CONTEMPORARY SELF-DETERMINATION OF NATION STATES

Annotation: Self-determination is one of the key concepts of sovereignty. It expresses people’s rights for freedom, independence and equality. Self-determination is a very multifaceted principle – it has some historical, legal, political, and theoretical-philosophical roots. However, self-determination also brings a lot of arguments and misunderstandings into the discourse.

Key words: international relations, national self-determination, sovereignty, international law.

In International Law, self-determination is embodied in Article I of the Charter of the United Nations. It became the guiding principle of restoring Europe after the
First World War and of independence of post-colonial countries. As a political principle, the idea of self-determination evolved at first as a by-product of the doctrine of nationalism, which was executed during the French and American revolutions. Self-determination can be justified as ‘the right to decide’ when peoples have an option to express their will and protect themselves from external forces and determine themselves as a separate entity.

The so called father of modern self-determination is President Wilson [I, 13-19]. He first used this phrase in its commonly used understanding after the First World War. The term was used as a pseudonym for the right for democracy. In modern literature, this is referred to as internal self-determination. Wilson’s principle was propagated for the mostly European populations of the defeated empires of World War I (the Russian, the Austro-Hungarian, the German, and the Ottoman) and was not applicable to the colonial possessions of the victors. He clarified in 1919 at the Paris Peace Conference that “it was not within the privilege of the conference of peace to act upon the right of self-determination of any peoples except those which had been included in the territories of the defeated empires.” Wilson’s self-determination, unlike Lenin’s, granted political agency not only to the colonized in the defeated empires but also to the colonizers and sought to balance the two equally.

Another important point in the International Law was decolonisation. It has started with 1960 ‘Declaration on the Granting of Independence to Colonial Territories and Peoples’. This particular resolution was so significant because it focused specifically on the situation of colonialism. [I, 22-23] It states that “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”. The phrase ‘all peoples’ – instead of ‘everyone’- attached to the right to self-determination indicates that the right to self-determination is a collective right; that is, only a ‘people’, not an individual, can exercise the right.
The principle of self-determination outlines not just the duty of states to respect and promote the ‘right to decide’, but also the obligation to refrain from any forcible action which deprives peoples of the execution of such a right. In particular, the use of force to prevent a people from exercising their right of self-determination is regarded as illegal and has been consistently condemned by the international community. National self-determination appears to challenge the principle of sovereignty of states as it is the will of the people that makes a state legitimate. This implies a people should be free to choose their own state and its territorial boundaries. However, there are far more self-identified nations than there are existing states and there is no legal process to redraw state boundaries according to the will of these peoples. According to the Helsinki Final Act of 1975, there is no contradiction between the principles of self-determination and territorial integrity, with the latter taking precedence. No rules exist to specify exactly how to balance these seemingly contradictory principles: allow all peoples to determine their political future, but do not disrupt rightfully existing states and borders in doing so.

The ‘self’ part can be determined on different basis: individuals by plebiscite, ethno-cultural nation and historical territory. The right to self-determination is a right of 'peoples' rather than of individuals. Nonetheless, individuals are the ones who form the groups within society, they are also the ones who can legally participate in a referendum and express their political will within a state. Peoples are not formed by a class, since they do not have a territory or distinct cultural values, or by a tribe, where everyone knows and has seen each other.

A people can be said to have realised its right to self-determination when they have either established a sovereign and independent state; freely associated with another state or integrated with another state after freely having expressed their will to do so.
The main critiques of the principle of national self-determination are: its indeterminacy, instability and the problem with overlapping nationalities. Self-determination is always contextual and strongly depends on by whom, when and what for it is used for. The term itself does not explain who are the peoples that are entitled to this right. Self-determination in a way is very closely linked to ethnicity – it is subjectively defined. This means that a nation is a group of people who define themselves as a nation, just as an individual defines him- or herself as Russian, Indian, or Estonian etc. This nation, however, can be a part of a multi-nation state, meaning that there are more than one populous nations within one country. This brings us to one of the approaches to ‘the people’ – ethnic approach. It was commonly used throughout nineteenth century and until the end of First World War [V, 3]. The other concept of ‘the people’ treats it as a multi-nation majority within a given territory, which should have the right to exercise power. Both of these concepts are directly connected to territory: in the first case, the ‘self’ is an ethnic group residing on its historic or ancestral territory; in the other case, the results will depend on what is considered to be the area of plebiscite.

National symbols and history are also some powerful tools of self-determination. For example, in the Baltics region, after the collapse of Soviet Union, Estonia, Latvia and Lithuania were able to mobilize their people for independent statehood [VII, 5-17]. Baltic countries have never been assimilated into Russian culture, so they were able to keep their identity and reinforce it. They always had some sort of local autonomy, though being constantly oppressed by the Russian or Soviet government. Such oppression made more people turn into favour of self-determination.

On the other hand, there is an example of Catalonia, a region that has been forcefully assimilated and lacked autonomy. Yet, it does not receive recognition and there are no laws in Spanish constitution supporting seceding. Catalonia has its own history, territory, traditions and subjectivity for being a nation. Catalonia has a
The right for national self-determination is a positive right because it gives an opportunity for recognition [II, 96]. It is important due to the role of international community and their power in making an attempt for self-determination successful or not. In order to complete the process of self-determination, a state has to be recognized by others: this is one of the key elements of integration and is a crucial factor in modern society.

The justification of the ‘right to decide’ gives groups an opportunity to enhance their cultural identities and protect their differences from interference.

In what cases the principle of national self-determination can be really used? Margaret Moore states that this term is rather ideal and can be fully executed only in a very rare condition: “the group is territorially concentrated, with no significant minorities; and the members of the groups are strongly mobilized in favour of self-determination” [V, 4]. There are also a few intermediate premises: the national identities of individuals are essentially the same as their cultural identities; the possession of such identities requires a process of mutual recognition of individuals within national groups; this process occurs the best within a nation-state [II, 108].

In a globalizing world, only a few countries will be able to actually execute their right to self-determination, states Rosecrance [VI, 5]. This will happen due to following reasons: countries have more resources to buy off the discontented or to give them more autonomy; an opportunity to migrate for those who do not agree...
with existing system to a preferred one; international opinions have shifted away from supporting seceding of groups. This is especially a hard case for nations that reject globalization, especially if the metropole supports it. For example, Chechnya [VI, 131-144]. In this case, they do not gain any support from the international community and are easily oppressed by the metropole in their fight for self-determination.

The process of formation of new countries has come to its logical end and there are no visible changes for this in the future [VI, 279]. I am strongly convinced that the right for self-determination will be used in the vast majority of cases in its internal side. As countries become more and more multicultural and smaller regions tend to gain autonomy to some extent, there will be more democratic forces to balance all of these opinions out.

In modern society, the right to internal self-determination of peoples (or national minorities) within a multi-nation state can help them to express their own national identity and still be a part of a larger nation-state [IV, 3]. This right gives an opportunity to fully participate in the political life of the nation due to an appropriate representation in every political institution of the state. Consequently, federalism is a political regime that enables participation and representation of minorities. However, it is not a sufficient condition for integrating minority within the nation-state. In order to accommodate demands for minority’s rights and avoid secession and the creation of a separate new state, many countries decentralize or devolve greater decision-making power to new or existing autonomous areas. More limited measures might include restricting demands to the maintenance of national cultures or granting non-territorial autonomy in the form of national associations which would assume control over cultural sphere, languages, national symbols and traditions.

Each state has some minorities to be a part of it. Nevertheless, how many of them actually want self-determination? Minorities in more wealthy countries have
the same chances of seeking self-determination as minority groups in poor countries. Furthermore, the country’s population or the level of democracy both have no influence on a group’s decision to pursue self-determination [III, 21-23]. The only variable that has shown significant influence on secessionist movements is location in Eastern Europe. Minorities in this region were three times more likely to seek self-determination as those living elsewhere. This can be explained by recent major economic, political and social changes. Moreover, during the 1990s, power has shifted away from the state to non-state entities, making local movements more engaged.

Most of the European countries (Italy, Germany, the UK, France and others) consist of different regions, which used to be independent states and/or were concurred by some other country. Would it make sense for all of them to ask for secession? Larger nation states try to give as much autonomy as possible to those smaller regions, so they would not need separation. In addition, even if they do, the process is very hard and largely discouraged by the EU in most cases.

In conclusion, I would like to highlight that national self-determination is a very complex and highly contextual term. I tried to cover all the main discussions, critiques and main points, that surround the concept of the right for self-determination. In my viewpoint, internal self-determination is highly needed and should be promoted and enforced in all states, especially large ones or the ones that are multinational.

References