Report from a Roundtable Held in Conjunction with the U.S. Department of State's Policy Planning Staff

Self-Determination

Sovereignty, Territorial Integrity, and the Right to Secession

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PEACEWORKS

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Summary

The right to self-determination has become one of the most complex issues for U.S. foreign policymakers and the international community at large. Confusion over the issue stems not so much from whether there exists a *right* to self-determination, which is included in many international human rights documents, but from the failure of those documents to define exactly who is entitled to claim this right–a group, a people, or a nation—and what exactly the right confers. At the same time, the international system, particularly in the post–World War II era, has steadfastly defended the inviolability of existing nation-states' borders, regardless of how and when they were determined.

In recent years, many groups that constitute minorities in their states have invoked the "right to self-determination" in their demands for autonomy—or, in some cases, secession—and have resorted to violence to pursue their aims. These groups typically justify their demand for self-determination as a way to end years of repression and human rights violations by the majority ethnic group or the central government. The absence of a precise definition of what the right to self-determination entails has left the international community, and the states concerned, without guiding principles with which to respond.

Recognizing the challenge to peace posed by demands for self-determination (and governments' responses to them), the United States Institute of Peace, working with the Policy Planning Staff of the U.S. Department of State, assembled a group of policymakers and scholars to examine the origins, growth, and strategies of such movements, and to discuss whether universal principles can be developed to inform international, and particularly U.S., responses. This report summarizes the discussions at that meeting.

Self-determination as a political force in international society is a relatively recent phenomenon, emerging in the aftermath of World War I and the breakup of the Ottoman and Austro-Hungarian empires as a demand of national groups seeking to divide territory. President Woodrow Wilson was the statesman most closely identified with the self-determination principle, though ironically the term does not appear in his "Fourteen Points" speech. While he referred to minority rights within a larger state, he rarely mentioned the establishment of new, independent states.

Self-determination became officially sanctioned after 1945, when it was included in the United Nations Charter, though it applied to existing states, not to peoples or national groups. However, self-determination quickly evolved from a principle to a right, especially after the 1960 UN Declaration on the Granting of Independence to Colonial Peoples, when the term came to denote decolonization. Still, self-determination applied to territories and not to peoples.

Since the 1970s, there has been a move to combine the ideas of minority rights and decolonization, and the result has been a tendency on the part of some advocates to define self-determination as conferring the right to independent statehood on every distinctive ethnic group.

Many observers of this trend share the concern that confusion about what the principle of self-determination means and what putative rights it confers is helping to fuel the violence characterizing contemporary independence movements. Yet the realities of the international system provide a rationale of sorts for such movements, including the view that internationally recognized borders are "artificial, arbitrary, and accidental" and that they in fact legitimize the combining of different peoples arbitrarily, and often against their will,

within the same territory. Moreover, the growth of these movements is not a temporary phenomenon, but the direct result of changes in the world wrought by the universal application of Western ideas such as democracy and human rights. Most of the world's peoples have little experience with the West's long history of sovereignty and statehood and are thus not prepared to adhere to the Western insistence on the inviolability of existing borders. Those in the West who are alarmed by the growth of these nationalist movements should consider not whether these contemporary manifestations of nationalism are legal or appropriate, but rather that they are happening—and that they very likely cannot be stopped. The potential for violence and international instability becomes even more obvious when one considers that some still very large empires, such as Russia and China, are likely to be affected by these movements.

Unfortunately, turning to international legal standards on the right to self-determination does not resolve the problem, since the right has never been explicitly defined. In any case, it is impractical to assume that legal principles alone will resolve what are essentially territorial and political disputes. Because the right has never been defined, the notion of self-determination typically embraces several different meanings, none of which addresses the central issue of how to respond to a national or other identity group's aspirations for control over the lives of its members.

Without a doubt, any new definition of self-determination must include customary human rights standards (e.g., respect for individual and minority rights) and the right of an appropriate body to enforce those standards. In their later stages, self-determination movements typically become the target of human rights violations, which should be addressed before they reach the often intractable phase of organized struggle against the state. However, the right to self-determination must be separated from the right to secession and the establishment of independent statehood, with the understanding that there are intermediate categories short of statehood that can address a minority group's interests and aspirations, such as membership in various international forums or regional organizations. Human rights violations are easy to condemn; the dilemma is whether they justify the persecuted group's secession from the state, a conclusion the international community is largely unwilling to draw. Thus the question becomes, Can a principle be developed that stands somewhere in between recognized human rights standards and the right to self-determination?

Somewhat ironically, the very propagation of the idea of human rights intensifies demands for greater recognition among minority groups that invoke claims of human rights violations to support their demands. However, the idea that human rights and political stability are bound to clash is tenuous, since states held together through terror and repression are rarely stable in most senses of the word. In the end, though, it may not be possible to compel an oppressive government to end its unacceptable actions toward a minority group if outside countries are unwilling to intervene with military force.

U.S. policy interests in the self-determination debate beg a preliminary question: What exactly does the United States care about with regard to self-determination movements—the outcome of the struggle (i.e., the shifting of boundaries and the proliferation of states) or the means used to obtain it (i.e., the violence that frequently accompanies such struggles)? Unfortunately, American diplomacy often cannot decide between these two interests, making a response that much more difficult to formulate. Generally, though, the United States should be less concerned about outcomes in these struggles than about the means used; international political stability is more likely to be maintained by focusing on the process than by trying to manipulate events to arrange a predetermined outcome.

The options for a minority group waging a struggle for self-determination do not have to be viewed in the zero-sum terms of independence or assimilation, despite the fact that international law tends to reinforce this approach. The United States could encourage the practice of granting some intermediate status short of independent statehood to unrecognized peoples or other distinct economic or political entities. Parallel or multiple representation for substate entities that function autonomously (such as Taiwan's participation in the General Agreement on Tariffs and Trade) can provide outlets for what otherwise might be secessionist pressures. Legitimate secessionist aspirations could be diverted to nonterritorial demands, thus avoiding a strictly territorial interpretation of

self-determination. The United States might also consider advocating a change in the current system that allows the government to conduct its affairs only with other states and not with subunits within states. However, offering subgroups some sort of recognition or representation in international forums or organizations may ultimately lead to greater demands from smaller and smaller identity groups for independence and UN representation.

The United States may have no choice but to avoid the pronouncement of clear doctrines and principles regarding self-determination movements and thereby avoid being driven to intervene in conflicts according to rigid principles that certainly do not apply in every instance. The United States should, however, make absolutely clear that secession has not been universally recognized as an international right. It may choose, on the basis of other interests, to support the secessionist claims of a self-determination movement, but not because the group is exercising its *right* to secession, since no such right exists in international law. At the same time, an absolute rejection of secession in every case is unsound, because the United States should not be willing to tolerate another state's repression or genocide in the name of territorial integrity. Secession can be a legitimate aim of some self-determination movements, particularly in response to gross and systematic violations of human rights and when the entity is potentially politically and economically viable.

Unfortunately, there is no easy solution to the dilemmas presented by self-determination movements in the world today. Clearly, in the face of the growing number of such movements, establishing a definition of the right to self-determination is necessary, though agreement on such a definition will not be easy—and even then, it will not likely be conclusive and unequivocal. The desire among national groups to seek self-determination is not a simple matter with a single cause. Rather, it stems from multiple sources, including the denial of minority rights, territorial disputes, national aspirations, and the belief in economic and political viability, among others. This desire may develop gradually until the last resort to violence and secession come into play. Unfortunately, the inattentiveness of the world community often makes what is in fact a gradual process seem very sudden.

Preface

The thorny topic of self-determination has increasingly demanded the attention of U.S. policymakers and the international community. Partly because of the postwar communications revolution, peoples around the globe have an increased awareness of the state system's seemingly permanent configuration and of their place in it. Some of these groups, whether in pursuit of greater international recognition or in response to repressive government policies, are now seeking to exercise what they see as their right to self-determination, which they assume includes the right to independent statehood. Do such groups have this right? Is this an inevitable consequence of the processes of imperial dissolution, decolonization, and increased global awareness? How should the international community, and the United States in particular, respond?

All too frequently, self-determination movements resort to violence to achieve their aims. The origins of these movements sometimes remain obscure, however, and the outside world pays little attention to them until conflict breaks out, leaving similarly inclined groups with the "lesson" that violence is the only practical course of action. And, of course, it is that much more difficult to determine a policy response when conflict has raised both the stakes and the resolve of the players to pursue their aims at all costs.

With its mandate to pursue the study of peaceful resolution to international conflicts, the United States Institute of Peace convened a meeting on "Self-Determination: Sovereignty, Territorial Integrity, and the Right to Secession" in February 1995. The all-day session, organized in conjunction with the Policy Planning Staff at the U.S. Department of State, allowed government policymakers and outside experts to gather and discuss freely, practically, and informally the complex issues surrounding self-determination and secessionist movements. The informal nature of the discussions is particularly important, because in the West the issue of self-determination is often addressed from a formal, legalistic standpoint. While most of the participants in this session were well acquainted with the political and legal terminology used to describe self-determination, what it means in practical terms is by far the trickier issue. Because self-determination encompasses so many issues—including individual and minority rights, regional autonomy, government repression, territorial integrity, state sovereignty, and claims to independence, to name but a few—the most difficult task in planning such a meeting was to determine which aspects of the issue would be addressed. The resulting focus on territorial integrity and the right to secession should not suggest that the other aspects are not important; rather, it was an attempt to set limits on a topic that can easily become extremely complicated and broad.

The discussion proved to be so valuable that the Institute decided to make it available to a wider audience. The session's report, we believe, fills a gap in the literature available to members of the U.S. policy community who do not always have the opportunity to read longer, more in-depth, scholarly treatments of the subject. While the United States Institute of Peace has published many works examining the causes behind various self-determination movements—books such as *Minorities at Risk: A Global View of Ethnopolitical Conflicts* by Ted Robert Gurr and its Series on Religion, Nationalism, and Intolerance—this is the Institute's first effort to address the theoretical and practical aspects of the self-determination problem in such a comprehensive manner. The Institute plans to hold

follow-up meetings to explore the self-determination issue further, and reports from those sessions will also be made available.

The meeting was organized by Institute program officer Patricia Carley. The Institute would like to thank Adam Wasserman of the Department of State's Policy Planning Staff for helping to organize the meeting. This report was prepared by Ms. Carley and edited by Peter Pavilionis.

1 Introduction

The right to self-determination as declared in many international documents is fast becoming one of the thorniest issues for the international community and U.S. foreign policymakers in particular. Considerable confusion and conflict have resulted not so much over the notion of the *right* to self-determination, proclaimed in such documents as the International Covenants on Human Rights and the Helsinki Final Act, but over the *definition* of self-determination. What exactly does this right entail—autonomy? statehood? What other rights come with it? Who is able to exercise it? Who is not, and why?

Since the end of World War I, and especially since World War II, the world has ordered its affairs with an international system based on the concept of states whose borders, no matter how they were originally determined, are considered inviolable. However, few, if any, nation-states have international borders that unambiguously encompass one nation or people, or even several peoples who voluntarily agreed to become part of one state. Many peoples, distinct and recognizable by most criteria, do not have their own nation-states, and they find themselves a discrete minority within a state. In some cases, they are divided among several states.

The United Nations, and other international organizations have steadfastly defended this system of states. They have also defended the right of peoples to self-determination as outlined in the UN Charter. However, the self-determination principle has been interpreted differently at different times and has been inconsistently applied as a result. In the wake of rapid political, social, and technological changes in the world, distinct national groups have pushed demands for their own states to the top of their political agendas. These national groups have armed themselves with the claim to self-determination, in which the right to secession is seen as an implicit, integral part. Because the issue is so complex and potentially explosive, the response of the international community has frequently been to sidestep it.

However, this nonresponse is becoming increasingly untenable as the inconsistencies in the present system become more obvious. As a greater number of national groups demand some level of recognition, the international community finds itself without concrete principles with which to respond. The failure to define self-determination explicitly, while perhaps intentional, has left U.S. policymakers and international organizations ill equipped to respond to the ever-increasing number of claims from currently unrepresented (at least in nation-state form) minority and other national groups throughout the world.

In practical terms, the current system provides a seat at the United Nations for Monaco, but not for the Kurds. Armenians and Uzbeks are now legally outside the bounds of Soviet-cum-Russian colonialism, but other non-Russians currently in the Russian Federation (such as the Chechens) are not—not least because they were designated with a different ethno-territorial status in Stalin's policy of national delimitation. Certainly the unchecked proliferation of new states is not a desired outcome, but the reasons frequently cited against secession—the need for stability and the inviolability of borders—are falling on the increasingly deaf ears of those who consider them nothing more than a smoke screen to protect an existing—and, in their eyes, unjust—system.

As with many human rights matters, the likelihood that an unrepresented national identity group will move beyond demands for equality to fight for independence depends to some, perhaps a large, extent on the nature of the government that has sovereignty over the group. Peoples who are denied basic cultural, linguistic, and political

rights by their rulers are more likely to resort to violence than those who have been given a large measure of local autonomy.

Encouraging democracy and respect for human rights and granting local autonomy might be the answer to the self-determination dilemma, but this approach does not resolve the matter across the board, as self-determination struggles leading to separatist demands exist in developed democracies (e.g., Canada's Quebecois separatists and the Scottish National Movement). Some nations or groups feel so aggrieved, so repressed by their rulers, that offers of local autonomy that might have sufficed at one point are no longer adequate. It is as if a certain line has been crossed, a point of no return, beyond which full independence becomes the only acceptable goal.

U.S. Interests

For its part, the United States has largely avoided defining exactly what the right to self-determination includes. It is usually defined by describing what it does *not* include—the right to secession, for example—but that response has not proved to be adequate, nor has it been found acceptable to many of the peoples in question.

The question should be asked, Must self-determination be explicitly defined? Why should the United States want to address this complex and potentially explosive issue? Perhaps there is no practical course but to continue to approach the matter on a case-by-case basis, taking into account other strategic, political, and economic interests in each instance. However, this course does have its drawbacks, as witnessed in the continuing chaos and the terrorism that often accompany self-determination movements.

The Institute Roundtable

Recognizing the challenge to world peace that demands for self-determination present, the United States Institute of Peace convened a small study group in February 1995 to address the issue. The Institute worked with the Policy Planning Staff of the U.S. Department of State to bring together lawyers, political scientists, and regional experts who have considered this question in the wider sense, along with relevant policymakers who understand the practical aspects of the problem. The discussion was chaired by Max Kampelman, vice chairman of the Institute's board of directors and former U.S. ambassador to the Conference on (now Organization for) Security and Cooperation in Europe (CSCE, now OSCE). The purpose of the meeting was to discuss candidly the nature of self-determination, its evolution, and the range of recent applications. The primary focus was whether universal organizing principles can be formulated to guide U.S. policymakers, and what likely challenges and opportunities will be presented by future appeals to the right to self-determination.

The discussion raised several questions of key significance to policymakers. Do international organizations to which the United States belongs—such as the UN and OSCE—provide adequate guidance on the self-determination issue for policymakers? If not, is it possible to develop a set of general principles to use in responding to self-determination crises? In other words, to what extent is each situation so specific that general principles simply cannot be applied? What activities are acceptable for a sovereign state to use to hold itself together? How can potential problems be identified before they erupt into conflict? More practically, what influence can the United States exert on the governments and peoples involved in such conflicts?

2 A History of the Self-Determination Concept

Hurst Hannum of the Fletcher School of Law and Diplomacy described three eras that have shaped the history of the concept of self-determination. The first era began in the nineteenth century and lasted through the Wilsonian period, ending in approximately 1945. Hannum reminded the participants that John Stuart Mill, among others, first suggested the connection between ethnicity, language, and culture on the one hand, and statehood on the other, a view that informed many of the nationalist movements of the nineteenth century. Ironically, Hannum contended, the classic nationalist movements of that era were not about the breakup of empires, but about the unification of "nations" such as Germany and Italy. It was only after the Ottoman and Austro-Hungarian empires began to disintegrate that self-determination became a rallying cry of smaller national groups as a means of dividing, rather than unifying, territory.

At this time, Hannum continued, the essential qualities of the concept of self-determination were, first, that it was a purely political principle, usually referring to some sort of autonomy rather than statehood for ethnic or national groups, and second, that the right was not absolute, but relative: Certain political and economic requirements, such as economic viability and geographic size, were necessary to warrant statehood. Finally, in the late nineteenth and early twentieth centuries, the concept of self-determination was seen almost invariably in terms of another, much more important, political goal of promoting world peace.

These limitations on self-determination were accepted by President Woodrow Wilson, who was, according to Hannum, the statesman most closely identified with the principle. Ironically, however, the term "self-determination" does not appear in Wilson's "Fourteen Points" speech, which primarily addresses autonomy and minority rights. Moreover, Wilson distinguished between "internal" and "external" interpretations of self-determination; the former, referring to a people's right to choose its own form of government without outside pressure, was of far greater concern to him. Indeed, he rarely mentioned the external aspect of self-determination, the one associated with the establishment of independent states. Wilson did want an article on self-determination included in the Covenant of the League of Nations, but he was overruled on this point, not least by the European powers, which were extremely suspicious of the term. Wilson's views on self-determination, Hannum stressed, should be understood in the context of his emphasis on a state's internal politics—the protection of a minority's cultural and linguistic rights. Wilson never considered self-determination to be an absolute right.

The establishment of the United Nations in 1945 marked the beginning of the second era of the self-determination idea. Unlike the League of Nations Covenant, the UN Charter mentions self-determination twice. However, Hannum pointed out, the term very clearly applies to states and not to peoples or groups. Yet, once the idea was written into the Charter, it very quickly evolved from a principle to a right. The UN continued to define self-determination in broad language but, again, it was never seen as an absolute or unlimited right.

The most important document in the promotion of the right to self-determination, and one that provides a clear indication of its meaning during this era, was the 1960 UN Declaration on the Granting of Independence to Colonial Peoples. According to Hannum, the criteria underlying the right did not include possession of a distinct ethnicity, language, or culture; rather, self-determination was simply a more appealing term for decolonization. In fact, four principles characterize self-determination during this era.

First, self-determination referred only to decolonization. Second, it did not apply to peoples but to territories. Third, self-determination was now considered an absolute right—though, again, for colonies only; this marked a significant change from the previous era. Finally, self-determination did not allow for secession; instead, the territorial integrity of existing states and most colonial territories was assumed. The essential quality of self-determination during this era, Hannum emphasized, was not that all *peoples* had the right of self-determination, but that all *colonies* had the right to be independent.

The third, and most problematic, era in the development of the concept began with the end of decolonization in the late 1970s and continues to the present. This stage is characterized by the attempt in recent decades to fuse the first two eras; that is, to combine the ethnic and cultural rights of minorities that Wilson championed with the territorial absolutism of decolonization. The result has been a tendency to redefine self-determination to mean that every distinctive ethnic or national group has a right to independence. But though self-determination has taken on this new meaning in a popular sense, it has not been accepted by any state or by international law.

3 The Rise of Contemporary Self-Determination Movements

The combination of self-determination's original definition and later interpretations has caused considerable confusion, Hannum stated. Today, the goal of states should be, first, to identify and explicitly define self-determination and the criteria that determine which entities are entitled to exercise the right. Contemporary political movements that demand the right to secede have frequently resorted to violence precisely because of the confusion and uncertainty surrounding their proclaimed goal of self-determination, and both international law and official Western reactions have done little to clarify the situation. Second, the international community should develop some parameters that determine exactly what the right to self-determination includes. For example, according to Hannum, some people or groups may be entitled to invoke and exercise this right, but it should be made clear that this does not necessarily include the right to independent statehood.

Modern Realities: The Impermanence of Borders and Raised Expectations

Graham Fuller of the RAND Corporation declared that the United States must be prepared to understand the world "not the way it ought to be, but the way it is," since all too often in the case of self-determination and other nationalist movements "the law is running after reality." In examining the causes behind the outbreak of self-determination movements, several realities of today's world simply cannot be ignored. First, Fuller maintained that existing borders between internationally recognized nation-states are "artificial, arbitrary, and accidental." Furthermore, they are not permanent. Second, although some states, mostly in the West, are a reflection of the congruence of ethnic and territorial boundaries, most are not so constituted. These other states are typically "mini-empires" or even greater empires of ethnically distinct peoples who find themselves arbitrarily forced to live within the same borders.

Third, the current concern over self-determination is not merely a "post-Soviet blip"; that is, the dilemma is not just a regional, short-term phase following the breakup of the Soviet Union. Many peoples around the globe are going through their own process of self-discovery. More than ever before, these peoples seek liberation to "get back to their history." The origins of this self-discovery process, Fuller said, are many. There is a growing international awareness that "things do not have to be they way they are," as identity groups discover that they no longer have to endure intolerable forms of government. This awareness has been accelerated by the contemporary application of the Western heritage of democracy and human rights, and the peculiarly American notion of individual fulfillment. It is Americans, Fuller maintained, who are in fact "corrupting the rest of the world" with these ideas.

According to Fuller, it is perhaps ironic that the attraction to democratic values encourages ethnic self-awareness and, in some cases, secessionist movements. Though it may be a cliché, it is evident that the revolutionary developments in mass communications are largely responsible for the spread of these ideas. In many instances, the introduction of such democratic values as freedom of speech, assembly, and the press are accelerating the development of minority groups' self-awareness and, in some cases, demands for greater autonomy or even independence. Furthermore, there is a new kind of globalized elite that is increasingly alienated from the "lumpen" masses. Some of those who are disadvantaged as a result of rapid global

economic changes are turning to ethnicity and nationalism to address their grievances. The "mass culture" emanating from the United States reflects this gross imbalance of economic power and increases resentment among disadvantaged groups the world over. Nationalism, ethnicity, and religion are increasingly used as instruments in expressing such resentment. This is apparent in many Third World countries that are experiencing rapid economic development and urbanization along with declining public services. In these countries, marginalized groups search for new sources of identity and loyalty other than those offered by a state that has apparently abandoned them. The adoption of alternate sources of identity, such as ethnicity and religion, and their use as political instruments is becoming increasingly common.

The continent of Africa is likely to be a "staggering mess" as the concepts of ethnicity and borders enter future debates over identity.

Echoing some of Fuller's assertions, Kampelman noted that people in some countries are healthier and living longer than ever before; however, a significant portion of the world has not enjoyed such an improvement in living standards. Global communications (mainly television and films) display these higher living standards to the world's population, including those who have not benefited from modernization. Understandably, they too want to experience the benefits, and tensions arise from the "unstoppable drive" of people in the Third World wanting what the advanced industrial nations already have. This situation threatens those in the wealthier nations who are concerned that their benefits will decline as more economic resources are transferred abroad and those in the Third World who lead more traditional lives and generally do not aspire to what they perceive to be "crass Western materialism."

Unfulfilled Nationalism

Fuller also described a global "cycle of ethnicity" currently under way that has divided the world's peoples into two loose categories. There are those in the camp of "matured nationalisms"—in western Europe, for example—whose members are relatively "fulfilled" in terms of identity and are thus comfortable surrendering varying degrees of sovereignty. Another, much larger, group of peoples lacks such fulfillment and thus clings tightly to their ethnic sources of identity. For example, it is very difficult to tell the Kazakhs to accept a multiethnic state cheerfully when they have just come out from under Russian domination. For a Kazakh, accepting a multiethnic state is tantamount to allowing the Russians to continue their aim of destroying Kazakh language and culture. Thus, the nation-building agenda of the Kazakh people is markedly different from a similar Western agenda, which typically emphasizes ethnic and cultural "diversity." The reality is that some peoples are moving away from a nation-state identity and giving up some sovereignty, while other groups—the majority—are demanding the right to establish themselves in a new nation-state, to build a "national project."

According to Fuller, the issue now is not whether these manifestations of nationalism are legal or appropriate, but simply that they are happening. The question is what the West's response will be. This process cannot be stopped, he contended: "There are no rules for saying that the gates of nationalism are closed because the rules are being changed all the time." It is not sufficient to say "just assimilate," because most groups are simply not going to "commit cultural suicide" through such assimilation. Furthermore, Fuller said, the world is going to see some very big empires, including China and Russia, affected by these developments. The continent of Africa is likely to be a "staggering mess" as the concepts of ethnicity and borders enter future debates over identity.

Scott Thompson of the Fletcher School of Law and Diplomacy, a member of the Institute's board of directors, disagreed with this last point, arguing that in many Third World countries, such as those in Africa, new loyalties to the state are in fact

emerging. Over a period of forty years, for example, there have been no major challenges to the colonial borders on the African continent. Indeed, for many African states, the colonially contrived borders are the basis for their identity, and a new generation of elites in these countries owes its allegiance to the state—though this is often the case, Thompson admitted, for less than admirable reasons.

In response, Fuller maintained that there will undoubtedly be a period of immense global chaos in the future. The United States is caught between what international law prescribes, on the one hand, and what its commitment to democratic values and human rights implies on the other. Providing these restive groups with financial assistance may ease the situation, but it will not solve the problem, since these "urges are not at heart economic." Rather, they go to the matter of self-identity and knowing one's place in the world.

Yugoslavia's Breakup and the Demonstration Effect

Outlining some of the reasons that the world is seeing such an unprecedented growth in secessionist movements, Lori Damrosch of Columbia University Law School suggested that the current problem is only partially a reflection of ancient animosities among peoples. The international response to the situation in the former Yugoslavia has also exacerbated the problem. Other relatively small ethnic groups in the world, Damrosch explained, have likened themselves to the various ethnic groups in the Balkan territory and have come to believe that they too can get a similar response from the international community to their demands for self-determination. That response, especially from the European Community, suggested that a "federation" in the process of disintegration could seek "validation of a secessionist outcome on the basis of a process that purported to be juridical, but in reality was essentially political," according to Damrosch. Leaders of other secessionist movements, she maintained, could believe that they were in the midst of the same process, that their federations (e.g., the USSR or the Russian Federation) were in the process of breaking up and that the same purportedly juridical result—the emergence of an independent state—could be validated through the supposedly "legal" claim of self-determination.

David Scheffer of the Department of State disagreed with Damrosch's contention that the international reaction to Yugoslavia's dissolution has fueled not only the resulting mass violence, but other peoples' claims to the right to self-determination as well. According to Scheffer, there is no evidence that if Yugoslavia had stayed together there would not have been acts of genocide. No one can now establish for certain that there would not have been a vicious civil war even in a unified Yugoslavia. In fact, a great deal of the fighting occurred before the breakup of the country in 1992. Now, however, it seems like conventional wisdom to assert that if only the Western powers had restrained their willingness to recognize the independence of the former Yugoslav republics, none of the fighting would have occurred.

Kampelman argued that, regardless of whether or not hasty Western recognition of the Yugoslav republics fueled independence movements, many other peoples demanding self-determination have now seen in the Yugoslav situation that violence *can* work; after all, he said, it is working for the Serbs. It is difficult to ask other groups to renounce violence when it has gone so completely unpunished in the former Yugoslavia. Peter Schoettle of the Department of State pointed out two other cases that illustrate why current self-determination problems have become so acute, often turning violent. Tamil separatists in Sri Lanka and the Turkish community in Cyprus have sought a political solution to their grievances for decades. It became clear, however, that nonviolent means were simply not working; consequently, the two groups resorted to violence. Schoettle suggested that even if there were an international forum that could have heard their grievances, or a legal mechanism in place to respond to them, the violent outcome probably would not have been different.

4 The Self-Determination Principle: Legal Definitions and Obligations

Ralph Steinhardt of George Washington University Law School outlined four essential propositions regarding self-determination and international law. The first is that the law simply will not definitively resolve competing claims for power or territorial disputes, though it can provide the requisite mechanism in attempts to do so. Yet the paradox remains: Self-determination has little legal meaning but is nevertheless a tremendously powerful political principle.

The second proposition regarding the legal context of self-determination is that international law is not "univocal" on the subject. Self-determination has never been defined; hence, its mere mention conjures up several different meanings at once. According to one definition, self-determination refers to the end of colonialism and the creation of new states. Another says that self-determination is shorthand for the rights of states; that is, the sovereign prerogative that defines relations among existing states (the right to their own political destiny, the right to equality in relations with other states, etc.). Yet another meaning of self-determination involves the protection of individual and collective human rights and popular democratic rule.

The problem is, Steinhardt continued, that none of these definitions speaks to the central issue of how to respond to an identity group's aspirations for control over its own future. Even the third definition, the "democracy gloss" on self-determination, fails to answer this question, since democracy is essentially majority rule, and in most cases the majority is more likely to trample on than to honor the rights of a minority identity group. Furthermore, international law is not univocal on the value of independent statehood; it is currently softening its "premium" on statehood by allowing non-state actors to play roles in the articulation and enforcement of international law.

The third basic proposition about the legal context of self-determination is that it is not a "suicide pact" in that it does not oblige any state to subjugate its own self-interest. Law is basically an expression of self-interest and has evolved accordingly over time.

The fourth proposition is that law is constantly changing. After several distinct eras, Steinhardt maintained, the self-determination norm is at a legislative turning point. There are several new meanings or "clusters of principles" that should be included in the right to self-determination, just as there are new ways in which the right should be interpreted.

First of all, the right to self-determination must be addressed in light of customary human rights concerns, especially those of interest to identity groups. Second, it should be understood that identity groups have options short of statehood to air their demands. Specifically, they have the right to participate in bodies such as assemblies of national minority affairs, local autonomous administrations, decentralized and local forms of government, and mixed commissions (either regional or international) to facilitate a continuing dialogue on the issue. All of these are possible institutional arrangements short of statehood that the United States could encourage. Third, the right to self-determination must include the right of enforcement and scrutiny by an appropriate body, meaning the abandonment of the idea that self-determination somehow erects a wall of exclusive domestic jurisdiction for any country.

Kampelman stressed that the right to self-determination must be separated from the right to secession. Many international documents have established self-determination as a right, but it has never been defined. Thus, many documents contain a contradiction between the right to secession and the right to territorial integrity, and such documents should seek a balance in separating the

rights to self-determination and secession. The latter is simply not, according to Kampelman, inherent in the legally stated right of self-determination. Self-determination may be an internationally recognized principle, but secession is a national issue, one for states themselves to decide. For example, a government may wish to allow its nation's constituent parts the right to secession in its own set of laws, but no international documents compel it to do so. Self-determination, Kampelman maintained, means *inter alia* the right to cultural independence, religious freedom, and the use of one's own language, but not secession. Unlike secession, these rights are "manageable," making it possible for the United States to both address and influence them.

Jamison Borek of the Department of State pointed out that legal principles are not the driving factor behind either self-determination movements or U.S. policy toward them. After all, the United States has not taken a position on the precise legal definition of self-determination. Nor has the scope of the term "peoples" been determined, and the debate continues over whether self-determination includes a *right* to secede outside the context of decolonization. In general, the United States has not recognized the right to secession for portions of established countries. Moreover, in keeping with the general U.S. orientation toward individual rights, U.S. policy prefers to speak to individual human rights (including civil and political rights) rather than group rights such as self-determination. It is not productive, Borek continued, to debate legal principles in the abstract without addressing pragmatic realities. A fundamental problem is what the United States and other countries are willing and able to do about situations in which governments actively oppress minority groups in their countries. While the response options range from economic sanctions to the use of force, ultimately it is not possible to compel an oppressive government to change its behavior if other countries are not prepared to intervene militarily.

> ***Many international documents have established self-determination as a right, but it has never been defined.***

Self-Determination and Human Rights

Fuller suggested that the very propagation of the idea of human rights intensifies demands for greater recognition among the unrecognized peoples of the world. In telling other states to observe the human rights of their citizens, the United States is giving these citizens a greater forum to demand more for themselves. Steinhardt concurred by suggesting that self-determination is a "symptom" of the human rights crisis. In fact, claims to self-determination usually indicate a human rights problem in its final stages. This is one of the main reasons that complaints about human rights violations must be addressed before they reach this stage.

In this context, Scheffer disagreed with Hannum's assertion that the concept of self-determination must return to the more static framework of previous eras. Scheffer said rather that self-determination "is a reality from which we cannot escape," since there are people all over the world who are "screaming that word." What is needed, he said, is greater recognition of the postcolonial development of human rights law and principles as an influencing factor on self-determination movements, however they are defined. Moreover, he continued, democracy is increasingly considered an "entitlement." Even the United Nations is embracing this view in its formal documents, and peoples in the process of asserting their right to self-determination increasingly look to international language on human rights as a moral pillar to support their claims.

Referring to the international community's desire to maintain world peace, Schoettle noted that in the past, the goal of world (and regional) peace has generally ranked higher than the defense of human rights. Which goal is more important to the United States today? The policy of holding up regional peace as a more important goal than human rights risks achieving the opposite. Groups seeking independence will quickly realize that by creating

enough violence—significantly disturbing the peace—their demands will more likely be satisfied, or at least addressed, eventually in the name of promoting peace. This will drive such groups to ever more extreme, peace-threatening actions. The goal of maintaining regional peace also raises a moral question: Does the United States, or any member of the international community, have the right to tell a minority group that its human rights must be curtailed in some form to promote world peace?

The issue of human rights and their violation is relatively easy to react to, according to Borek, since acknowledged international standards exist. The much more difficult question involves the right to secession and independence: Does a people have a right to independence? If there is going to be a principle that recognizes this right, there must be some consideration of whether that people has the capability to establish independence and, if not, whether the United States or any other state is going to help them in the task, even if military force must be used to do so. On this point, Borek suggested, there must be some realism. After all, the United States is not in a position to support such endeavors all over the world. The crucial question in the interim is, Can the international community find a guiding principle somewhere between defending human rights and upholding the right to self-determination?

Fuller reiterated that there need be no clash between American values such as human rights and the need to promote stability in a particular country, as neither of these is an absolute. Nations that are wracked with internal dissent and held together only through terror and repression are not necessarily useful in the promotion of U.S. national interests. In other words, such states do not merely pose a choice between human rights and stability for the United States, since a state that routinely violates its citizens' human rights is rarely stable. Kampelman added that the "confrontation" between human rights and self-determination could be largely avoided if secession were not an inherent part of the discussion.

Gidon Gottlieb of the University of Chicago Law School pointed out that in many ways the entire discussion about human rights and the right to self-determination takes place in a Western (and largely American) context. From the U.S. perspective, concern about human rights is based on American values and adherence to a particular view of individual rights. However, in many states that are on the receiving end of Western criticism over human rights, such rhetoric is perceived as an instrument to advance a certain minority group's claims to independence. It is impossible for the United States to ignore the impact of its human rights arguments at the other end, where they may be (perhaps deliberately) misinterpreted as support for some group's claims, while the U.S. objective may be precisely the opposite. The bottom line, according to Gottlieb, is that the "consumers" of the human rights discourse in other countries may understand such claims in a very different way than they are intended, a reality that cannot be ignored.

5 A Specific Case: The Crisis in Chechnya

Scheffer advised policymakers to use the crisis in Chechnya as the basis for analyzing similar situations in the future. Events dating back to 1991, when President Dzhokhar Dudayev first declared Chechnya's independence from the then Soviet Union, should be analyzed to determine if there was a basis in our relations with the Soviet and Russian governments to discuss the Chechen situation in light of how human rights and democratic principles were being applied there, and how, if necessary, those principles could be further analyzed with regard to particular types of autonomous relationships. Scheffer suggested that such an analysis could be useful in maintaining stability in the Russian Federation. Stability is a concern, he noted, since the consequences of instability, whether in terms of refugee crises or the need for humanitarian aid, pose a potential threat to the larger American aid program to Russia. A little preemptive work in this case would have been extremely useful, Scheffer added.

Adam Wasserman of the Department of State pointed out that though the self-determination issue is legally unsettled, the United States has made its position on the issue clear in practical terms. Regarding Chechnya, the United States has consistently affirmed the territorial integrity of the Russian Federation, and there has been little ambiguity in this stance. Kampelman contended that problems arose in U.S. policy toward the Chechen conflict not because the United States reiterated its recognition of Russia's sovereign rights, but because that reiteration implied an approval of Russia's methods of asserting its sovereignty. It is important to be consistent, Kampelman said. If minority groups are told that achieving their aims through violent means is unacceptable, then central governments must be told this as well. The United States did not make this clear to the Russian government in its initial reaction to the Chechen crisis.

Hannum suggested that in seeking a solution to the Chechen conflict, greater attention should be given to the example of Tatarstan, which was willing to accept a "fuzzy, legally imprecise set of documents" in negotiating its status within the Russian Federation that essentially deferred the most difficult questions indefinitely. This arrangement may not solve all the problems between the Russian government and the country's non-Russians, but it is an alternative to violent conflict. Patricia Carley of the United States Institute of Peace pointed out that the history of the Russians and Tatars is quite different from that of the Russians and Chechens. The Tatars have been part of "Russia" since the sixteenth century, even though for some Tatars this does not justify continued Russian domination. Not until the nineteenth century did the Russians conquer and colonize the Chechens in a particularly lengthy and brutal campaign that continued well into this century and included Stalin's relocation of the entire Chechen population during World War II.

Furthermore, as the Chechens see it, they were colonized by the Russians only a few decades earlier than the Central Asians, who have become independent from Russia. Carley stressed the importance of understanding situations such as the conflict in Chechnya from the viewpoint of the people themselves—in this case, the Chechens. For the United States to be of any help in diffusing this situation, it must try to understand Chechen motivations and grievances and the history of their relationship with Russia. Statements about legal principles and territorial integrity mean little to people who believe they are fighting for their very existence.

Gottlieb maintained that the Chechens have always had the status of a tributary state—they have never had any other existence. In other words, the Chechens have always been subject to some

colonial or other major power. Under an earlier international legal system, the Chechens would have had no basis for advancing the type of claim to independence they are now pursuing, and the current international system, according to Gottlieb, is at fault for raising their expectations to the point that they feel justified in making such a claim. Carley pointed out, though, that millions of people throughout the world used to know only the existence that Gottlieb described, and many of them now live in independent states; thus, looking to past experience does not necessarily justify the perpetuation of a particular current status. In any case, can it be considered the "fault" of the Chechens, or any other peoples, that they have had the misfortune of existing as a tributary state for much of their history? In other words, must this status determine their future as well? Can the United States openly acknowledge that the repressive status the Chechens—or any other similarly oppressed peoples—have always known is the one in which they must remain?

6 U.S. Interests and Possible Policy Options

Before turning to how the United States should address current self-determination movements, Gottlieb raised the question of whether or not the United States should care enough to become a party to these disputes at all. He contended the United States should perhaps care more about waves of migration in Europe, which are pushing the continent's politics in the direction of political extremism. However, the United States should also care about self-determination movements, he said, because several current conflicts have the potential to change the face of some of the major actors on the world stage, including our immediate neighbors—witness the Quebec separatists in Canada and the Chiapas rebels in Mexico. Finally, the United States must care, because if it does not assert its values in the international arena, U.S. foreign policymakers will lose the support of the American public to an even greater extent than is the case now.

What is the Primary American Concern?

Crystal Nix of the Department of State proposed a crucial preliminary question in determining what the U.S. policy response to self-determination movements should be: What exactly does the United States care about regarding struggles for self-determination—the aim of the struggle or the means employed? Does the United States object only to the shifting of borders as a threat to its national interest, or is it more concerned with the means used to make those changes? If the concern is with the means, the United States would most likely not object to groups that seek to change existing borders as long as they refrain from using violence and do not violate international law. Or perhaps the United States would object to redrawing borders along specifically ethnic and religious lines, regardless of the means.

In fact, Nix continued, American diplomacy and rhetoric are often in conflict over these issues. If border changes are the primary concern, the range of that concern will be relatively narrow, since there are only a certain number of border changes that the United States would consider threatening to its national security. If the means of effecting these changes is the paramount issue, some action may be required to make groups accountable for the way they attempt to achieve their goals. However, if the main objection concerns the goal of redrawing borders along religious and ethnic lines, the United States should be prepared to involve itself more heavily in the matter than in previous, similar cases. Clearly, Nix concluded, the United States "needs to be more precise about which of these three options it is really concerned about."

Hannum stated that the United States should generally be less concerned with the outcome of these situations than with the means used. Order, stability, and predictability are more likely to be maintained, he said, by insisting on a peaceful process of resolving conflicting claims than by trying to manipulate events to arrange a predetermined outcome.

Promoting Human Rights

Damrosch asserted that the U.S. government should use all available means of nonforcible leverage to prevail on other governments to respect the human rights of all minority groups within their states. In some cases, demands for greater autonomy can be supported, but she was skeptical about the United States, as a matter of policy, endorsing demands for self-determination and the creation of new states. According to Damrosch, the only

instance in which the United States may decide for reasons of policy to support the emergence of a new state is in the "genocide or postgenocide" phase. In that instance, all "legal inhibitions" could be "shucked aside."

According to Hannum, the self-determination debate would be much clearer if the United States simply stated that there is no right to secession, with the possible exception of responding to genocide (though such an exception would put the United States in the position of arguing that the Kurds have a right to a separate state). Besides, U.S. foreign policy already has a method for dealing with minority problems in other countries: human rights. Human and minority rights norms continue to evolve, and the United States should declare its position as one of concern for the human rights of every state's citizens. Beyond that, the United States should not enter into the debate on the merits of self-determination claims. In fact, responding directly to claims for self-determination is probably the worst policy option for the United States.

Providing Outlets for Minority Groups

"Sovereignty does not have to be a zero-sum game," Damrosch said, though international law unfortunately tends to reinforce the zero-sum approach. For example, when Taiwan lost its seat at the United Nations to the People's Republic of China, there was one big winner and one disappointed loser. Now, however, Taiwan is pursuing a more pragmatic arrangement of representation for two governments from one divided state, using the precedents of Germany and Korea. Unlike the UN, Damrosch noted, international bodies that govern such spheres as trade and finance do not use the zero-sum approach. In these bodies, economic realities frequently take precedence over strictly formal notions of sovereignty. Taiwan retained its membership in the Asian Development Bank, for example, after its UN membership was revoked. Similarly, Hong Kong and Macao enjoyed membership in the General Agreement on Tariffs and Trade (which has been succeeded by the World Trade Organization) under provisions allowing participation by nonstate entities that have functioning autonomy over their international economic relations. Policy options should include parallel or multiple representation for territorial units that function autonomously in such areas as trade and international economic relations, providing outlets for what might otherwise be secessionist pressures.

Damrosch went on to suggest that the U.S. government might consider expanding its range of official contacts in the international community from strictly interstate relations to contacts among subunits of states; such contacts could be developed through functional relationships with unofficial entities. For example, Damrosch noted that the Russian constitution of 1993 allows some flexibility in the establishment of foreign relations by subunits within the Russian Federation; and Tatarstan, after negotiating with Moscow, was given a very functional flexibility in its external relations. Another option for the United States is economic sanctions, which, Damrosch suggested, could be used in a differentiated fashion—either to punish the bad or reward the good territorial unit claiming the right to self-determination.

Similarly, Steinhardt suggested that the United States should recognize as legitimate intermediate types of association to protect vulnerable populations. U.S. policy should not imply that minority groups' options are limited to secession or nothing. Scheffer agreed that it is in the U.S. interest to deal with more than just central governments; there should be a dialogue with the subnational groups involved as well. However, the United States should strive to hold minority groups accountable so that they understand they have certain responsibilities as well, not only under international law but also in their domestic actions. Damrosch agreed that these groups should be held accountable, but questioned whether the United States could hold out as a "carrot" the possibility that, if they are democratic enough, they will eventually gain international recognition. Scheffer countered that independence need not, and in most cases would not, be one of the carrots offered, as many intrastate political arrangements short of independence are available, all with varying degrees of autonomy.

Gottlieb said that more effort should be made to offer new outlets for legitimate aspirations of self-determination movements in order to divert them to nonterritorial demands. Simply put, minority groups need an international forum to express their desires, and a variety of regional organizations

could offer them such an arena. There is a need to "deconstruct" the self-determination principle, Gottlieb said, to demonstrate that it has other interpretations than just the territorial and that there are different ways identity groups can lead and express national life. Not every nation can be given a territorial state, so there should be other options under the self-determination rubric and new ways of relating to national minority groups in the international arena. The State Department could be the pioneer in such an effort, but the legislative branch can be in the forefront as well. Nongovernmental organizations (NGOs) can also play a leading role in this regard in much the same way as they provide advance warning of potential subnational conflicts. Congressional hearings already provide one way for minority groups to express their grievances and speak about their national homelands as something other than states. In general, Gottlieb asserted, the international community must change the perception that self-determination leads only to the formation of a new state. Rather than setting the threshold of international recognition at the highest level of the state, organizations and international conventions should be open to other political entities as well.

Responding to the notion that aggrieved minority groups should be satisfied with some status other than statehood, Gottlieb acknowledged that this suggestion was in no way a universal remedy, although it might work in the case of the Basques or the Corsicans. Its purpose is not to provide maximal solutions for minority groups, but a "release process" for the United States and the groups themselves. It may be possible to satisfy some national minority groups with something other than statehood, though such solutions will not always be acceptable or realistic. Fuller responded that any attempt to offer minority groups outlets in the international arena will be extremely menacing to the many "bad-guy" states that rule over them.

Carley suggested that the United States and other Western governments consider giving more attention to such groups as the Unrepresented Nations and Peoples Organization (UNPO), which met in The Hague in January 1995 to determine where potential conflicts over self-determination movements might arise. This group of peoples that do not have seats at the UN has been in existence since 1991 and was organized in part to protest the international community's unwillingness to recognize them. Members include the Chechens, Tatars, Bashkirs, Chuvash, Gagauz, and Abkhaz, all of whom are distinct peoples of the former Soviet Union who live within the territory of a state dominated by a different ethnic group. Other members are Tibet, East Turkestan, and Kurdistan. Many of UNPO's members, Carley pointed out, consider themselves colonies, and many are, in fact, in the generally recognized sense of that term. Furthermore, they believe that they did not gain independence during the two great periods of decolonization—immediately after World War II and following the breakup of the USSR—simply because of bad luck or a quirk of fate, but not because they are any less deserving. Will the international community continue to ignore this group at its peril?

Unlike other participants, Hannum cautioned against offering subgroups some sort of recognition or representation in regional or trade organizations or providing UNPO with a platform at the UN, which he said may ultimately lead to greater assertions from smaller and smaller identity groups, to the point where each is demanding independence and a seat at the UN. Raising false hopes, according to Hannum, may be the very worst step to take. International law and politics—and U.S. policy—must reflect only the possible. But which approach is preferred: diffusing statehood aspirations by offering platforms to nonstate subunits or providing such platforms only sparingly to avoid raising a minority group's expectations? Gottlieb replied that both approaches are necessary. With regard to the UN, providing platforms is probably a potentially destabilizing policy. However, in the case of technical conventions on such things as assigning communications frequencies, maritime rules, or environmental protection, participation need not be limited to states. Gottlieb insisted that the aura surrounding statehood should be minimized and devalued.

Proclaiming a Clearly Defined Principle

Gottlieb asserted that the United States really has no choice but to "avoid clear doctrines and clear principles" when it comes to self-determination movements, as it would be "disastrous" for the United States to be driven to intervene in remote conflicts by rigid principles that could not possibly apply across the board. There are simply no appropriate

global principles, and no arrangements should be promoted in terms of global principles. The only exception is the defense of human rights; for example, the absolute unwillingness to tolerate genocide. Agreeing with Hannum, Gottlieb maintained that the United States should have a policy of "passivity," meaning that it should not take sides during a conflict or take a stance on a particular outcome. Instead, the United States should use its leverage to push toward an accommodation. Furthermore, Gottlieb suggested that more could be done to make groups understand the *costs* of statehood—not only the economic costs, but the political ones as well. Hannum agreed that policymakers must keep their pronouncements on this issue ambiguous, as it is impossible to articulate self-determination explicitly and absolutely. However, principles such as human rights, democracy, and nonviolence can be articulated, and should be supported and promoted consistently.

On the other hand, Fuller noted that even expressing *ambivalence* on the subject of self-determination movements will make the United States appear as an enemy to much of the Third World by threatening those states' national unity. Obviously, early intervention in such situations is highly desirable, and Fuller suggested an approach along the lines of marriage counseling. In any conflict between a central government and a secessionist movement, all options short of "divorce" should be considered: cultural autonomy, political autonomy, federation, confederation, or international guarantees, to name a few.

In any case, the United States should most definitely "put states on notice" that their repressive policies will likely lead to the emergence of problems with their minority groups. Perhaps such notice could best be handled by NGOs to avoid the political implications of warning a state that it is courting instability. Fuller stated that the United States would do well to make it clear to states that if they cannot satisfy the cultural aspirations of their minorities, they are headed for trouble. The United States should also make it clear that it is not going to be a guarantor of an unacceptable status quo. Scheffer agreed that NGOs could publicly identify these potential hot spots, since governments cannot do so publicly, though they should privately. He further suggested that places to watch in the future with regard to self-determination movements include Kosovo, Taiwan, Hong Kong, Tibet, Western Sahara, and parts of Kurdistan.

Generally, Fuller maintained, it is in the interest of the United States to see the proliferation of democratic states in the world. Undemocratic states that rely on force and repression to maintain their existence not only run counter to American principles, they are also unstable—maybe not so much in the short term, but certainly in the longer term. Steinhardt contended that the United States should take a very high-profile position in international institutions, especially those that are regionally based, since these organizations have generally proved to be good forums for articulating the idea that certain practices and behaviors of states are required by law—a sort of psychology of compulsion.

Robert Hansen of the Department of State pointed out that there is danger in fostering confusion between the standards for self-determination and state recognition on the one hand, and the question of what the United States is prepared to do to effect that policy on the other (i.e., what Americans are or are not prepared to sacrifice in terms of money and troops). Though the United States may decide not to take an active part in supporting a particular self-determination movement, that decision may not make it any less important that there be clear, defensible legal standards when it comes to providing moral support. Perhaps more effort should be devoted to making a distinction between these two options.

Approaching the Claim to Secession

Secession has not been identified as an international right, and Kampelman declared that this fact should be made clear to all groups with claims to self-determination. If a particular group wants independence, he said, it can agitate, propose negotiations, and/or initiate a propaganda campaign to convince the international community that its status as part of another state is unjust. If major bloodshed would likely result from such actions, this would be because of a decision the minority assumed when it chose to agitate for independence. This is not to say that the United States should overlook the bloodshed, but that it should make clear to those seeking independence that

they cannot object to the violence waged against them by claiming they were simply attempting to exercise their "right" to secession. In the end, it may be in the U.S. national interest to help this group, but not because any international rights have been violated. Kampelman stressed that the extent to which the United States and other states make it clear that secession is not an international right will lessen the likelihood that violence will be used toward this goal. In these instances, other avenues would likely be pursued.

Secession is, according to Steinhardt, a legitimate exercise of self-determination in some cases, particularly in response to gross and systematic violations of human rights and when the resulting entity is economically viable. Thus, a rigid rejection of secession is unsound. Policymakers should abandon the distinction between self-determination and other categories of human rights. Likewise, Alan Romberg of the Department of State noted that the right to secession cannot always be excluded as a matter of principle. The rights to self-determination and secession may not be identical, but they are also not entirely incompatible. Stating that it is the means and not the aim of self-determination movements that should be of concern to the United States, Romberg suggested that some standards of behavior for achieving the goal of independent statehood may be necessary.

Steinhardt maintained that the United States should not allow its policy options to become polarized because of an apparent tilt against secession. Kampelman argued in favor of such a bias, since secession frequently entails mass violence. Certainly, Steinhardt acknowledged, the United States should be concerned about the unchecked proliferation of states, but the question remains: What is the United States prepared to tolerate in the name of territorial integrity?

Negotiations

Timothy Sisk of the United States Institute of Peace suggested that one option for resolving the dilemma of self-determination versus territorial integrity is the promotion of a negotiated settlement—to the extent that it is possible. The United States need only make clear that it will abide by whatever the parties to the negotiations decide. Though it may be the case that some on either side will not want to enter negotiations, there are frequently cleavages within groups that leave some factions willing to negotiate. Furthermore, the United States should examine cases in which accommodated outcomes have occurred, how and why they did, and which institutional arrangements were instrumental in resolving the conflict. Several options are available, such as the formation of power-sharing or coalition governments and a proportionality of government appointments, options that typically form a crucial part of a negotiated settlement. The main goal is to de-link ethnicity from the state and from citizenship. It was pointed out, however, that the cases that are usually the easiest to deal with are those in which the parties are *willing* to negotiate. It is possible, for example, to imagine negotiations between Ottawa and Montreal or London and Edinburgh. All too often this is not the case, and the fundamental problem or conflict stems from the inability of the sides to agree on the terms under which they might consider even entering into negotiations.

Elections

The participants did not view elections as a satisfactory way to determine the political status of a particular region because secession is not an issue that can be voted on. Sisk mentioned the difficulty of relying on majority rule. Very often the cause of the problem in the first place is that a minority group believes it is repressed by the majority. Hannum stated that the problem with elections is that if, say, Quebec voted to secede, smaller national groups within Quebec would have to be given the same right. Carley raised the problem of evaluating the validity of elections in essentially totalitarian or post-totalitarian states, reminding participants that only a few months before the Soviet Union collapsed, its citizens voted en masse to remain part of the USSR in elections that were very much like old Soviet-style polls. Kampelman said that, ultimately, it would not be useful for the United States to set elections as a condition for any kind of policy decision it wants to make.

7 Conclusion

There is no easy solution to the dilemmas posed by self-determination movements in the world today. Clearly, in the face of the growing number of such movements, there is a need to establish a more concise and workable definition of the right to self-determination, though such a definition will not be easily arrived at, and even then it will most likely be inconclusive and equivocal. In any case, the international community would do well to recognize that the desire among identity groups to seek self-determination is not a simple matter with a single cause. The urge to seek self-determination has multiple origins, including the denial of minority rights and other forms of government repression, territorial disputes, national aspirations, and perceptions of economic and political viability, among others. It develops gradually until violence and secession come into play as a last resort. Unfortunately, the inattentiveness of the world community often makes what is a gradual process seem all too sudden. Perhaps carefully analyzing the origins of self-determination movements, addressing the most salient factor or factors in a particular identity group's claim or struggle, and attending to them promptly and directly will help the United States and the international community address these demands before violence and secession are seen as the only means of achieving them.

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Humanitarian Assistance and Conflict in Africa by David R. Smock (Peaceworks No. 6)

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