SEMINAR 'INDIGENOUS PEOPLES: THEORY AND PRACTICE'
FACULTY OF LAW AND ADMINISTRATION UNIVERSITY OF WARSAW
Aula A3, Collegium Iuridicum II, 4 Lipowa Str.
Friday, 25/9/2020

12.00-12.15 Opening ceremony
Prof. dr hab. Piotr Węgleński
Former Rector of the University of Warsaw

12.15-14.15
Session I: Indigenous peoples within legal and social issues
Moderator: dr hab. dr Dobrochna Bach-Golecka

- Prof. Jerzy Menkes, dr Magdalena Suska, Warsaw School of Economics
  The issue of indigenous peoples at the UN – selected problems
- Prof. Jacek Kurczewski, University of Warsaw
  Right to one's own law reconsidered
- Dr hab. Magdalena Krysińska-Kałużna, University of Warsaw
  Legal Pluralism in Latin America and its 'Critical Issues'
- Dr Krzysztof Ząbecki, dr hab. Bogumiła Lisocka-Jaegermann, University of Warsaw
  Present-day policies concerning indigenous languages in the Americas – geographical approach
- Dr hab. dr Dobrochna Bach-Golecka, University of Warsaw
  Recent developments of papal social thought on indigenous peoples
- Michał Wiącek, University of Warsaw
  The First Nations and the Corporate Social Responsibility of KGHM Polska Miedź S.A.

Discussion

14.00-14.30 Lunch

14.30-16.00
Keynote lecture

- Steven Cooper, *First in time, second in rights*

Discussion

16.00-16.15 Coffee break

16.15-18.00

Students' panel
Moderator: dr Magdalena Suska

- Jakub Babuśka, University of Warsaw
  The Indigenous Subject in Law - at the Intersection of the Caretesian Subjectivity and the Rule
- Daria Ciak, University of Warsaw
  No place to call home. Indigenous peoples and the problem of homelessness
- Natalia Deptała, University of Warsaw
  The Evolution of the Concept of Delinquency and the Idea of Guilt in the pre-Columbian Mesoamerica
- Jan Kunicki, University of Warsaw
  Legacy of the conflict between European and indigenous African legal traditions and land tenure in contemporary Zimbabwe
- Dominik Świątkowski, University of Warsaw
  The right of the indigenous people of Corsica to self-determination in the face of socio-legal challenges. Analysis of the problem on the basis of French, international and European law

Discussion

18.00-18.15 Closing ceremony
Dr hab. dr Dobrochna Bach-Golecka

Professor Jerzy Menkes
Warsaw School of Economics

Dr Magdalena Suska
Warsaw School of Economics

The issue of *indigenous peoples* at the UN – selected problems

The study is a critical analysis of the index of norms and mechanisms protecting the collective rights of indigenous peoples established at the UN. The norms and mechanisms protecting the rights of indigenous peoples are researched, on the one hand, through the prism of creating and implementing the norm of "the right to self-determination" within the framework of international co-operation; on the other hand, as the collective rights being a complement and form of the implementation of the individual human right. The basic normative accomplishment of the UN, which is the United Nations Declaration on the Rights of Indigenous Peoples (hereinafter referred to as: UNDRIP) has been analysed with the use of the legal and dogmatic method. The conclusions have the character of assessment statements complemented by postulates of a *de lege ferenda* nature.

It is a truism reminding that the human rights contemporary counted to the individual rights[1], whose axiological basis is the obligation to respect human dignity, originate from the collective[2] and political rights[3]. Bearing in mind the historical roots of the human rights in the indigenous peoples' rights, the past intertwines with the present[4]. The rights of indigenous peoples are, first of all, the collective rights[5]. The indigenous peoples' rights co-create, preliminary, norms, which, through the collective rights, comply with the obligation to respect human dignity. The implementation of the collective rights entitled to indigenous peoples is positively correlated with

[1] It is not, however, an exclusive state. Both universal norms of international law (e.g.: Articles 1.2 and 55 of the Charter of the UN as well as Articles 1.1 and 1.2 of the Covenant on Civil and Political Rights) and many national systems (such regulations are included in e.g. constitutions of Angola and South Africa) protect collective rights.
[2] Peace of Augsburg (1555) established the principle of *cuius regio eius religio*.
[3] Bill of Rights and Claim of Right (1689).
[4] See: C. Bisaz, *The Concept of Group Rigts in International Law:*
Groups as Contested Right-Holders, Subjects and Legal Persons. Martinus Nijhoff Publlishers Leiden Boston 2012, pp. 43-126.
[5] It means that: - the holder of the right is collective; - the exercise of the right pertains to a legally protected collective good; - the interest of the right is of a collective nature, see: *Group Rights*. Stanford Encyclopedia of Philospohy; https://plato.stanford.edu/entries/rights-group/ (access: 20.07.2020).

the individual rights of these group members both related to the group belonging (to indigenous peoples) and independent of it[6]. The recognition of the collective rights and obligation to respect them neither constrains the individual human rights, nor weakens them. The recognition of the collective rights is a derivative of the interpretation of the human rights in line with the *pro homine* principle.

Actions aiming at creating, at the UN, regulations protecting the rights of *indigenous peoples* began in the second half of 20th century. Then, there was adopted the ILO Convention No. 107 (1957)[7] and initiated work on the resolution GA UNDRIP and established (or broadened competences of) the existing UN bodies and organs, which should have resulted in establishing a complex set of instruments protecting the rights of *indigenous peoples*[8].

On the one hand, the have been visible the effects of perceiving the challenge which was systematic and systemic violation of the rights of *indigenous peoples* and persons belonging to them. In many states, norms and institutions protecting the rights of *indigenous peoples* have been established and attempts of coming to terms with the past have been made. The effects of international cooperation are tangible[9]. On the other hand, the process proceeds slowly both from the perspective of justified expectations and similar processes of establishing the protection of the collective rights. The reasons for slowness are different and their identification is outside the area of legal consideration; however, easily noticeable are dramatic differences between the attitude of particular states to the rights of *indigenous peoples*. Nevertheless, it is to be hoped that in the process of creating and implementing norm protecting the rights of *indigenous peoples*, there will occur a snowball effect – it will not only accelerate, but even reach the capacity of an avalanche.

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[6] See: A. H. Nuila, *Collective Rights in the United Nations Declaration on the Rights of Peasants and other People Working in Rural Areas*. Fian International Briefing Note March 2018; https://www.fian.org/fileadmin/media/publications_2018/Reports_and_guidelines/droits_collectifs_UK_web.pdf (access: 20.07.2020).

[7] It did not stop the works of the ILO on conventions protecting the rights of indigenous peoples, the next one was Convention No 169 from 1989. Indigenous peoples are, however, in the centre of ILO's interest since the beginning of the Organization's existence, which undertook the work of protecting the rights of indigenous peoples already in the Convention No. 29 (1930). This interest in the ILO dramatically departed from bad practices of the League of Nations: refusal to provide a voice to the leaders of indigenous peoples (in 1923 and 1925, see: https://www.un.org/development/desa/indigenouspeoples/about-us.html; (access: 21.07.2020)).

[8] Different institutions and bodies of the UN System join the work, see e.g.: World Bank https://www.worldbank.org/en/topic/indigenouspeoples#2 (access: 21.07.2020); UNESCO https://en.unesco.org/indigenous-peoples (21.07.2020) or WHO https://www.who.int/topics/health_services_indigenous/en/ (access: 21.07.2020).

[9] Except the IGOs, NGOs participate in it, e.g.: Amnesty International https://www.amnesty.org/en/what-we-do/indigenous-peoples/ (access: 21.07.2020).

Professor em. Jacek Kurczewski
University of Warsaw

Right to one's own law reconsidered

The countries with culturally surviving „indigeneous" or „native" minority after de-colonisation had been dealing with the issue of healing the past wounds through the restorative justice that had involved the recognition of the „indigeneous" or „native" rights within the conceptual frame of „customs" or „customary law". The proces was local-specific as the colonisation took place under varying legal-political conditions. The often ex post recognised legal plurality coincided with the emergence of the legal pluralism recognising the legal autonomy of various non-governmental bodies such as churches and other nomos groups (Jean Cohen's term) recalling the late Western medieval legal pluralism . Cohen criticises the „juridictional political pluralism" as subverting the democratic liberal sovereignty. In my paper I seek another conceptualisation of the recognition of plurality of nomos group that would not abuse the sovereignty of human rights and both recognise the right to the legal identity of goups and individuals . In this I would refer to the concept of intsngible cultural heritage as defined by 2003 UNESCO convention as well as to the paradoxical counter-example of „native law" which the Roma law is.

Dr hab. Magdalena Krysińska-Kałużna
University of Warsaw

Legal pluralism in Latin America and its “critical issues”

The concepts of multiculturalism and legal pluralism, in being very valuable assets, may in the context of their various interpretations serve as tools for resolving social conflicts, but conversely they can also generate them. The assumption is that multiculturalism and legal pluralism lead to harmonious coexistence of different societies within the same state. However, it is necessary to talk about difficult "critical issues". Using examples from several Latin American countries this paper intends to: 1) present negligence on the part of the state as an institution which is responsible for the implementation of legal provisions that recognizes multiculturalism, including the use of traditional law of indigenous peoples, and that usually fails to comply with its obligations; 2) identify elements that are catalysts for generating processes in which the principles of multiculturalism may be incompatible with the concept of multiculturalism as promoted by UNESCO. A reflection on these processes and elements seems to be essential for intercultural dialogue, as well as for the debate on multiculturalism and legal pluralism that assumes communicational (consensual) rationality of the subjects.

Dr Krzysztof Ząbecki
University of Warsaw

Dr hab. Bogumiła Lisocka-Jaegermann
University of Warsaw

Present-day policies concerning indigenous languages in the Americas – geographical approach.

In North and South America, more than 20 million people speak indigenous languages. Their protection is being claimed by indigenous social movements, cultural activists and researchers. Even if the problem attracts attention of decision makers on both: national and international levels, research concerning the current status of indigenous languages and the situation of their speakers is still scarce.

Our presentation sums up the results of a doctoral research project that identified and assessed spatial aspects of present-day policies towards indigenous languages in North and South American countries and dependent territories, in the context of increasing urbanization of autochthonous populations. Global changes in policies regarding indigenous people have had a strong impact on language policies in the Americas. They aim at an increasing protection of indigenous languages, especially in countries with a higher number and percentage of native people and indigenous language speakers, but the policies' scope is not adapted to changes in spatial distribution of autochthonous populations.

The situation of indigenous languages in Mexico City presented as a case study shows that the official language policy in the city is not being successfully implemented. As a result, the situation of indigenous languages depends primarily on grassroots initiatives of autochthonous people, which for several reasons are still few and far between.

The first part of the presentation sums up analysis concerning the number and spatial distribution of indigenous people and indigenous language speakers in countries and dependent territories of the Americas. The second shows the evolution of policies towards indigenous languages in the Americas from the colonial era to our times. The last part studies spatial aspects

of the situation of indigenous languages in Mexico City, based primarily on qualitative data obtained from interviews and observations carried out during field research. Implementation of state led policies, the city's official language policy, and main factors that influence the vitality of indigenous languages in the case study area are presented

Dr hab. dr Dobrochna Bach-Golecka
University of Warsaw

Recent developments of papal social thought on indigenous peoples

The paper is going to focus upon the development of papal social thought on indigenous peoples within various perspectives. Firstly, an analysis would aim at exploring the historical and theological foundations of Catholic responses to indigenous peoples, from medieval heritage, pope Alexander VI and Paul III. The modern era would be presented within the focus of a Catholic social doctrine, commencing with the pope Leo XIII and the problem of the slavery of indigenous peoples, Pius X and the tragedy of genocide of Amerindian peoples, John XXIII and the issue of peace and minority rights. The recent developments would concentrate upon the heritage of the Second Vatican Council, the pontificate of Paul VI and John Paul II, stressing the uniqueness of indigenous peoples. Last but not least, most recent development of papal social thought on indigenous peoples would be presented within the post-synodal exhortation of the pope Francis *Querida Amazonia*.

Michał Wiącek PhD Candidate
University of Warsaw

The First Nations and the Corporate Social Responsibility of KGHM Polska Miedź S.A.

KGHM is a Polish state-controlled company, a global leader in copper and silver production, that decided to acquire a Canadian company called Quadra FNX Mining Ltd at the end of 2011. The governance of the KGHM is secured by the Polish government that owns 31,79% of shares. The company is a subject of a special statutory law in Poland and in fact it is the Polish government acting via the supervisory board that can effectively change the Management Board. Since 2012 the Polish public has been presented with series of news related with claims made firstly by the Atikameksheng Anishnawbek in Ontario to renegotiate the Robinson Huron Treaty from 1850 and secondly by the lobbing of Stk'emlúpsemc te Secwépemc to block the Ajax mine in British Columbia.

In this paper, I will argue that the image of Canadian First Nations and more broadly Canadian Ingenious population have been shaped by the presence of KGHM in Canada since 2012 and its coverage in Polish public discourse not only by the media but as well by the Corporate Social Responsibility (CSR) reports of KGHM. Mainly, I aim to show the shift from the company's 'Indian' narrative towards the discourse of the First Nations as one of the company's stakeholders.

Steven Cooper
Canada

First in time, second in rights

In 1492 Columbus sailed the ocean blue - most students in the 1960s and 70s in North America were taught. Little, if any heed was taken of the people who had already lived in this "New World" and Canadians blithely went about their lives entirely unaware of the trials and tribulations that resulted from this voyage. The intrepid explorer, in traditional European colonial form, embarked upon a program of domination, slavery and genocide. As we approach the 500th anniversary of that fateful voyage, Canada is addressing historic wrongs against the first peoples of North America primarily through litigation.

How has the British Royal Proclamation of 1763, purporting domination and ownership of the indigenous population of British North America, persevered? Having achieved its immediate goals, the proclamation was promptly juristically forgotten leaving the First Nations as landless, second class citizens in a country most of them did not recognize. It found new life in the factums of lawyers looking for a legal foundation to support their indigenous clients' various claims.

Also revived in those factums were treaties signed over a 40 year period between 1871 and 1911. As the end of the 19th century approached, the fledgling new nation of Canada looked to populate the western plains with new immigrant farmers recruited from across Europe. To avoid the incessant warfare that had typified the American colonization of its west, the Canadian government was compelled to enter treaties, eleven in all.

Steven Cooper will examine the development of the class action as the presumptive tool by which First Nations issues, collectively and individually, have been given access to a justice system that had traditionally been closed to them.

Our examination will include an overview of some the class actions and other litigation in which Mr. Cooper has been involved including:

- the largest class action settlement in Canadian history, the $6 billion Indian residential school settlement agreement
- the notorious 60's scoop whereby Indigenous children forcibly removed from their parents and subsequently advertised for adoption,

- forced sterilization of Indigenous women
- the Indian Hospitals class action addressing the segregated health care system provided to First Nations,
- the forced relocation claims and settlements
- systemic discrimination cases against the Royal Canadian Mounted Police
-The “cows and plows” cases derived from unfulfilled treaty obligations

Steven Cooper is a partner at Cooper Regel, a member of Masuch Law, in Sherwood Park, Alberta, Canada. He will discuss his personal and professional background in class action litigation representing indigenous populations across Canada.

Jakub Babuśka
University of Warsaw

The Indigenous Subject in Law
- at the Intersection of the Caretesian Subjectivity and the Rule

This article engages with a key question raised by the tension between the subject of normative law and indegenious, mainly collective, concepts of liability. In the psychoanalytic framework of the lacanian work on criminology I will explore Cartesian specificity of a legal subject. I will argue that structural nature of that legal institution not only ontologically affects an individual, but also reorients the dialectics inherent to legal dogmatism.

Following Baudrillardian thought, the article assumes that the total opposition to normative law is not the absence of law, but rather the Rule. The Rule as a concept engaging individual into dialectics of a game and at the same time ruling out any sense of inherently legal transgression.

However, the context of indigenous systems based on the Rule, besides amplifying an alienating effect of the individualisation of responsibility, also explains incongruity of normative law in some cultural contexts. The failure to integrate indigenous, traditional and local legal systems into the post-colonial normative discourse is just one of many illustrations of it. As an exemplary case I will evoke injustice (in Lyotardian sense) resulting from litigation simultaneously based both on Brahmanical marriage rules and The Hindu Code Bill.

In its final part, on the one hand the text summarises the impasses of the legal dialogue with indigenous rules and on the other hand the ways of emancipation of an individual imbedded in the Cartesian subjectivity, which are inspired by transcultural encounters.

Daria Ciak
University of Warsaw

No place to call home. Indigenous peoples and the problem of homelessness

Foxes have dens and birds of the air have nests,
but the Son of Man has no place to lay His head.
Luke 9:58

What is the meaning of the word *indigenous*? According to The Oxford English Dictionary: *Originating or occurring naturally in a particular* ***place***. Paradoxically, what was first taken from the people we define by this umbrella term is a place of their own. It is important to realise that not only their birthright to housing and organising their living space has been violated. The lack of place is also a denial of word *indigenous* and thereby a direct cause of most problems connected to contemporary situation of indigenous peoples around the globe. That is why on this seminar I am going to present a research on the topic of homelessness among the indigenous peoples.

At the very beginning we will take a look at the definition of homelessness. It is worth noticing that homelessness from an indigenous perspective does not fit neatly into the classical *First World's* typologies.

Next, for the purpose of presenting the problem in more detail, I am going to focus on the two particular native groups: Indigenous Peoples of America (First Nations, Inuit, Métis) and Aboriginal Australians. Within each part I will cover the issues such as: a brief characteristic of a native group, history of the homelessness phenomenon, current statistics of the homelessness phenomenon, direct and indirect effects of the homelessness phenomenon (health problems, family violence, disruption of education and work, lack of spiritual connection to the land and separation from traditions). The aim of this two-part structure is also to compare the situation of native groups and laws that govern public space from two entirely different parts of the world and – to check if there is more similarities, or differences on the issue of homelessness

Last but not least I will provide information on current perspectives regarding the problem of homelessness, possible solutions to the problem and particular organizations/entities which actively contribute to raising social awareness about the problem.

Natalia Deptała
University of Warsaw

The Evolution of the Concept of Delinquency and the Idea of Guilt in the pre-Columbian Mesoamerica

This article focuses on the evolution of the concept of delinquency in addition to prevention and suppress methods and an idea of guilt in the pre-Columbian Mesoamerica, while treating its inhabitants as high-developed indigenous ones.

The first part of the article focuses on the concepts of the law and justice, in terms of specific measures that determine a way of life in every society. The reason for treating law in such a way is an assumption that one is able to get to know and comprehend it only through the constant experience. Both elements of this idea are similar in elaborating relationships existing in the indigenous societies. Mostly, they are exemplified by tribal divisions that represent the practical functioning of legal systems and the variety of responsibilities the individuals or group members have for one another or to the community. In this case even one little counteraction will lead to the regime of criminal law dealing with the individual who has broken the common rules and many such cases have appeared in the history.

The 16th century European conquests of the terrains located in the New World put an end to the further development and existence of long-standing civilisations that, until that moment, had been flourishing in a complete isolation from the rest of the planet. Although, the main focus of this article is placed on the earlier timeline, when two crucial civilisations existed in Mesoamerica. Mayans and Aztecs developed enormous, highly populated and very well-functioning empires. However, even a large human society cannot function without order and there is no order without law. Dealing with the particular reflections and forms of delinquency in both civilisations seems to be indispensable in order to understand indigenous types of delivering justice in forms of various mechanisms of prevention. Therefore, a conclusion could be drawn, that criminal law already then became very effective instrument of social control.

In the next part of the article the role of guilt in Mesoamerica is examined. Committing a crime or a delict is incompatible with the desirable values and norms that rule over the society causing harm and hazard. Taking into consideration also the detrimental consequences of a forbidden act, psychological determinations of the delinquent and his personal attitude towards it, concepts of a guilt- and a shame- culture should be noticed. From a historical point of view, a fact of a delinquent's feeling of guilt was taken under the consideration during the criminal trial in Europe scarcely in the Middle Ages, while in Mesoamerica this concept had already existed. Furthermore, some of the pre-Columbian Mesoamericans distinguished between intentional and accidental acts what had an impact of the final judgement.

Jan Kunicki
University of Warsaw

Legacy of the conflict between European and indigenous African legal traditions of land tenure in contemporary Zimbabwe

It is undeniable that European legal traditions, brought to former Rhodesia by White settlers, were of immense importance for the legal status of land tenure in the country. These policies known to Western civilisation were however in conflict with traditions and laws of indigenous peoples: Shona and Ndebele, which were mostly based upon ancestral ideals of these tribal societies. Yet, the law of European colonists, who were the minority in the country, was the one that strived for almost a century. It still deeply impacts land policy in Zimbabwe today. The question is: to what extent?

Numerous legal acts imposed unilaterally by White Rhodesians, most notably the 1930 Land Apportionment Act and the 1951 Native Land Husbandry Act, impacted the land tenure in the region. The indigenous African population was undeniably discriminated by these legal actions: numerous acres of the land were taken by European conquerors and those which were left were of much lesser value in terms of farming and pasture. Although some actions were taken by the settler government in order to ease the upcoming escalation, this division imposed at the beginning of the XX century prevailed until the minority rule ended in Rhodesia in 1979/80. When Robert Mugabe rose to power and imposed his strict policies numerous land allocations were awarded to the supporters of his regime, in the name of removing racial injustices. The aftermath was disastrous: once world famous agriculture demised and Zimbabwe became ceaselessly endangered by famines. Furthermore, legal acts concerning the land tenure and husbandry were based on European legal institutions, alien to native population of Zimbabwe.

It is of utmost importance however to note that they were not indeed homogenous. European law was mostly based on the *common law* traditions of the United Kingdom and its colonial empire. Yet, some principles originated from the *civil law*: the Roman-Dutch Law, which was widely recognised amongst Boer population of South Africa, a close neighbour of Rhodesia. These principles from both legal traditions were in deep conflict with rules known to Africans inhabiting the country. Indigenous traditions were however ousted by the European law and are

unquestionably absent in Zimbabwe today. This is clearly visible in contemporary legal regulations such as: Land Acquisition Act, Land Commission Act, Agricultural Land Settlement Act and Rural Land Act.

Nowadays, after the fall of Mugabe in 2017, the country finds itself in the defining point of its history. Will the new government impose policies that would successfully change the land tenure in Zimbabwe and make it once again a pride of the country? In order to do that it would have to reflect on its history, laws regulating the matter of land tenure and consider whether it can derive useful values from its colonial past or in contrary, remove the remnants of colonialism in its legal regulations.

Dominik Świątkowski
University of Warsaw

The right of the indigenous people of Corsica to self-determination in the face of socio-legal challenges. Analysis of the problem on the basis of French, international and European law

The paper is a response to the difficult political and social situation taking place in Corsica. The intensified separatist movements occurring there, are an inspiration to consider the legitimacy of the right to self-determination of the indigenous inhabitants of the island in juxtaposition with the right to territorial integrity.

The first part of the paper will focus on the historical foundations of separatist aspirations and will lead to the conclusion that the inhabitants of the territory incorporated to another country retain their own identity resulting from linguistic and cultural differences, even after more than 200 years. Historical analysis will also show that the lack of respect for the autonomy of the region leads to the emergence of negative social phenomena, such as the formation of more and more radical organizations (including the terrorist organization – the Corsican National Liberation Front).

The next parts of the paper will cover the analysis of national, regional and international legal acts. Firstly, the national ones allowing the independence of Corsican claims to be assessed in terms of compliance with French domestic law will be analysed. For this purpose, the Constitution of the French Republic, decisions of the Constitutional Council (No. 2001-454 DC, 82-138 DC, 91-290 DC, 99-412 DC), as well as ordinances (No. 2016-1561, 2016-1562, 2016-1563) regulating, *inter alia*, the administrative and budgetary situation of Corsica will be called. This will lead to the conclusion that under French law any secession is impossible, although the legislative changes of 2018 give the Corsicans hope for the beginning of the process of gaining more autonomy but within the French law.

Afterwards, the research will concentrate on international regulations concerning the problem under study, in particular the UN Charter, the Helsinki Final Act, the UN General Assembly resolutions - 2711 (XXV), 1514 (XV), 34/37; ICJ advisory opinion of October 16, 1975 in the case of Western Sahara and the judgment of the General Court of the EU of December 10, 2015 in the case of T-512/12. The analysis will show that although the right to self-determination

is considered a human right, it does not include the right to secession, which ensures respect for one of the key principles – territorial integrity. Attention will also be given to international recognition which is extremely significant from a practical point of view.

Subsequently, the socio-political reasons for the independence aspirations constituting the basis for the emergence of resistance movements existing until today will be presented (including the resettlement of *pieds noirs* to Corsica from Algeria after the decolonization period, eviction of the indigenous inhabitants, an increasing number of Arabs, tests of nuclear weapons on the west coast of Corsica) .

Summing up, it will be emphasized that although there are historical grounds for the separatist aspirations of Corsicans, in the current legal situation it is only possible to increase autonomy, which will already implement the right to self-determination. In fine, each nation can decide for itself as long as it does not harm others and operates within the domestic and international law.