not to mention that determining the rules of excluding certain individuals would also generate lengthy and serious debates. Based on this – Saunders argues – the only possible solution is placing trust into those, who are not affected and hope that they will recognise their situation – namely that they are unaffected – and will abstain from voting.<sup>40</sup>

Contrary to Her Majesty's government, the Spanish one tried to prevent the 2014 *non-decisive* referendum with any available legal tools. On the said referendum – organised by volunteers –, where only half of the eligible voters – 2.25 million out of the 5.4 – exercised their right to vote, those, who attended, voted in favour of independence with an overwhelming majority.<sup>41</sup> The one month later polling tinges the picture, however: within the overall population the opponents of secession outnumbered the proponents.<sup>42</sup> The issue of independence was put on the agenda again at the 2015 municipality referendum: although the referendum officially did not concern the independence, it was won by a pro-secession party by absolute majority.<sup>43</sup> The newly elected municipality legislation – exercising its clear authorization by the voters – passed a resolution declaring their adherence for secession. The Spanish government affirmed that it will stick to its earlier official-position<sup>44</sup> to quest remedy before the constitutional court. On the motion of the government, the *Spanish Constitutional Court* declared the resolution unconstitutional and annulled it.<sup>45</sup>

Contrary to the Catalan example, in case of the decisive 2018 New-Caledonia referendum, the three terms, identified by Levites related to the Scotland referendum, are to prevail. At the present moment the French government shows a democratic attitude towards the possible secession of her oversea territory. *James Anaya*, the former *special rapporteur* on indigenous rights conducted examinations on the execution of the *Nouméa Accord*,<sup>46</sup> and concluded that the overall-situation is satisfying. It is worth mentioning, however that in the last two decades significant number of migrants – among the French citizens and citizens of the surrounding isles – settled in New-Caledonia, reducing the proportion of the indigenous kanak peoples within the society.<sup>47</sup> Having regard to the pro-union opinion of the new settlers, the attitude of the French government is not so surprising.

<sup>40</sup> SAUNDERS, Ben: Not All Who Are Enfranchised Need Participate. *EUDO Working Paper*. <https://goo.gl/eqS7CF> (24 October 2014)

<sup>41</sup> LEVITES: i. m. 400.

<sup>42</sup> Meglepő eredményt hozott a katalán függetlenségi közvélemény-kutatás. *HVG.hu*, 19 December 2014. [http://hvg.hu/vilag/20141219\\_Meglepo\\_eredmenyt\\_hozott\\_a\\_katalan\\_fugget](http://hvg.hu/vilag/20141219_Meglepo_eredmenyt_hozott_a_katalan_fugget) (23 September 2016)

<sup>43</sup> Catalonia Votes, The 27S2015 Vote. <http://www.cataloniavotes.eu/the-27s2015-vote/> (24 October 2016).

<sup>44</sup> Spanish PM dismisses Catalan secession proposals as act of provocation. *The Guardian*, 27 October 2015. <https://goo.gl/CpQer1> (24 October 2016)

<sup>45</sup> LEVITES: i. m. 400.

<sup>46</sup> Nouméa Accord (Signed 5 May 1998). <http://www.france.net.au/politics/pages/noumea.en.htm> (24 October 2016)

<sup>47</sup> Based on 2013 data the Kanak people constitute the 40% of the population. – MIKKELSEN, Cécilie (ed.): *The Indigenous World*. IWGIA, 2013, 215.

## 5. The role of economic considerations in making the decision

Authors agree that economic considerations play role in the debates on secession, they disagree, however, on the importance of these considerations. *Jordi Muñoz – Raül Tormos* argue that, economists can only make certain estimations of the effects of an accidental secession. Contrary to them, politicians tend to over-simplify the overall-picture, in order to send simple and coherent<sup>48</sup> messages to the voters in order to underpin their opinion. As a result, voters lack the necessary information – both in terms of quantity and quality – to take a well-considered decision. Instead they will most likely rely on their own preconceptions and ideological point of view, including their national identity.<sup>49</sup>

Based on practical examples, the author of the current article argues differently: economic consideration played an important role both in the creation of the UK and both in the dismissal of Scottish independence. While, in the short-run the drop in oil prices would have rendered the finance of state-building – such as the introduction of a new national currency<sup>50</sup> – almost impossible, on the long-run the drain out of the oil-rigs would have caused financial problems.<sup>51</sup> Not everybody agrees, however: *Fergus Ewing* and *Jennifer Erickson* argue that Scotland would be better off with a small, but independent economy. They bring two arguments to prove their theory: *firstly*, they calculate that Scotland is a net contributor to the “Union Kitty” due to the oil incomes and *secondly* they argue that the Westminster often brought decisions which caused serious economic drawback for Scottish economy.<sup>52</sup>

Economic deliberations play an important role in the case of the Catalanian independence, too, they affect in an opposite direction, however: Catalonia is one of the richest regions of Spain, where withdrawing incomes by the central government in order to develop the poor regions indicated tension among the population. Furthermore, the connection between the current economic crisis and the increase in the number of proponents of the secession is rather convincing: before the crisis only 20% of the population supported the secession, by 2015 their proportion reached more than 40%.<sup>53</sup>

<sup>48</sup> Regarding coherency the SNP found itself in a very difficult situation: it had to emphasize the ground-breaking effect of the referendum, alongside with assuring the potential ‘yes voters’ that the secession will not traumatize the country and her population. – KING, 117.

<sup>49</sup> MUÑOZ, Jordi–TORMOS, Raül: Economic expectations and support for secession in Catalonia: between causality and rationalization. 7. *European Political Science Review*, Issue 2 (2015), 317–322.

<sup>50</sup> BLACK, Andrew–JAMES, Aiden: Scottish independence: ‘Yes’ vote means leaving pound, says Osborne. *BBC*, 13 February 2014. <http://www.bbc.com/news/uk-scotland-scotland-politics-26166794> (24 October 2016)

<sup>51</sup> WARNER, Jeremy: Low oil prices are burying all hope of future Scottish independence. *The Telegraph*, 14 November 2014. <http://www.telegraph.co.uk/finance/comment/jeremy-warner/11231933/Low-oil-prices-are-burying-all-hope-of-future-Scottish-independence.html> (24 October 2016)

<sup>52</sup> They cited the mad cow disease as an example: Scottish farmer never used those practices causing the disease as a result their cows did not get it. When some of the European countries offered the Scottish farmers an exemption from embargo on beef export, the Westminster refused the offer, pushing many Scottish farmers to bankruptcy. – EWING–ERICKSON: i. m. 93–95.

<sup>53</sup> GRAY, Eliza: What Catalonia’s Vote for Independence Means for Europe? *Time*, 7 November 2015. <http://time.com/4102619/what-catalonias-vote-for-independence-means-for-europe/> (24 October 2016)

## 6. Conclusions

The Scotland referendum verified Marc Weller's theory,<sup>54</sup> whereby providing autonomy for a certain minority in its internal affairs and letting them exercise these powers for a long time, will strengthen their commitment for the mother state. In other words they will most probably opt for maintaining the existing state-frameworks instead of secession. This way the "failure" of the Scottish independence – a bit ironically – can contribute to the success of other minorities struggle for autonomy. *Firstly*, the democratic attitude of Her Majesty's government can serve as an example to be followed by other government. *Secondly*, if the Scots – who already bear a wide-scope of autonomy – had voted in favour of secession, it would have strengthened the stereotype that autonomy is the first step to secession. Dismissing the offer to become independent, however the Scots belied these opinions and can contribute to the autonomy struggles of the *Seklers* and the *German minority* in *South-Tirol*;<sup>55</sup> presuming that these minorities succeed in persuading the majority of the population that their autonomy claims do not aim at any further secession. In the Carpathian Basin, which carries the heavy burden of the past,<sup>56</sup> the latter one – despite some positive developments<sup>57</sup> – rather seems to be a wishful thinking, however.

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<sup>54</sup> WELLER, Marc: Settling Self-Determination Conflicts: Recent Developments. 20. *European Journal of International Law*, Issue 1 (2009), 162.

<sup>55</sup> KISPÁL, Richárd: *A skót függetlenségi népszavazás hatása az európai kisebbségekre*. Barankovics Alapítvány, 29 September 2014. <https://goo.gl/dTAIqm> (2016. szeptember 23)

<sup>56</sup> Based on a recent pooling, half of the Romanians have explicitly negative feelings against Hungarians. – *Politics.hu*, Published on 15 October 2013. <http://www.politics.hu/20131015/poll-suggests-over-half-of-romanians-dislike-hungarians/> (24 October 2016); For further information see: SZALAYNÉ SÁNDOR, Erzsébet: A nyelvhasználat jogi szabályozhatósága. *Magyar Tudomány*, 2009/11, 1343–1351.

<sup>57</sup> A Romanian court recently decided that is not against the Romanian constitution to talk about autonomy. This decision is in accordance with the jurisprudence if the ECtHR, which pronounced the same in the *Turkish Socialist Party et al vs. Turkey* case. – MAKKAY, József: Döntött a román bíróság: nem szélsőséges az autonómia. *Erdélyi Napló*, 7 August 2015. <http://erdelyinaplo.ro/aktualis/dontott-a-birosag-nem-szelsoseges-az-autonomia> (24 October 2014); ECtHR, *Turkish Socialist Party et al v. Turkey*, 13 November 2003 (26482/95) § 43.