

What Is Self-Determination? Using History to Understand International Relations

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Historical enquiry can enrich practical and scholarly perspectives on the understanding of contemporary politics. In support of this claim, this article takes the form of an empirical insight into the history of a highly debated concept, namely self-determination. Self-determination claims are indeed recurrent in both international and domestic contemporary practices. Western Sahara, Cataluña, and, more recently, Crimea and Veneto are all examples of territories in which this principle is invoked and has a role to play in what are arguably contentious politics. Yet, this is not a new phenomenon. A brief insight into the history of self-determination immediately highlights how old and troublesome this principle has been. In 1921, Robert Lansing, Woodrow Wilson's Secretary of State, wrote that self-determination was "loaded with dynamite" (Lansing 1921: 97). A century later, his observation remains topical, as thousands of Ukrainians, who identify themselves as ethnic Russians, have recently voted for Crimea to become a Russian territory in the name of ethnicity and self-determination, provoking strong discontent in Kiev and a number of Western states.

How, then, has the principle of self-determination changed since its emergence as an international norm, and what do these changes tell us about its present-day understanding? To answer this question, this article proceeds chronologically, examining each historical moment in which self-determination has come to the fore, namely after World War I; at the end of World War II with the decolonisation process; and, finally, after the Cold War with the break-up of Yugoslavia.

The Post-First World War Order

The first period in which self-determination became prominent internationally was after World War I. Wilson envisaged the enactment of several principles to end the war and constitute what he saw as a new era of peace and justice. Self-determination was at the heart of this project. However, during the 1919 Paris Peace Conference, the Great (Colonial) Powers engaged in virulent debates leading to the conclusion that it would be impossible to grant self-determination to all the peoples on the planet (Manela 2007: 24). Representatives of the Colonial Powers argued that, for the moment, colonised peoples had to be excluded from such a process because they were not yet politically mature. Self-determination, therefore, became an *ad hoc* principle to be granted only to the states which were constituted with the end of the war. The "peoples" entitled to exercise self-determination became those ethnic groups that had nationally mobilised during the 19th century under the Austro-Hungarian, German, Ottoman, and Russian empires.

Rapidly, self-determination took on an ethnic tone. The understanding of sovereignty became rooted in the idea of the nation, and the nation was specifically defined in ethno-national terms. During the Peace Conference, it also became clear that it would be impossible to align the exact boundaries of nations with those of new states in wide, post-imperial areas. The Conference, therefore, also represented the first consistent attempt to establish basic standards for the protection of national minorities in those areas characterised by blurred frontiers of belonging. In practice, however, legal protection for minorities was only limited to those internationally recognised minorities. The picture that emerged after the Conference was, therefore, that of general confusion (Weitz 2008). The constitution of new states in territories that previously belonged to the European empires was proclaimed on the basis of citizens'

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equality and their right to self-determination. However, only some months after their official formation, domestic authorities put in place practices of prioritisation of population groups, in accordance with their ethnic identification. Certainly this was happening, to a great extent, because of local, pre-existing imperial logics. Nonetheless, such discriminatory practices were often domestically justified in the name of self-determination and internationally tolerated, due to an inherently ambiguous formulation of the principle and of minority rights.

The Kingdom of Serbs, Croats, and Slovenes represents an emblematic case in point. Formed on the eve of the Peace Conference and officially based on the equality of peoples, it was recognised by the Entente Powers a few months later with the signing of the Treaty of Saint-Germain. Similarly to other Treaties recognising new states between 1919 and 1923, this document simultaneously regulated the treatment of minorities in the Kingdom (Djokic 2010). The signing of the Treaty presupposed that the international recognition of the Kingdom was conditional upon national authorities' guarantee that the equality of individuals within the polity and the recognition of the different ethnic groups would be respected. However, while the national delegates declared that the Kingdom was composed of one single people with three names – Serbs, Croats, and Slovenes – the last Austro-Hungarian census of 1910 instead indicated that, in the region corresponding to the new state, at least nine different ethnic groups co-existed.[1] After extended discussion at the Peace Conference, it was eventually decided that four minorities would be internationally recognised: Bulgarians, Austrians, Hungarians, and “Muslims.” How that selection was made, however, remained unclear.

The direct result of the uneven politics of recognition was that the internationally unrecognised minorities were most often excluded from full participation in the national political community. Claude has argued that, “obsessed by the ideal of national uniformity, minority states [the states created following the dismantling of the empires] erected centralized administrative regimes and undertook to denationalize minorities” (1955: 40). This was certainly true in some instances. Most often, though, and this was the case of the Kingdom of Yugoslavia, state officials subtly set up practices to discriminate minority groups and to constitute a political community strongly dominated by a single core group. These were expressed through the granting or denying of political rights to individuals, according to the group with which they were identified. These were rights that would allow full access, in the form of a right to vote, to the national political community. In addition, as the numerous petitions received at the League of Nations during the 1920s indicate, often these practices were accompanied by the use of violence by state and local authorities as means of deterrence. To understand these discriminatory practices, it is important to underline that, beyond its ethnic tone, self-determination was internationally promoted without an actual definition as to its content. In addition to that, the recognition of minority groups was flawed. These ambiguities, I suggest, led to the instrumentalisation by state authorities of self-determination and of minority rights to justify discrimination.

Decolonisation

Ethnic self-determination as defined at the Paris Peace Conference emerged from the Second World War even weaker than it had been in the aftermath of the First World War. Its systematic application resulted in unparalleled catastrophes. Nazis and Fascists had invoked the principle to exclude minorities and to rationalise genocide (Mazower 1999). In 1945, the Allies had to acknowledge two major limits of self-determination as formulated after World War I. The first was that the ethnic norm that was attached to self-determination and the definition of peoples could be used to support exclusionary practices. The second was that the lack of a clear formulation of self-determination after World War I had led to its disastrous instrumentalisation, a phenomenon that had hardly been contested internationally. In the spring of 1945, the Allies faced the responsibility of post-war reconstruction. Amongst their tasks was the need to condemn the systematic crimes against domestic populations undertaken in the name of internationally recognised principles.

In such a context of general bewilderment, one thing was clear to the Allies: self-determination had to be reviewed and reformulated. The principle was thus formalised in international law through its inclusion in the UN Charter. However, similarly to the Paris Peace Conference, it was again loosely defined (Articles 1 and 55 of the Charter) and was arguably conceived more as a foreseeable norm than as an imminent measure for all. Article 73 indeed reasserted the primacy of colonial rule in the name of the “well-being of the inhabitants of [non-self-governing] territories.” This revealed a growing contradiction in which the delegates of colonial powers found themselves: how

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was it possible to codify universal rights for all and denounce Hitler's racist policies, while justifying the systematic denial of political and civil rights to colonial subjects along racial and ethnic lines?

A major transformation took place in the 1950s, when delegates from independent Third World countries used the UN as a political arena to uphold the cause of self-determination for those peoples still under colonial rule. Such a move countervailed the will of the *métropoles*, and yet it went on for a whole decade, namely during the entire period of negotiations of the UN Covenants on human rights. During that decade, post-colonial states successfully grafted the "right to self-determination" to human rights norms (Reus-Smit 2013). In turn, indigenous élites in colonies managed to seize the human rights language to justify their claims to self-determination and equality. This achievement was embodied in the 1960 General Assembly's Resolution 1514, which asked for the termination of colonialism. In addition to the invocation of self-determination and human rights, Resolution 1514 also led to the creation of an array of new states in Asia and Africa.

Emblematically, the general euphoria that prompted the international public opinion at the time to characterise 1960 as the "year of Africa" did not resonate in the same way within many of the newly formed states. Again, when the new post-imperial states came to draw the boundaries of their political communities, discrimination often prevailed over inclusion. With minor exceptions, newly proclaimed state leaders set up both formal and informal discriminatory practices, often along local kinship ties, to favour certain domestic groups over others. The set of values governing the liberal international order were simply not reflected within territories that had understandably no experience with state structures and rights recognition. After all, these new states were all formed following the arbitrary principle of *uti possidetis*, presupposing that independent statehood was granted following the formal lines of the old colonial borders. However, explanations stressing the persistence of colonial norms within the newly formed states did not have much popularity. Instead, numerous scholars suggested that discrimination occurred because of the application of self-determination leading either to premature independence or to a "retribalisation of politics" (Mazrui 1977).

Generally, these statements were made in reference to extremely violent situations, as was the case in Nigeria. In this country, Hausa-Fulani, Yoruba, and Igbos were the three main groups recognised by British authorities. Subsequently, they were the ones legally recognised after independence. The remaining 40% of the population that identified themselves with other minorities were, and continued to be after independence, virtually excluded from political recognition, even though these other minorities were acknowledged in censuses (Melson & Wolpe: 47). The political and social structure of colonial Nigeria was thus maintained after independence, with power being transferred directly to those loyal individuals that had most closely collaborated with British authorities: the Igbos. Such devolution reinforced ethnic divides (Ibhawow: 2). Discontent was widespread. In the first years of independence, political coalitions shifted rapidly, and during the 1965-1967 period, Igbos started to be excluded, often with violence, from national political life. In turn, from 1967 onwards, they violently excluded other groups within the auto-proclaimed Igbo state of Biafra, asserted in the name of self-determination against other groups' domestic – as opposed to foreign – oppression. Hence, despite the liberal connotation of self-determination, its actual application domestically was not positively received internationally. Its easy instrumentalisation to justify discrimination and violence led to widespread concern regarding the existence of a discriminatory dimension, which was perhaps inherent to the principle.

Concurrently, it was assumed at the UN that, since colonial empires' existence had come, more or less, to an end, the question of the application and invocation of self-determination was not to be repeated outside the domestic sphere. The matter, it was generally thought, was somehow solved, after all. Self-determination was the principle that, invoked, had led to the end of empires, first in Europe and then in colonial territories, and to the constitution of independent states. What else could be done with it? To some extent, due to the existence of a strong non-interference norm during the Cold War (Glanville 2014), if violence occurred after independence, notwithstanding how problematic it could be, it was fundamentally a domestic matter. The principle was nonetheless inscribed in the first article of the UN Covenant on Civil and Political Rights in 1966 – though, as said, the document had already been negotiated throughout the 1950s. However, again, self-determination's definition was not exactly precise (Nowak 1993). The principle was later mentioned in the 1975 Helsinki Final Act, giving origin to the Conference for Security and Cooperation in Europe. However, as Koskeniemi argues, "it is doubtful whether that statement of principle was intended to be taken literally... Its revolutionary potential was [anyway] tempered by the Final Act's

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strong emphasis on territorial integrity” (1994: 242).

From the Break-up of Yugoslavia to the Contemporary World Order

While the debate over self-determination was considered to be finished, the break-up of Yugoslavia brought back claims of national self-determination in the name of ethnicity on the international scene. Formulated to legitimise new states, these claims were also used to justify physical and administrative practices of ethnic cleansing. Even though, after the events of World War II, the UN promoted the ideal of ethnically blind polities, ethnicity as a category of identification had never actually disappeared from the Balkans (Stiks 2009). Indeed, for almost half a century, ethnicity had been a matter related to national politics of recognition. With Tito's death in 1980 and the subsequent crisis that led to the break-up of Yugoslavia, the world discovered, not without surprise, the continuing existence of self-determination claims in the name of ethnicity. In addition, these claims were being made precisely in the area where, in 1919, the Paris Peacemakers had attempted to guarantee the smooth transition from empires to nation-states. The difference was that, when in the 1990s the newly proclaimed leaders uttered their respective claims, in 1919 they were not internationally tolerated. In other words, the attempt to constitute ethnic nation-states was perceived as “deviant” from liberal ideas about human rights and legitimate statehood. These attempts were, in fact, occurring right at the same moment in which liberalism was ponderously endorsed internationally (Clark 2005).

Interestingly, the coexistence of divergent understandings of self-determination – one ethnic and one liberal – led to greater international confusion as to what should be done. In August 1991, more than a year after Croatia and Slovenia had shown the first signs of their intention to proclaim independence, the Council of Ministers of the European Community (EC) created a special arbitration commission, commonly known as the Badinter Committee. In September 1991, the International Conference on Yugoslavia, led by former British Foreign Secretary Lord Carrington, was initiated. It consisted of EC mediators and the representatives of the parties involved, namely the Yugoslav delegates and the representatives of each constituent republic. Some months later, the Committee clearly established that, following the principle of *uti possidetis*, it recognised the borders between Croatia, Bosnia, and Serbia. By applying the colonial principle of border recognition to the Balkans, the Conference recognised previously internal borders as the new international frontiers. In doing so, the Conference acknowledged the possible coincidence between the boundaries of the new states with those of the claimed ethnic nations. Accordingly, from the start of the 1990s, newly proclaimed leaders found in such international recognition the indirect justification to constitute states grounded on ethnic exclusion.

The initial international confusion surrounding the response to these ethnic self-determination claims became even more pronounced. The belated intervention in Bosnia, along with the establishment of an international protectorate, the stigmatisation of Serbs, and the international indulgence with Croatia, followed by the lengthy events in Kosovo, crystallised what could be arguably termed an international “self-determination crisis.” This crisis was characterised by a doubt as to what the best solution to restrict, or at least inhibit, self-determination claims should be. Today, the international actors involved in former Yugoslavia are still paying the costs of their confused involvement. Bosnia and Kosovo are perhaps the two most visible cases, due to the still ongoing international engagement on the ground. Understandably, reference to self-determination a few years after these events still provokes perplexity with regard to, firstly, the content of the principle, and secondly, the appropriate response to self-determination claims.

Conclusion

My purpose in this piece was to show that no clear and shared definition of self-determination has ever existed. Despite it being a core principle of the international order, actual politics of self-determination are extremely ambiguous. This ambiguity, I argued, is directly related to the vague legal formulation of the principle internationally which, in turn, has led to a tension between its two inherent and contradictory dimensions – one liberal and one ethnic. History suggests that, notwithstanding the liberal ideals of freedom and equality that lie behind it, domestic practices associated with self-determination have for too long been equated with discrimination and, often, violence. After the recent events in former Yugoslavia in particular, international puzzlement as to how to handle – using a similar vocabulary to Lansing's – potentially “explosive” self-determination claims is still embedded in political practices and mentalities. As recent examples indicate, discussions over self-determination are not likely to come to

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an end. Claims in its name remain a recurrent feature of contemporary politics. Thinking of past practices and of their limits and implications, therefore, can represent a heuristic tool to envisage solutions for foreseeable crises.

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[1] R1700, League of Nations Archives, Geneva

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