

# The Ethnic Awakening of the Industrial Age and the Problem of Self-Determination

Galina Starovoitova

*Extracts from the book National Self Determination.*

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Studies*

## THE SIGNIFICANCE OF CONTEMPORARY NATIONALISM

**"History is littered with the wrecks of states that tried to combine diverse ethnic or linguistic or religious groups within a single sovereignty."**

**Arthur Schlesinger, Jr.**

The end of the current century has produced many surprises. The collapse or temporary retreat of communism in Eastern Europe and the USSR led to the fall of the post-World War II bipolar system and apparently reduced the risk of a third world war. New conflicts of a regional character that echo in the rest of the world are nevertheless drawing international society into the process of resolving unexpected, unusual problems, whether it be in Bosnia, the Persian Gulf, or Nagorno-Karabakh. Experts speak with more and more concern of the unpre-

dictability of the situation at the turn of the century, [2] or of the threat of what Samuel Huntington called the "clash of civilizations" divided by ethno-cultural barriers. It is increasingly clear that the fall of the Soviet system in no way promises Fukuyama's "end of history", but rather the appearance of new actors on the historical stage.

The development of high technology, especially in the sphere of communications, has turned the urban centers of the world into a unified "global village" of information. Fashion, standardized clothing, food, housing, and a certain manner of thought have begun to be distributed among developed countries with unheard-of speed, and it might seem that they would steadily lead humankind to unification. The pre-industrial world was extraordinarily rich in cultural differences, but it cannot resist the "melting pot" of urbanization. Contrary to expectations, however, nationalism has not weakened in this cosmopolitan pandemonium, but has in fact gained strength.[3]

The loss of ethnic features in one's way of life is making itself painfully felt among urban populations, which would seem to be losing them more quickly than other groups. Devotion to one's ethnic roots has begun to enter the spiritual plane and take on an ideological nature.[4]

In fact, nationalism is organically connected to the industrial age. We understand nationalism to be, in the words of British professor Ernest Gellner, "...a principle demanding that political and ethnic units come together, and also that those governed and those governing within a given political unit belong to one ethnos." [5]

"The satisfaction of the nationalist principle was not a precondition of the first appearance of industrialism, but only the product of its spread." [6] The highly literate culture in which the majority of industrial society has been educated is for most "their most precious investment, the core of their identity, their insurance, and their security. Thus, a world has emerged that in the main, minor exceptions apart, satisfies the nationalist imperative, the congruence of culture and polity." [7] Paradoxically, despite the divergence of their perspectives, the proponents of a totalitarian ideology such as Marxism-Leninism and the liberal theoreticians of the West equally underestimated the seriousness of nationalism as a political and psychological factor. For the Marxists, the triumph of proletarian internationalism meant a break with the traditional prejudices of the unenlightened peasant life. Their opponents, the proponents of economic laissez faire, assumed that the advantages of the free market would help overcome the atavistic peculiarities of ethnic culture.

Representatives of both approaches tend to consider nationalism an ideological aberration [8] or an artificially implanted evil, the successful propagation of which, however, demands an explanation. Marxists and western liberals offer various explanations for the successes of nationalism. For example, a Marxist favorite is what might be called the "Wrong Address Theory". The proponents of this theory suggest in essence that the spirit of history or human consciousness made a mistake. "An awakening message was intended for classes, but by some terrible postal error was delivered to nations. It is now necessary for revolutionary activists to persuade the wrongful recipient to hand over the message, and the zeal it engenders, to the rightful and intended recipient. The unwillingness of both the rightful and the usurping recipient to fall in with this requirement causes the activist great irritation." [9]

It may be that liberals are more likely to explain nationalism as the influence of wild atavistic forces of blood and territory (Blut und Boden). This explanation, however, is used by both lovers and haters of nationalism. "The former think of these dark forces as life-enhancing, the latter as barbarous. In fact, man of the age of nationalism is neither nicer nor nastier than men of other ages...His crimes are equaled by those of other ages. They are more conspicuous only because, precisely, they have become more shocking, and because they are executed with more powerful technological means." [10] National feelings are based on the idea of a certain linguistic, religious, and psychological community based on the ancient kinship of the members of a given ethnic group. Moreover, the subjective perception of this community turns out to be even more important than objective his-

toric facts. Thus Walker Connor, following Max Weber, defines a nation as a “grouping of people who believe they are ancestrally related. It is the largest grouping that shares that belief”[11].

The traditions of European anthropology closely connect the examination of the ethnic identity of people not only with the culture, but also with the environment in which the ethnic group was formed over the course of centuries or millennia. We recall for example Montesquieu’s principle of geographic determinism. Natural conditions determine the ethnic group’s type of economy, the cycle of seasons determine its way of life and native landscapes find their reflection in the folklore and psychology of the people. After the era of the Great Migration of Peoples in the early middle ages in Eurasia, the ethnic territories of most of the groups involved remained more or less stable and the representatives of those groups did not even consider a national existence outside their ethnic territories.

The recognition of traditional ethnic territories is extraordinarily significant for the peoples of the former USSR. It relates not only to settled farmers, who have lived in the same natural conditions for millennia, but also to recent nomads, who connect their own picture of the world with a certain geographic area as well.[12]

Administrative divisions along territorial lines that disregard ethnic patterns may be good for the United States, a country settled by pioneer-immigrants of diverse origins, but they are hardly applicable to present-day Eurasia. Even in the U.S. and Canada, there still exist some self-governed communities of native Americans: for example, the Cherokee tribe in the state of Oklahoma. As we now know, the “melting pot” conception has proved inadequate to describe the complexity of the ethnic processes in American society. A common ethnologist’s joke sums up the pluralistic integration toward which that society increasingly gravitates: “We (the United States) thought we were cooking soup, but we came up with a salad.”

Generally speaking, multinational states may be organized according to three basic patterns:

1) The Unitary State: a system based upon the economic interdependence of regions, a totalitarian ideology, and military power. The biggest nation and its religion are typically dominant, while minorities are suppressed or restricted in cultural activities (e.g. the USSR, Yugoslavia, China). As the state weakens economically and militarily, with the ruling party and its dominant ideology losing their hold over the masses, growing centrifugal tendencies may result in the disintegration of the state and the emergence of new nation-states.

2) Asymmetric Federation: a union of peoples and/or regions enjoying broad self-government, control over their natural resources, and such rights as the pursuit of their own educational and cultural policies, the establishment of penal legislation, the imposition of local taxes, etc. Some of these peoples and/or regions may enjoy the privilege of devolution or a “home rule” order, while others may have joined the federation, on special conditions stipulated in bilateral treaties, as associated members (e.g. the Aaland Islands in Finland; Puerto Rico and the Virgin Islands in the United States; or Tatarstan in Russia). There are reasons to believe that flexible

membership tends to make multinational federations more viable and helps to achieve more uniformity in basic economic and political trends.

3) Symmetric Federation or Confederation: this arrangement does not offer any special status even to regions with strongly specific ethno-cultural characteristics, but allows for the broad autonomy of units within a multinational state. The closest to this type are now Switzerland and Spain.

The first two types of multinational states are usually connected with various stages of the development and collapse of the colonial system.[13] As an example; we can observe various aspects of that system in the history of Russia. The Russian empire arose in the sixteenth and seventeenth centuries and passed on to its successor, the Soviet Union, many imperial methods of direct or indirect rule over the colonies. In addition, under the communist regime, the arsenal of the empire was broadened in the following manner:

In the USSR, forced mass deportations of peoples from their ethnic territories were employed — as a rule during World War II, under the pretext of their alleged cooperation with the Nazis, or as a preventive measure against such cooperation (Volga Germans, Chechens, Crimean Tatars, etc.)

The subordination of certain peoples to others was established, as was a multi-tiered hierarchical state structure. In addition to the fifteen union republics that constituted the USSR and had their right to secession officially confirmed in the constitution, autonomous republics, regions, and districts with fewer rights were created in positions subordinate to the union republics, to give political recognition to important ethnic minority groups.

The government frequently effected mass migrations of the population between republics under the pretence of achieving grandiose economic projects. These moves fundamentally altered the ethnic makeup of the population; for example, in Abkhazia, Latvia, and Estonia. As a result, current divisions between the majority and the minority are in many cases quite arbitrary.

Borders between republics frequently changed just as arbitrarily, with no determination of the will of the population on either side of the border. After the deportation of the Balkars, the Ingush, the Chechens, and other North Caucasian peoples, for example, Joseph Stalin apportioned for several years part of their lands to Georgia. Still earlier, in 1921, he decided to transfer Nagorno-Karabakh, populated by Armenians, from Armenia to Azerbaijan. In 1954, Nikita Khrushchev transferred the Crimean peninsula from Russia to Ukraine, and he later apportioned a few Siberian oblasts to Kazakhstan.

This entire unjust system, maintained by military force until the empire disintegrated after communism, has been widely discredited in recent years. The union republics that had the right to secession did not delay in asserting that right after the August 1991 putsch. The first to secede from the empire were the three Baltic republics, and others later followed the course of self-determination. The peoples of the autonomous territories, however, who held a lower position in the Soviet

hierarchical system, considered themselves limited in rights, especially if they found themselves under the power of another ethnic group despite a long struggle for a change in their status.

Profound cultural and religious differences between minorities and the dominating nations have given rise to a long history of hostility, which, until the fall of the USSR, could to some extent be appeased by decrees from the central government. However, in the current changed conditions that have left them one-on-one with a new uncontrolled power, many minorities have feared repressive control by the dominant group, a situation that is well known in the experience of various countries of the world.[14]

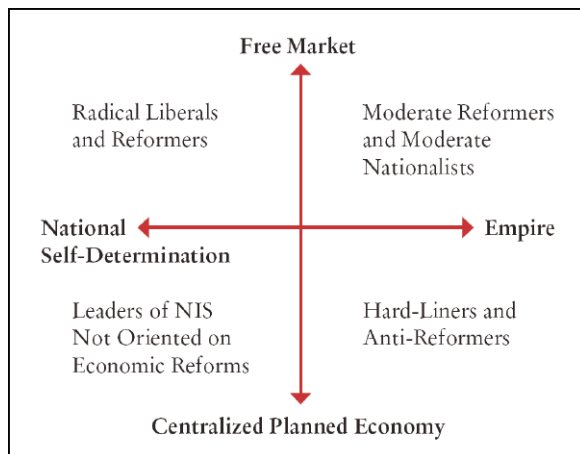
It is characteristic that in many satellite countries of the Soviet regime, the approach of the fall of the USSR brought with it a mobilization of national movements under the slogans of self-determination. In 1993, Eritrea achieved independence from Ethiopia, where a Soviet-sponsored communist dictatorship had reigned in recent decades. East and West Germany reunited in 1990. The prospect of the reunification of North and South Korea appears more and more realistic. These examples should be considered cases of self-determination, as should cases of secession and even the attainment of a certain autonomous status within a multinational federal state.

The peaceful achievement of national self-determination in post-totalitarian countries, however, is possible only under the conditions of a democratic regime. Among the examples of such civilized self-determination, we can name the “amicable divorce” of the Czech Republic and Slovakia. Another example is Russia’s voluntary recognition of the results of Ukraine’s independence referendum held on December 1, 1991, as the lawful basis for the creation of a sovereign Ukrainian state (which had not existed for any significant period of time for many centuries). Declarations of sovereignty from other republics of the former USSR were likewise recognized. Russia, the core of the empire, voluntarily refused the role of the “big brother,” and the changes mentioned above were apparently possible only over the course of a relatively short democratic period after the August 1991 putsch and the collapse of communism. They would hardly have taken place as painlessly three or four years later.

The process of the decolonization of the peoples of the Soviet empire, however, is still far from complete. As a result of difficulties in economic and political reform, the current political spectrum of Russia has become much more contradictory and complex than it was in 1991. Right-wing nationalists and the proponents of a return to a centralized economy have gained a greater influence than before.

The striving for national self-determination is especially characteristic of the peoples of post-totalitarian countries; it represents for them an inherent part of political and economic reform. In addition, the destruction of the communist supranational ideology forces people to search for new spiritual reference points and a new identity. The most natural form of such a new identity is ethnic, based on a community of culture, language, and historical legacy.

The basic political forces in Russia and other countries of the CIS can be grouped as follows.[15]



An ethnos is subconsciously associated for many with civil society; both were repressed by the former regime. The state machine of totalitarianism recognized only those hierarchical relations controlled from above; it did not take historical memory and cultural uniqueness into account. In a nation-ethnos, in contrast to a state, horizontal connections are widely

developed, a clear understanding of common values exists, and the influence of public opinion on the behavior of groups or individuals is significant; these factors allow one to see in a nation-ethnos the natural embryo of a future civil society.

Furthermore, in some cases only the achievement of actual statehood can save the national language, history, and culture of an ethnos from oblivion. Only the institutions of the state can resist cultural entropy and the chaotic intermingling of distinct traditions — the precious heritage of generations.[16] The above mentioned reasons, in our view, explain to some extent the growing significance of nationalism in post-totalitarian countries.

## THE UNATTAINABLE RIGHT TO SELF-DETERMINATION

At the time when young ethnic groups are striving to affirm their statehood in the historical arena, more established states, which took their place on the Olympus of international organizations long ago, react to the principle of self-determination with extreme suspicion. The leaders of many of these states seem to have forgotten that their own countries were overjoyed by the achievement of self-determination through secession from the empires of the past. Some governments apparently believe that today's political map comprises an ideal and fully realized global configuration in which there is no sense in changing anything.

From a historical perspective, the general idea of self-determination first arose in a recognizable form around the time of the French Revolution. Self-determination was considered the democratic ideal, applicable to all humankind. Governments should be based on the will of the people, not the will of the monarch, and people not content with the government of the country to which they belong should be able to secede and organize themselves as they wish (just as the American settlers did). This new approach meant that “the territorial element in a political unit lost its feudal predominance in favor of the personal element; people were not to be any more a mere appurtenance of the land.”[17] At the same time, self-determina-

tion had from the very beginning the character of a threat to the legitimacy of the established order; moreover, when conflicts would arise, this principle offered a method of settling them whereby the arbiter was the people itself.

After the Napoleonic Wars, claims to self-determination were advanced by the Poles, Italians, Magyars (Hungarians), and Germans, as well as by minorities living in their midst. Some territories were annexed by France, but only after corresponding plebiscites among the population — in Nice, Savoy, and Mainz. The Vienna Congress of 1815 did not accept self-determination as a basis for reshaping the map of Europe, but those demands that came from the oppressed peoples of the Austro-Hungarian and Russian empires later received more favorable treatment in Europe.[18] After the revolutions of 1848, national grassroots movements led to the formation of two new states: Germany and Italy.

We should note right away that the procedure for creating new national units — for ethnic groups to constitute themselves into newly independent states — can be different and more complicated from the legal point of view than the self-determination of national or territorial units that are already constituted.[19] In the latter case, it is possible to take a vote of the inhabitants within more or less definite borders, either by plebiscite or a representative assembly. Such a democratic expression of the people's will may serve as a basis for the legitimate development of the process. In order to create a new formation, it is necessary to determine the borders themselves before the population within can initiate a change in their status. It seems to me, however, that the establishment of a legal mechanism for determining these borders is possible.

Until the beginning of the twentieth century, annexations of territory took place in most cases by means of force (for example, the annexations of Hanover, Schleswig, and Alsace-Lorraine by Prussia in the 1860s and 1870s). After World War I, however, when the former European system began to disintegrate, the principle of self-determination suddenly acquired strong support. First, Vladimir Lenin and other Russian Bolsheviks, striving to gain the sympathies of the peoples of the Russian empire, promised to realize the right to self-determination, [20] in accordance with their anti-imperialist program of action. Second, United States President Woodrow Wilson expressed his support for the idea of self-determination. In an address before the League to Enforce Peace (May 27, 1916), he said, "We believe these fundamental things: first, that every people has a right to choose the sovereignty under which they shall live." [21] Later, appearing before the Senate, he declared, "No peace can last, or ought to last, which does not recognize and accept the principle that governments derive all their just powers from the consent of the governed, and that no right anywhere exists to hand peoples about from sovereignty to sovereignty as if they were property." [22] At the end of 1916, the British charge d'affaires in the U.S. relayed a memorandum to the American State Department, advising a general policy of granting provisional recognition to the representative bodies of the smaller nationalities, formerly the parts of the Russian empire, with the goal to strengthen their resistance to the German occupation. At the same time, the German government did not object to the self-determination of minority groups, assuming that such a policy would serve to undermine the heterogeneous British Empire rather than Germany.[23]

The practical difficulties of realizing the principle of self-determination, however, prevented its inclusion in the final text of the postwar Covenant of the League of Nations. Self-determination was only indirectly recognized as applicable to those territories placed under mandate and to those colonies that replaced their patron power as a result of World War I.

Nevertheless, a limited number of plebiscites were conducted between the two world wars (in the Saar district, in Burgenland, and elsewhere), [24] although significant territories were transferred to the victor with no consideration of the desires of the population (Alsace-Lorraine to France, the Austrian South Tyrol to Italy, the port Kiao-Chau to Japan). A significant part of the German territories was apportioned to Czechoslovakia and Poland; as a result, the conception of the divided German people gained prominence and became one of the causes for the emergence of Nazism and World War II.

In general, the postwar League Covenant overtly fixed the inequality of peoples (in Article 22). Lands that received the status of a mandated territory were to be guided by the “advanced nations.” This arrangement contradicted the principle, formulated somewhat later, of cultural relativism and essentially legitimized the colonial system.

World War II once again changed the map of the world beyond recognition, but the principle of self-determination affected these changes only to a very small degree. During the period of the founding of the UN, there began an intensive elaboration of international law documents. These documents were inspired by the recent memory of the Nuremberg Tribunal, which set the first precedent for the supremacy of international norms over a country’s own internal legal framework.

Significant difficulties, however, arose during work on the UN Charter — specifically, differences of opinion on the use of the words “people,” “nation,” and “state.” The final judgment was the following: “...‘Nations’ is used in the sense of all political entities, states and non-states, whereas ‘peoples’ refers to groups of human beings who may, or may not, comprise states or nations.”[25] The right to self-determination in the Charter is connected only with the notion of “peoples,” but the notion of “non-selfdetermined peoples” corresponds to what was traditionally described as a colony.

The definition of the subject of the right of self-determination remains the most disputed aspect of the problem. President Wilson and Lenin considered “peoples and nations” to be subjects of this right, but they did not pin down these terms, which furthermore have various shades of meaning in the English, German, Russian, and French languages. In the post-World War II age, it has been more or less commonly accepted that the right to self-determination applies to colonies.

The national awakening of peoples after World War II led to the liberation movement among colonial populations and was brought to its conclusion by the recognition of the injustice of the colonial structure of the world. On December 14, 1960, the UN General Assembly adopted the Declaration on the Granting of



Independence to Colonial Countries and Peoples. The document's preamble emphasizes that the refusal of freedom or its obstruction brings about the intensification of conflicts, and Article 2 states, "All peoples have the right to self-determination; by virtue of that right they freely determine their political status and freely pursue their economic, social and cultural development." Further, in Article 3, it states, "Inadequacy of political, economic, social or educational preparedness should never serve as a pretext for delaying independence." [26] The decolonization of the 1960s and 1970s has led to a "parade of sovereignties" and a sharp increase in the number of fully-fledged members of the UN.

These developments, however, do not suggest that discussions on the subject of self-determination have been completed. As I mentioned in the introduction, the UN Human Rights Commission has still declined to define the word "people." Moreover, various opinions were still heard during the preparation of the Declaration on Decolonization itself. As during the preparation of the UN Charter, the notion of "people" once again turned out to be the most discussed. The most profound suggestion seems to be the definition of the word "people" offered by the United Kingdom: it might mean, "a group of individuals with special ties which singled them out from the surrounding population, the whole population within the frontiers of a particular State, the inhabitants of a particular piece of territory, or even a group who did not inhabit an identifiable piece of territory but considered themselves a people." [27] It appears that this definition is sufficiently comprehensive to be capable of describing any ethnic group or nation-state, but it is far too broad to define the subject of the right to self-determination. The first part of the definition singles out an ethnic group, which could turn out to be a dispersed minority within an alien population. These circumstances are not always insurmountable barriers, however, to ultimate unification in a more densely populated community or to political self-determination (e.g., the Jews have gradually united in Israel, the Palestinians in their autonomous territory; and the Chechens and Crimean Tatars, who were deported to distant regions of the former Soviet Union, have returned to their historic homelands).

The whole population within the borders of a particular state can sometimes realize its right to self-determination without taking the ethnic composition of the population into account. Furthermore, the government can in similar situations play the role of an ethnos-forming factor and create later a "people" on a multinational basis.

The population of a certain territory that is not defined by borders within another state usually has the most difficulty achieving recognition of any kind of status or a form of self-determination. A current example is that of the Kurds, who are densely settled at the junction of the territories of four states (Armenia, Iran, Iraq, and Turkey), not one of which is prepared to offer them territorial autonomy. In contrast, the Gagauz (Turkish-speaking Christians) were recently fortunate enough to acquire an autonomous district within the Moldovan state.

The question of the size of the subject of self-determination frequently arises. Sufficient examples are known of plebiscites being conducted within small formations — for example, the Island of St. Bartholomew between Sweden and France

in 1877 and the above-mentioned Nice and Saar districts. I might mention the series of referenda in Switzerland in the 1970s on the status of the cantons of Bern and Jura; the referendum on Ellice Island in 1974 that led to the creation of the state Tuvalu in 1975 and its full independence from Great Britain in 1978; the referendum in 1978-1979 in the United States Trust Territory of the Pacific Islands — in Micronesia, the Marshall Islands, the Caroline Islands, and the Mariana Islands. As a result, new states were formed, which were freely associated members of the U.S. and half-members of the UN — the Federated States of Micronesia, the Marshall Islands, the Commonwealth of the Northern Mariana Islands, and the Republic of Palau. In 1987, a referendum was held on the independence of New Caledonia, a French overseas territory, whereupon the problem of New Caledonia's status was postponed till 1998.[28] I also might mention the referendum in Puerto Rico in 1994, which renewed by the will of the population the island's status as a territory in free association with the U.S.

A recent incident from the Russian experience offers an example of how far self-determination can go. After a free referendum in 1992, two villages in the Volga region, separated by a river from the administrative district to which they belonged, attached themselves to the district on their side of the river. Even in Western Europe, very small states have maintained their independence for long periods of time, including San Marino, Liechtenstein and Monaco.

Although the determination of the size and the description of the potential subject of self-determination is an important issue, a basic contradiction of international law turns out to be a much more complicated problem. This contradiction is between the principle of self-determination and the principle of the inviolability of borders of sovereign states, i.e., the maintenance of their territorial integrity.

The two most important documents of the postcolonial period in this sphere are the International Covenant on Economic, Social and Cultural Rights; and the International Covenant on Civil and Political Rights. Both documents were adopted by the General Assembly of the UN in 1966 and then opened to signature and ratification.[29]

Article 1, identical in both documents, repeats a basic idea of the 1960 Declaration on decolonization (see above): "All peoples have the right to self-determination. By virtue of that right they freely determine their political status and freely pursue their economic, social, and cultural development." [30]

It also seems that the third paragraph of Article 1, again in both documents, is even more important: "The States Parties to the present Covenant, including those having responsibility for the administration of NonSelf-Governing and Trust Territories, shall promote the realization of the right of self-determination, and shall respect that right, in conformity with the provisions of the Charter of the United Nations." [31]

These two covenants reflect the clear priority that the right to self-determination only achieved in the postcolonial period. In 1970, however, the General Assembly adopted an important nonbinding document, Resolution 2625 (XXV): the

Declaration of Principles of International Law Concerning Friendly Relations and Cooperation Among States in Accordance with the UN Charter. In this declaration, the contradiction between nonintervention, emerging self-determination, and the territorial integrity of already existing states is explicit. Furthermore, in contrast to the covenants of 1966, the principle of territorial integrity is given precedence. Compare the fifth and eighth paragraphs of this declaration:

“The establishment of a sovereign and independent State, the free association or integration with an independent State or the emergence into any other political status freely determined by a people constitutes modes of implementing the right of self-determination by that people.

Nothing in the foregoing paragraphs shall be construed as authorizing or encouraging any action which would dismember or impair, totally or in part, the territorial integrity or political unity of sovereign and independent States conducting themselves in compliance with the principle of equal rights and self-determination of peoples as described above and thus possessed of a government representing the whole people belonging to the territory without distinction as to race, creed, or colour”.[32]

The Final Act of the Conference on Security and Cooperation in Europe, adopted in Helsinki in 1975, likewise did not resolve the contradiction between these two approaches.[33] Both are expressed in the Final Act, yet at the end of the document, it is emphasized that all its sections carry equal force.

There exists yet another legal approach to the issue.[34] The right to self-determination, as a proposition that follows from the fundamental principles of democracy and human rights, is interpreted as an imperative or peremptory norm, applicable to any ethnos; i.e., a *jus cogens*.<sup>[35]</sup> Attacks on the integrity of a state from outside are unacceptable in that they destroy its sovereignty, but the right to obtain sovereignty cannot be taken from peoples that constitute the state. In practice, the UN usually decides when self-determination is applicable and when it is not, although, as we have attempted to show above, a clear guide to the adoption of decisions has still not been proposed. The decisions are therefore often made under the influence of arbitrary factors, or even the personal sympathies of politicians.<sup>36</sup> There is no need to point out that such approaches to adopting decisions that determine the future history of peoples are unacceptable for international society. In the twenty-first century, we can expect numerous claims for self-determination to arise from the African continent, China, and other regions, and international institutions must be prepared to offer consistent answers that will preserve peace on the planet.

## CONCLUSIONS

### SELF-DETERMINATION THROUGH SECESSION: TYPICAL STAGES OF CONFLICT

Observation of the development of those conflicts described above and others connected with the attempt to achieve self-determination through secession (e.g., in Quebec, parts of Spain, and in the northern states of India) allows us to delineate several typical, almost unavoidable stages.

#### **Feeling Endangered**

The precondition of the striving for self-determination is usually when an ethnic group is endangered, for example, due to a threat to the national statehood of this group within the framework of a multinational state. In totalitarian states this threat can lead to mass deportation, ethnic cleansing and finally genocide.

In less repressive regimes, such extreme measures are usually avoided, but other moves on the part of the government may cause concern. Such moves may include forced assimilation; the influx of an alien labour force that dramatically changes the balance of nationalities in the region; the adoption of a law declaring the primacy of one national language over the other (for example, the enforcement of a statute declaring one language); the restriction of teaching the people's own history and culture in schools; and the limitation of mass media issued in the language of the discriminated group.

In the allocation of employment, the measures sometimes used include limitations on vertical social mobility that are based on nationality and restrictions on some professions and educational level by quota (usually these limitations are applied not by law but by confidential instructions). For example, this last measure was applied to Soviet Jews and some nationalities deported from their territory under Stalin.

The threat to their well-being is perceived keenly by those groups that historically, recently, or involuntarily have become ethnic minorities within the boundaries of other states and are separated from their main ethnic enclave. Some typical examples are the situation of ethnic Russians in Estonia and Latvia or the French in Algeria after the breakup of the French empire.

#### **Grassroots Resistance**

The next stage of ethnic concern gives rise to spontaneous grass-roots resistance movements, which produce local activists who are then recognized as national leaders. The central government is prone to declare these leaders plotters and trouble-makers who are connected with a sympathetic third country. The Armenian leaders of Nagorno-Karabakh, for example, were proclaimed in the official mass media of Azerbaijan to be agents of the Armenian diaspora in the United

States. Leaders of the Crimean grassroots movement were proclaimed from the very beginning by Ukrainian politicians, on insufficient grounds, to be agents of Moscow.

### **Discourse Emerging**

At the same time, the conflict gains its ideological base through setting national goals and recognizing obstacles to their achievement. Both interested parties produce evidence to prove their historical right to the ethnic territory. From this moment, the struggle is considered by other countries to be a dispute over land. Thus they misinterpret a striving for self-determination as a mere territorial dispute. The real issue, however, is the future of the ethnic community living on this territory, not the territory itself.

Another misinterpretation of the essence of the situation is a labelling of the movement as the plot of troublemakers with their own personal agenda. Such a conspiracy theory was applied by the Soviet government to the activists of the Baltic independence movements and the leaders of the Nagorno-Karabakh movement; the latter were denounced as members of the mafia who were trying to deflect public attention from their own underhanded activities.

Besides this conspiracy theory, the central authorities advance a theory of the “economic determinism” of the conflict, ignoring the spiritual claims of minorities. Attention is concentrated upon the low living standards of the malcontents or upon the other aspect of territorial claims. Sometimes the central authority allocates subsidies for the region, with the purpose of conflict mitigation, but it does not dispel the ethnic group’s concern.

Both parties form a conception of the enemy as a greedy, uneducated people, and connect this image of the enemy with a concrete nationality. Mass media reinforce these stereotypes and distribute them widely.

### **Focus on Autonomy**

At the next stage, the group seeking self-determination tries to achieve autonomy or to increase what autonomy they already have. Officials loyal to the central government are replaced on the local level sometimes through legitimate elections, by new, frequently quite charismatic leaders. Simultaneously, the group forms new political parties openly or underground. They have at first a national-democratic orientation, like the liberation movement, the decolonization movement, etc., but they then often become nationalistic and accept the use of force.

### **Seeking Recognition Abroad**

After the creation of state bodies, the group seeking self-determination develops contacts with foreign powers and tries to enter multilateral negotiations to explain their claims to the rest of the world. Sometimes these institutions are created first in exile (e.g., the Majlis of the Crimean Tatars or the Palestine Liberation Organization), but they are then planted in their own ethnic soil. The strengthen-

ing of the statehood of the group and the legalization of their methods of struggle disturb the central government.

### **War of Laws**

The subsequent stage is the intensification of “the war of laws” in decrees and constitutions. The primacy of central or local laws in the territory with disputed status becomes the fundamental question of the conflict. In other words, it becomes more difficult to keep “disobedient” regions within the jurisdiction of the central government.

In this phase the group seeking self-determination aspires to minimize its connections with the central government — in particular, to boycott elections to the supreme organs of state power on its territory and to ignore any amendments passed by the ruling legislative body, etc. Examples include Abkhazia, the Trans-Dniester Republic, Chechnya, and Nagorno-Karabakh; the latter two recalled their representatives from the central legislative body and refused to participate in the next elections to that body.

At the same time, the group strives to stabilize economic, political, and defensive contacts with third countries or with international organizations. The group also searches for (or already has) a “big brother” abroad, whose policy can range from neutrality (although such inaction is sometimes interpreted as treachery by their ethnic cousins in the local group) to secret or even open economic and military aid.

### **Central Government Uses Coercion**

With no other ways to influence the disobedient region and feeling pressure from its own nationalists and striving to preserve the integrity of the state, the central government disbands local bodies of self-governance, depriving them of autonomy (and its leaders of immunity), or introduces its own direct rule, with heavy reliance on military force. The presence of the central government’s troops in the region engenders (in rallies) support among those political forces and ethnic groups in the region still loyal to the central government, including the representatives of another larger ethnic group. Thus many Russians in Latvia and Lithuania supported the introduction of Soviet troops in January 1991 into the capital cities, and Georgians in South Ossetia and Abkhazia supported the military attempts of Tbilisi to restore the power of the Georgian government in these regions.

The disbanding of autonomy and the deprivation of statehood occurred in Abkhazia, Nagorno-Karabakh, South Ossetia, the Trans-Dniester Republic, the Yugoslavian district of Kosovo, Eritrea, in the Crimea in 1944 after the deportation of the Crimean Tatars, and to a certain extent in Chechnya in the autumn of 1991, when Moscow tried to introduce a state of emergency, and in other regions around the world. As a rule, however, this measure has no effect.

## **Radicalization on Both Sides**

Fearing persecution, arrest, or assassination, movement leaders are forced to hide in foreign exile, go underground, or retreat to those parts of the region inaccessible to the central government's control (such as Vladislav Ardzinba, who hid in Gudauta, a remote district of Abkhazia not under the direct control of the Georgian government). The period of legal struggle is artificially interrupted, and local leaders lose control over the situation for a time. Spontaneous resistance movements are prepared for the use of force, local national parties are radicalized, and nationalistic movements in the "big brother" country gain strength. It is more and more difficult for leaders of nationalistic movements to keep neutrality under the pressure of internal nationalists. For example, the Russian government and president are pressured by nationalistic parties such as Zhirinovskiy's to protect Russian minorities in newly independent states.

## **Economic Blockade**

An economic blockade is organized by the central government, first of sources of energy, but sometimes also of water and food. The central government also hinders the arrival of humanitarian aid from abroad. Moreover, a total embargo on weapon delivery to the region is announced (such as in Armenia, South Ossetia, Nagorno-Karabakh, and some regions of Yugoslavia).

## **Taking Up Arms**

Some extremist leaders of the besieged, breakaway region call upon members of this ethnic group to accept the use of force, appealing to the hardships experienced by the peaceful population as a result of the sanctions. Nationalistic parties from both sides insist on the cessation of military actions provoked by the opponent. The policy of the local authorities is inclined toward the necessity of a forceful response to the economic and military pressure.

## **First Casualties**

One or more spontaneous or provoked terrorist acts are registered in the region. One or several victims appear under mysterious circumstances on either side. The guilt of the organizers of such incidents is usually never proven. (There are many examples: Askeran and Sumgait in Azerbaijan, the Prigorodny district in Northern Ossetia populated by Ingush, Bendery City in the Trans-Dniester Republic, etc.)

## **War Declared**

War slogans are delivered openly. The situation gets out of control and escalates to full-scale military conflict.

Those who have not yet begun negotiations now have no chance to do so soon. Future negotiations may be conducted possibly, but not necessarily, not by the initial leaders of the group seeking self-determination (they grow old or die), but by political leaders of a new generation, perhaps the children of war.

To limit the scale of the conflict and to achieve a peaceful resolution, the intervention of the international community is necessary. Its institutions do not always turn out to be capable of effectively resolving such problems. The bloody war in the former Yugoslavia serves as the best illustration of the impotence of international organizations. In addition, decision makers are constrained in the expression of their political will by the principle of nonintervention in the internal affairs of sovereign states. As noted previously, the right to self-determination, recognized in key international agreements, has not yet become a stable judicial norm, and no commonly accepted guidelines for orientation in these complex issues exist.

## POSSIBLE CRITERIA FOR SELF-DETERMINATION

The whole question of self-determination is surrounded by uncertainty and confusion, which is not surprising. The documents of the United Nations and other international organizations that pertain to peoples' right to self-determination are not collected together in any single and generally understood framework of normative acts that would describe the procedure, criteria, and conditions for assessing how well-justified any particular claim to self-determination might be. Nor are there clear criteria for determining the ground for outside intervention in support of a claim that is considered well-justified (as, for example, was that of Eritrea in 1993).

It appears that Woodrow Wilson's ideas need to be developed, made more concrete, and then formulated as generally understood norms of international law. Meanwhile — with such rare exceptions as the plebiscites earlier in this century in the Saar region in Germany or Burgenland in Austria-Hungary, and, more recently, the partition of Czechoslovakia and the reunion of the two parts of Germany — we encounter mostly violence. The results of violence are gradually perceived as new political realities, as in the case of the partition of Cyprus or the changes in actual control over Abkhazia or Nagorno-Karabakh.

Further discussion of the conditions for self-determination, at least at the level of the search for common ground among decision makers, probably will not be in vain. If a basis for recognizing a movement for self-determination as having "moral legitimacy" could be worked out and accepted, it could serve as common ground for making future international law. Without claiming to present a complete list of possible criteria for establishing the legitimacy of claims to self-determination, let me try to define some of them, keeping in mind that no one or two criteria arbitrarily selected from this list would meet the requirements of legitimacy, but only the entire set, which we would rarely encounter in different parts of the world.

The use of such a set of generally recognized requirements would help avoid both the chaos of disorganized changing of borders in areas of conflict and attempts to settle issues of self-determination through violence. The presence of international standards for approaching the resolution of "conflicts of self-determination" would



give peoples hope for the resolution of their problems with minimal damage to the sovereignty of their neighbors.

**Criterion 1:  
Intolerability of Existence**

To assess the legitimacy of a claim to self-determination, one should consider first the “intolerability of existence” for a people under the rule of a state that exercises sovereignty over the territory where they live. Of course, intolerability can be interpreted arbitrarily. Among the main complaints and rebukes to the British Crown contained in the U.S. Declaration of Independence, we find: trial without jury; arbitrary government and jurisprudence; the fomenting of attacks by American Indians; and the making of war on the colonists by the Crown. By way of contrast, the Armenians of Nagorno-Karabakh were driven to the limit of their physical survival by economic blockade, deportation, and murder — all inflicted upon them from the very beginning of the conflict. Surely the same criteria called upon by the Continental Congress in 1776 to legitimize the movement for self-determination before the world should also apply to the Armenians of Nagorno-Karabakh. However, even the subjective feeling of the intolerability of continued alien rule, irrespective of the objective basis for this feeling, must be taken into account when expressed in the decisions of a representative body or in a referendum of the people who consider themselves to be persecuted. The majority of the documents related to a period of decolonization are written in the spirit of defence of precisely this feeling. Of course, the collapse of the USSR can be compared on some level with the processes of decolonization in other parts of the world.

**Criterion 2:  
Historical Right**

One also must take into account the so-called “historical right to a territory” — a right that is the least capable of definition among all the criteria under consideration. First of all, in order to identify the most ancient inhabitants of a given region, one often needs the expert opinion of specialists, which itself may be doubtful. Secondly, delineation of the limits of a territory to which a self-determining population may rightfully lay claim is frequently problematic. Sometimes a claim is made to an autonomous region with administrative borders, often recognized by the parties to be “unjust.” At other times, there may be a claim to a territory, where a dispersed ethnic group used to live at some point in the past. Thirdly, the most ancient inhabitants of a region, its indigenous population — like the native Americans — may be a minority, even a very small one, in the contemporary population, but granting a disproportionate right of governance to a minority is incompatible with the principles of democracy.

As it stands now, in spite of its vulnerability, the principle of historic right cannot be ignored completely in decision-making. A specific case in which national sovereignty has been reestablished on the same historical territory after the almost 2000-year absence of a sizable representation of its people is the creation in 1948 by the UN of the State of Israel in Palestine. However, this happened only after the Holocaust of European Jewry. The Arab minority had to struggle for 45 more years

before the same “historic right” to a Palestinian state was recognized by the majority of the international community.

The presence of large ethnic Russian groups in Latvia and Estonia, constituting over one-third of the population, is an urgent problem for the two Baltic countries. Although most of the Russians have lived there for two or three generations (and some of them for even longer), they are not considered part of the indigenous population that has historical rights and it is correspondingly difficult for them to obtain citizenship.

The collective ethnic consciousness of a people often overrules this principle, and taking this consciousness into account may help to justify the final decision acceptable as a just one. Furthermore, the majority of contemporary peoples live in the same (or adjacent) territories, where their ethnicity came into being some time ago, and the geographic and natural environment is still an important element of their national psychology and culture. This is especially true of the old world of Eurasia, and in particular of Russia.[49]

### **Criterion 3:**

#### **The Ethnic Composition of the Population**

In principle it is possible for multinational democracies to exist in the world. In searching for a concrete example, however, observers usually concentrate their attention on the United States and find it difficult to name other indisputable cases. Nevertheless, national and racial problems constitute one of the potential sources of internal instability in the U.S. as well. The concept of the melting pot does not fully correspond to American political reality: ethnic differences between different groups of immigrants (and their posterity) still play a political role, as do the differences between the immigrants as a body and the native Americans.

Among the ancient peoples of Europe, Asia, and Africa, there are still significant prejudices of “blood and belonging,” in spite of the global mixing of cultures brought about by new technologies and urbanization.

In Europe, to a higher degree than in other parts of the world, the principle of nationalism “demanding that the political and ethnic boundaries should be congruent and also that the governed and the governing in a given political unit belong to one ethnos”<sup>50</sup> was established and embodied in political practice. Those states that are relatively more ethnically homogeneous, such as Holland, Austria, and Hungary, are regarded as potentially more stable.

The self-determination of an ethnically homogeneous community also can be considered a better premise for the formation of a new, more stable statehood than the self-determination of a multinational population.

Obviously, the importance of the ethnic composition of the population influenced the Owen-Stoltenberg and Vance-Owen plans for the settlement of the crisis in Bosnia and Herzegovina, as well as in the plans of their followers, who already have proposed for several years the creation in these territories of ethnically

homogeneous small states (initially up to ten and, after the Dayton Accords, two or three).

While considering the ethnic composition of a population, however, one must remember that this principle may contradict the foregoing principle of historical right, inasmuch as the contemporary ethnic composition of the population of many countries does not coincide with the ethnic composition of the population that lived within the same boundaries for the past one hundred, two hundred, or five hundred years. Speaking only of the former USSR, and not mentioning the United States, this situation holds not only in the Baltic, but also in the Nakhichevan Republic, the Republic of Crimea, Abkhazia, South Ossetia, and elsewhere. Indeed, under unfavourable political conditions, a majority might become an ethnic minority, and vice versa.

**Criterion 4:  
Expression of the People's Will**

The foregoing criteria suggest that it is desirable to weigh the ethnic composition of a self-determining community to ensure a more suitable future for the new forms of statehood. A certain priority is due, however, to the principle of democratic expression of the will of the entire population, either living within the given administrative boundaries or feeling that they belong to the community that wants to determine its future in a new way, whatever the ethnic composition of those who participate in the process.

Such a will can be expressed most clearly by a general referendum, with an explicitly stated question concerning the future status of the people or, if a referendum cannot be held, by the decision of democratically elected representatives of the people. (The founding fathers of the United States did this when they adopted the Declaration of Independence.)

It is desirable to obtain confirmation of the stability of a given expression of will after a certain period of time to make sure that it is not a fleeting reaction to some event, grievance, or advantageous proposal by a third party. For this reason, the voting procedure, at least in the local legislative body, must be repeated not less than three to six months after the first decision is made. In addition, voting on such crucial issues cannot depend on a simple majority, especially in ethnically mixed communities. It should be required that not less than two-thirds of the eligible voters of each nationality agree on the future status of their country, and not less than two-thirds of the elected representatives should subsequently ratify this decision. This strict requirement would demand a greater sense of responsibility by a people and their representatives when they seek to change the geography of a region and the history of the world.

**Criterion 5:  
Responsibility for Consequences**

Under the conditions just described, the self-determining people and their political elite will have more time to get themselves ready for assuming the burden of

political and economic responsibility. In the summer of 1994, the very leaders of the Palestinians who obtained their statehood asked the leadership of Israel to postpone temporarily the withdrawal of its forces from the Gaza strip and Jericho, since their own law-and order forces, the Palestinian police were not yet ready to assume responsibility for maintaining order in these zones. Similarly, several years after obtaining independence, Ukraine requested oil from Russia at the old prices, which were much lower than the current world prices, because they were not ready to start the process of economic reform.

The problems that may result from the failure to resolve interethnic differences before granting independence may be illustrated by the departure of the British from colonial territories under pressure from the leaders of local national liberation movements. They abandoned the territory of Palestine that had been under its mandate, and also the zone of the Indian-Pakistani conflict (e.g. Kashmir), before the resolution of the interethnic conflicts that were emerging in these areas. The governmental institutions of the British Empire did not allow sufficient time for the formation of stable statehood in these countries, although they did leave behind an important legacy: the civil service system.

The same can be said of the hasty and unorganized withdrawal of the Soviet Empire from Trans-Caucasia and some hot spots in Central Asia. Shortly thereafter, following the request of the leadership of some of these countries (namely, Armenia, Georgia, Moldova, and Tajikistan), the Russian Federation, acting as the legal successor of the USSR, was forced to introduce peacekeeping forces or help in safeguarding the outer boundaries of these independent states. Incidentally, this was viewed by some observers as a sign of Russian aspirations to restore the empire, a step that would have brought neither economic nor political advantages.

The ability to create a vital economy and the ability to control a new territory and its boundaries must be evaluated in advance by the people seeking sovereignty. Otherwise, instead of a stable independent state, there will arise only a new hotbed of tension. Objective standards for assessing readiness to assume responsibility, however, need to be worked out. Outside experts are not always capable of appraising the readiness of a freedom-seeking people for economic and political changes. U.S. Ambassador Jean Kirkpatrick told the author in an interview that this criterion, namely the responsibility for the consequences of self-determination, should not be raised as an obstacle to the expression of the will of a nation because "sometimes people can accomplish a miracle that nobody could have foreseen." This is especially true, one might add, of people who have achieved the dream of determining their own destiny.

## Notes

[1] Serge Schmemmann, "Ethnic Battles Veering in Former Soviet Fringe," *New York Times*, May 25, 1992, 7.

[2] Zbigniew Brzezinski, *Out of Control: Global Turmoil on the Eve of the Twenty-First Century* (New York: Charles Scribners Sons, 1993).

- [3] Daniel P. Moynihan, *Pandemonium: Ethnicity in International Politics* (New York: Oxford University Press, 1993).
- [4] See, for example, Julian Bromley et al., *Sovremennye etnicheskie protsessy v SSSR* (Moscow: Nauka, 1975); and Galina Starovoitova, *Etnicheskaya gruppa v sovremennom sovetskom gorode* (Leningrad: Nauka, 1987).
- [5] Ernest Gellner, *Natsii i natsionalizm* (Moscow: Progress, 1991): 5 (Introduction to the Russian edition).
- [6] Ernest Gellner, *Nations and Nationalism* (Oxford: Basis Blackwell, 1983): 111.
- [7] *Ibid.*
- [8] See, for example, Elie Kedourie, *Nationalism* (London: Hutchinson, 1960).
- [9] Gellner, *Nations and Nationalism*, 129.
- [10] *Ibid.*, 130.
- [11] Walker Connor, "From Tribe to Nation," *History of European Ideas Volume 13* (New York: Pergamon, 1991).
- [12] For more detail, see Robert Kaiser, "Territorial Dimensions," *Geography of Nationalism in Russia and the USSR* (Princeton: Princeton University Press, 1994).
- [13] For other examples, see also Hurst Hannum, *Autonomy, Sovereignty, and Self-Determination: The Accommodation of Conflicting Rights* (Philadelphia: University of Pennsylvania Press, 1990).
- [14] See, for example, T. Robert Gurr, *Minorities at Risk: A Global View of Ethno-Political Conflicts* (Washington, D.C.: United States Institute of Peace, 1993).
- [15] William Odom, former director of the National Security Agency, proposed to me the idea for the above coordinate system in a private conversation.
- [16] On the role of social entropy in national processes, see Gellner, *Nations and Nationalism*, 63-87.
- [17] A. Rigo Sureda, *The Evolution of the Right of Self-Determination: A Study of United Nations Practice* (Leiden: A. W. Sijthoff, 1973): 17.
- [18] E. H. Carr, *The Bolshevik Revolution 1917-1923 Volume 1* (New York: W. W. Norton, 1985): 416-417.
- [19] In the examination of case studies and the description of criteria of self-determination in Parts 2 and 3, we generally have in mind the first type of subjects of self-determination.
- [20] It was in fact realized from the revolution of 1917 until 1922, when the creation of a federation began on the basis of a treaty voluntarily signed by the various republics. The Soviet Constitution formally included an article on self-determination right up until the fall of the USSR, but only Armenia, in 1991, fulfilled all the demands of the corresponding law on secession.
- [21] U.S. Congressional Record, Volume 53, Part 9, 8854.
- [22] *Ibid.*, Volume 54, Part 2, 1742.
- [23] Sureda, *The Evolution of the Right of Self-Determination*, 20-21.
- [24] Sarah Wambaugh, *Plebiscites Since the World War, with a Collection of Official Documents* (Washington, D.C.: Carnegie Endowment for International Peace, 1933).
- [25] Sureda, *The Evolution of the Right of Self-Determination*, 100. For an overview of the points of view of the four sponsoring governments and other participants in the May 1945 discussion, see *ibid.* 97-120.
- [26] UN General Assembly Resolution 1514 (XV), 947th plenary meeting, December 14, 1960.
- [27] Sureda, *The Evolution of the Right of Self-Determination*, 108.

[28] Experts consider that this referendum was not completely free, since the indigenous people, the Kanaka, boycotted it. Many still consider New Caledonia a territory with colonial status.

[29] They took effect in the USSR in 1976 and in the United States in 1991.

[30] UN General Assembly Resolution 2200 (XXI), 1496th plenary meeting, December 16, 1966.

[31] Ibid.

[32] UN General Assembly Resolution 2625 (XXV), 1883rd plenary meeting, October 24, 1970.

[33] Participants in this conference (specifically, the U.S. ambassador to the CSCE, John Maresca) explained to the author that the principle of the inviolability of postwar borders in Europe was especially insisted upon by the Soviet delegation headed by Leonid Brezhnev. The communists were mostly concerned with the inviolability of the border between East and West Germany and the durability of the Berlin Wall.

[34] See, for example, Yurii Barsegov, *Obiazatel'naia sila prava narodov na samoopredelenie* (Moscow: International Humanitarian Foundation for Armenian Studies, 1993); and *Samoopredelenie i territorial'naia tselostnost'* (Moscow: International Humanitarian Foundation for Armenian Studies, 1993).

[35] "Compelling law" a peremptory norm of international law that cannot be altered by contracting parties.

[36] See, for example, the case study of Georgia.

[49] For more detail, see Kaiser, *Geography of Nationalism in Russia and the USSR*.