

What is the meaning of Special Status Regions?

**Questions and Answers
for the Media and General Public**

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*Dedicated to all victims of the crisis in
the Northwest and Southwest regions since 2016*

1. What does Special Status mean?

Special Status means *Special Regional Autonomy*. It means that in a country that has got several regions (such as Cameroon's 10), some of those Regions (Northwest, Southwest) acquire certain powers, functions, or competencies that are not granted to the rest of the Regions of the country. This is typically done because of *historical specificities of the beneficiary Regions*, in order to accommodate their peculiarities, and to keep them within the State.

2. Do Special Status Region, Special Autonomous Region, and Special Administrative Region mean the same thing? Is there a difference in the titles? Why use "Special Status"?

Yes. For all practical purposes, Special Status means the same thing as the other terms mentioned above: they all refer to a part of a country which enjoys a degree of territorial autonomy which is different from how the central State treats the other units that make up the country. In the language of comparative political science, looking at countries around the world, "Special Status" assigned to a Region *is not a disability*. It is an *empowerment* of the said Regions, giving them powers that the country's other territorial units do not have.

The term "Special Status" was created by the Statesmen who first used this technique to manage Regions of a country with marked specificities differentiating them from the rest of the country. In 1948, just after World War II, Italy began creating its "*Regions of Special Statute*", which are parts of Italy which have national minority populations *who principally speak French, German, and Slovene languages*. Those regions, which today still enjoy Special Status under Italy's Constitution, are Sicily, Sardinia, Aosta Valley (Vallée d'Aoste), Trentino Alto Adige (South Tyrol), and Friuli-Venezia Giulia. Italy's 1948 Constitution divided the country into 20 Regions and stated that the five (5) Regions mentioned above, "*have special forms and conditions of autonomy pursuant to the Special Statutes adopted by constitutional law*".

3. What is the difference between a country having a Special Status or Special Autonomous region, and its being a Federation? If there are different or unique groups in the country, why not just create a Federation?

To a citizen sitting inside a Special Status Region, the net effect of that status should feel quite similar to being within a constituent *federated State*, inside a Federation. The principal

difference between a country with Special Status Regions, and a country which is a Federation, is when you look at them “from above”. In a Federation, *all of the State’s Regions* are exercising enhanced powers vis-à-vis the powers held by the central Government, whereas, in a Special Status framework, *only some of the country’s Regions* are exercising those powers. Special Status is a constitutional design technique used principally *when some but not all* of a country’s territorial units or Regions, aspire to govern certain specific domains of their existence. So, only those expressing the said wish are granted Special Status.

- 4. Is passing a Law to create Special Status Regions enough to bring peace to Regions if a conflict is on-going there? What other steps are generally required? Has granting Special Status/Regional Autonomy to a region where there is conflict ever really brought peace in another country?**

No, it is not enough. In most countries where a conflict has already occurred between the group with specificities and the central State, there is generally a *Peace Agreement* (signed between the Government and the fighting forces), and a *Law which grants Special Status or Regional Autonomy* to their region. For instance, this is what was done to resolve the conflict that had lasted for over 30 years between Indonesia and armed groups seeking independence in its island province of Aceh (Peace Agreement in 2005, Special Status Autonomy Law in 2006). The same was done to resolve a long conflict between the Philippines and its Bangasamoro Region (Peace Agreement in 2012, Special Autonomy Status Law in 2018).

A Peace Agreement is important because that is what ordains (i) a ceasefire, (ii) the withdrawal of offensive forces by all sides to the conflict, (iii) the effective beginning of safe Disarmament, Demobilisation, and Reintegration (DDR) of ex-combatants, (iv) amnesty, release, and rehabilitation of prisoners held because of the political conflict, and (v) a national process of reconciliation and healing, and reparations for victims of the conflict to repair the wrongs done to them.

- 5. Does a Special Status region typically have its own Regional Government and administration?**

Yes. A Special Autonomous or Special Status region needs to have its own Regional Government *which handles the matters which are assigned to the Region’s competence*. In order to function, it also requires a *representative body* (legislature) which adopts laws and regulations in its areas of competence, and a regional administration (public service) which delivers the services that are entrusted to the Region under the Special Status or autonomy arrangements. Note that this is a Regional Government which handles the *home affairs* of

the Special Status region, and *not* a Government that takes its own seat in the global community of nations. The mother State remains the overall, international sovereign – while abiding by the terms of the Special Status agreement.

6. When a Special Status region is created, does it change the citizenship of residents of, and persons from the said region? What citizenship do they carry?

No. Persons resident in and originating from the Special Status Region remain citizens of the mother State. Their citizenship or nationality does not change. In some countries, their identification or travel documents may carry a specific mention indicating that they are residents of, or from the Special Status Region – however they remain fully citizens of the mother State, and enjoy all benefits (such as voting rights) and have the same obligations, as do the country's other citizens.

7. Do Special Status regions have their own Embassies abroad, and do they conduct their own foreign affairs?

No. A key element of Special Status regions across the world is that they function under the sovereignty of the State in which the said Regions exist. They are not new States or entities under international law that can conduct their own foreign policy. The mother State remains the one with the country's seat at the United Nations or African Union.

However, almost all Special Status arrangements contain an important concession to the Regions concerned: when the mother State is *negotiating any international agreement or treaty which touches on a matter of particular interest to the Special Status region* (such as a subject which is within the Region's special competencies, or which may otherwise affect the Region's interests), the mother State is *required to include, and consult with* the Region. The State generally includes representatives from the Region among its diplomats who negotiate the treaty or international agreement, to ensure that the Special Status Region's concerns are taken into account.

8. When only some Regions or parts of a country are granted a Special Status or Regional Autonomy, how will they be different from the other regions of the country?

In most countries around the world, all the territorial sub-units (such as Regions) handle certain functions, because the central State cannot handle everything directly. So, all the Regions of a country (meaning their Regional-level institutions) will have certain duties

which they assume. In Cameroon for instance, it is planned that the Regional authorities (once operational) will run Government Secondary Schools and High Schools, while Local Councils will run Government Nursery and Primary Schools. That will help reduce the workload of the central Ministries of Secondary and Basic Education which are running thousands of schools across the country.

The difference with the Special Status region is that, over and above the functions which all other (ordinary) Regions exercise, it *will have specific powers and competencies which go beyond its other peer Regions*. Based on what the needs are, this can include powers in areas such as the use of a principal language for official business within the said Region. The governance and administration of the Region will also be different.

9. Will granting Special Status to the Northwest and Southwest regions not create inequality and thus be discriminating between Cameroon's regions?

No. It is important for all Cameroonians to keep in mind why the Special Status designation is being created in the first place. It has been stated from the onset of the idea, and reaffirmed at the highest levels, that the Special Status planned for the Northwest and Southwest Regions is “*on account of their historical specificities*”. That is an important statement. It refers specifically to the fact that those Regions *acquired a linguistic, educational, legal, and cultural heritage that is specific to them*, due to the periods of their administration as a mandate and trust territory under Britain.

All the other Regions of Cameroon have cultural peculiarities, in terms of their traditional, indigenous, African cultures (and so do the Northwest and Southwest). However, the other Regions of the country do not each harbour an educational, legal, or official language system that is peculiar. It is those specificities that underlie the grant of Special Status. Other Regions, once their institutions are set up, continue to exercise the functions assigned to them under the decentralisation or other devolution processes.

10. Can the central Government cancel the Special Status or Autonomy arrangement for the regions if it is not satisfied with how it is working?

No. Special Status Region arrangements typically provide that in order to amend them, there must be approval by both the *national* Parliament, and by the Representative body (assembly) *of the concerned Region*. They do not condone unilateral action.

11. Can the Special Status region's authorities decide to abandon the agreement, stop collaborating with central State, and run their Region as they choose?

No. Special Status Region arrangements typically provide that in order to modify or depart from them, there must be approval by both the *national* Parliament, and by the Representative body (assembly) *of the concerned Region*. They do not condone unilateral action. Special Status arrangements are a method of ensuring *internal self-determination* of the concerned group or Region *within* the country. They *do not give rise to a right to secession*, or external self-determination.

12. What if a dispute or disagreement occurs between the central State and the Special Status region over their functions or roles? How is this resolved?

Typically, the document which establishes Special Status Regions provides in itself *a mechanism to resolve disputes* which can occur between the central State and the said Regions or between their respective institutions, for instance, over their domains of competence. At the first level, there is typically a *Joint Commission* comprised of an equal number of representatives from the Special Status region and the central State, which hears such matters or complaints and seeks to resolve them. This encourages the parties to resolve the dispute at the level of political decision-makers.

Next, a number of Agreements creating Special Status regions (especially following a conflict) include an *international guarantor or trustee* mechanism which constitutes a level of appeal, and which renders a binding decision on such disputes between the State and the Region. In countries with *stable judicial practice*, the highest Court of the country which handles disputes between its key Government organs (often a Supreme or Constitutional Court) also often has a role as arbiter of last resort.

13. If the Region has special functions or powers to deliver certain services, how will it get funds for its budget? How will revenue be allocated to, or shared with the Special Status Region?

Around the world, all Special Status arrangements include a clear provision that states how the Regions concerned will raise or receive the funding required to discharge the functions that they assume. The Special Status agreement or Law typically specifies the Region's *statutory (automatic), predictable, and recurring entitlement to funds for its budget* to carry out its responsibilities. In some countries, this is established as a percentage of the overall annual State revenue and expenditure (budget). These arrangements also generally include

a specification of *tax mobilisation roles, responsibilities, and allocation*. A *Joint Mechanism* involving both parties is generally set up to ensure smooth implementation of the revenue mobilisation and budget allocation, and associated accountability and reporting.

14. Will a centrally appointed Governor rule over the Special Status region? Who is the Region's Executive?

Generally, the creation of a Special Status Region changes the way the said Region is administered. Since the Region *assumes lead responsibility for certain functions or competencies that are assigned to it*, its own Executive assumes a more prominent role. Therefore, the Region's *own Executive* governs the administration under its authority to discharge the functions and deliver the services for which it is responsible.

However, a Special Status Region does not take over *all* public functions which may concern the entity. For instance, national defence and security, policing international borders, and currency and monetary affairs are functions which such Regions do not assume. Therefore, the central State does have a *representative* to the Special Status Region, who *attends to only those matters that are the central State's responsibilities*. They do not oversee the Special Status Regional authorities on matters within the latter's domains of competence.

The said Representative is generally *not* termed a "Governor" but rather a Commissioner or Delegate. In most countries with Special Status regions, to appoint the said central State representative, due consideration is given to *their experience and knowledge of the historical specificities of the said Regions*, and the *authorities of the Special Status region are consulted and give consent, prior to their appointment or removal* from the position.

15. How will it be defined what functions are for the Region, and what functions are for the central State? Is there not a risk of confrontation?

Laws or Agreements that create Special Status regions generally include inside the text a specification of the domains of competence that are assigned to the Region. For reasons of clarify, the said specification generally includes: (a) those domains or functions for which the Special Status Region assumes exclusive responsibility, (b) the domains which remain with the central State, and (c) most importantly, domains in which for either the Region, or the Central State to act, it is required that they *consult with, and / or obtain the consent* of each other. It is possible that differences of interpretation may occur between the parties, as to who has what responsibility: hence the dispute resolution mechanisms which were described above.

16. What are some of the types of special functions or areas of competence that Special Status regions may have?

The specific domains or functions assigned to a Special Status Region *typically reflect the historical specificities that led to their being granted* that status in the first place. This means the domains which created tensions when they were managed by central State institutions, and for which it has been decided it is better to manage them at Regional level. This can include *for instance*: the official or principal language to be used for transactions in the Region, the educational system, or the legal system.

17. What are some examples of where Special Status regions have been created? Do they work or bring peace and stability? What if they fail?

- Indonesia: Province of Aceh
- Philippines: Bangsamoro Region
- Finland: Åland Islands
- Tanzania: Zanzibar
- Portugal: Azores and Madeira
- Denmark: Greenland
- Denmark: Feroe Islands
- Italy: Trentino-Alto Adige, known as South Tyrol
- Italy: Aosta Valley, known as the Vallée d'Aoste
- Italy: Sicily
- Italy: Sardinia
- Italy: Friuli-Venezia Giulia

Special Status Regions are an effort by Statesmen and peace negotiators to try to accommodate situations in which a State has a territorially based minority or group, with peculiarities that are difficult to manage by the central State. In our times, few countries have a perfectly homogenous Nation (the constituent cultural, linguistic, and other groups) within the State (the legal territory recognised in international law). Like all arrangements made to resolve a conflict, they need *regular maintenance, patience, trust and tolerance* among all parties, in order to work. Even if they entail challenges, those are probably better to handle than the pains of conflict.

18. All Anglophones do not live inside the Northwest and Southwest Regions. How then will a Special Status confined to those regions provide benefits them, to ensure their specificity is protected?

Typically, when a country gets to the point of granting some *territorial autonomy* to a part of its population on account of important historical reasons and to manage certain specificities, it also thinks about other ways to ensure what are referred to by specialists as “*non-territorial*” *autonomy*. Cameroon’s National Commission on the Promotion of Bilingualism and Multiculturalism is an example in this regard.

It should be remembered that the Special Status or Special Autonomous Region is not handling *all* of its affairs. Some continue to be handled by central State institutions (such as defence and external security, banking and monetary matters). Hence the said Region’s residents or Anglophones more generally need to access those on an equitable basis, elsewhere in the country. While they do not carry all the effects of Special Status along with them wherever they go in the country (and must recognize that other Regions do not have identical obligations towards them as their home Region), *they are entitled to accommodation, especially in order to access national or central State-provided services, on an equal basis.*

19. What will be the situation of persons from other Regions (including those who primarily use French) who live in the said Regions? Will they be able to live and work there?

Special Status regions are the product of a *very careful national exercise of accommodation, inclusiveness, and ensuring everyone has a space under the country’s umbrella’s shade.* They are not intended to create fortresses or exclusive zones, in which the population carrying the historical specificity (for which it is granted) live secluded and without interaction with the mother State. Renowned experts who have studied dozens of separatist conflicts around the

world (such as Greek Professor and foremost specialist in the study of separatist conflicts, Alexis Heraclides) actually argue that *such regions should not be established, if they create entities intolerant of other groups, including minorities within them*. Therefore, there should be fundamental respect of the historical specificity within the said Regions, but some measures to accommodate other minorities therein (such as schools dispensing the French educational system), in proportion to their inhabitants.

20. Where can I read or learn more about Special Status, or Special Autonomous Regions? What do experts in political science, conflict resolution, and constitutional law think about these ‘Special Status’ or Special Autonomous regions?

There is growing interest around the world, in the fields of *international law, diplomacy, conflict resolution, comparative political systems, and comparative constitutional law*, on using territorial autonomy arrangements (another name for Special Status, or Special Autonomous Regions) to resolve these very difficult situations arising from sub-groups within a State who deserve special measures, due to their group specificities. Some of the world’s best international lawyers and comparative constitutional experts have spent years working on these concepts, to try to design and advise on ways to create regional autonomies, within States.

The proposals for a *Legislative Whitepaper on Special Status*, by Barrister Simo & Dr. Tazo released on 12/11/2019, contain a Reading List (Bibliography) at the end, with several materials for further reading, on such regions.