



## SECESSIONISM AND NATIONAL SELF-DETERMINATION

**Dr. M. Krishna Kumar**

**Assistant Professor in the Department of Political Science,  
Osmania University, Hyderabad, Telangana State, India.**

### ABSTRACT :

Nation-states are subjected to a variety of challenges from outside and from within. International financial institutions, multinational corporations, foreign investments, environmental and human rights issues, terrorism, drugs and narcotics pose a challenge to the authority of the nation-states. From within, nation-states are threatened by ethno-national and separatist groups. In this essay it is proposed to study the challenges which are faced by the nation-states in the form of secession and self-determination movements. The English Oxford Living Dictionaries defines secession as the "the action of withdrawing formally from membership of a federation or body, especially a political state"<sup>1</sup>. Thus secession generally refers to the separation of a unit from the existing state.



**KEYWORDS :** *political state , nation-states , challenges.*

### INTRODUCTION

A large number of nation-states at different levels of their evolution have been affected by secessionist movements. However nation-states all over the world have treated secessionism with disdain. Suppression has been the standard response to secessionism all over the world.<sup>2</sup> The Chinese had brutally suppressed the Tibetan revolt in 1950 resulting in large number of casualties and fleeing of Tibetan refugees into India. However, the Chinese were able to build permanent road and military infrastructure in the area called Ladakh which is claimed by India as its own region, so that they could have continuous access to the Tibet region. It ultimately resulted in India China war in 1962.<sup>3</sup> The Indonesians have successfully crushed the Timorese revolt in the 1980s.<sup>4</sup> Indeed the record of the United States of America in this regard is no better: it crushed separatism by the South in the last century. It was the successful use of force by the North against the south that ultimately helped in the consolidation of the political structure of the prototypic democratic state that is today known as the United State of America.<sup>5</sup>

The breaking away of Singapore from the Malaysian Federation in 1965 and the disintegration of the United Arab Republic (UAR) which are well known and existed only in namesake are generally not regarded as the successful cases of secession. Only the case of Bangladesh which was separated from Pakistan in 1971, is regarded as a true case of secession during the whole 1945 –1991 period.<sup>6</sup> However, the liberation of Bangladesh from Pakistan took place entirely due to peculiar circumstances. Among them were the geographical conditions and the role played by India which proved to be decisive.

Further, till the outbreak of the liberation war, the East Bengalis did not have secession as a goal but rather a greater autonomy within the state of Pakistan. During that time, the super powers were supporting opposite parties to the conflict and were thus equally under compulsion not to take an

active role. India was, therefore, left free to fulfil its immediate goals. Thus the conditions were unique which lead to the decimation of the Pakistani army by the Indian army. The only sour point which agitates Bangladeshis even now is that when Pakistanis surrendered to the Indian army no Bangladeshi officer was present despite the existence of a Joint Command.<sup>7</sup> However, the successful secession of Bangladesh did not establish any precedent. International community still does not approve the breakup of the existing states.

Thus historical evidence clearly establishes that states are not willing to grant self-determination to its peoples. But history also clearly reveals that the refusal to grant self-determination hardly resolves the dispute. Therefore, it is useful to consider the status of the concept of self-determination that the nations enjoyed in the international system between the years 1945 -1991. There is a lack of adequate theory of secessionism in political philosophy. Particularly, at least an explanation of why it is not required is embarrassing to the school of liberalism. Even John Rawl's Theory of Justice as "fairness" provides a striking evidence of this grave omission. He opines that the parties to the contract are to assume that "they are members of one cooperative scheme in perpetuity". "Exit", therefore, is simply ruled out, however, no explanation is provided for this harsh restraint.<sup>8</sup> There are, however, views of distinguished authors on multiculturalism.

In his *Considerations on Representative Government* published in 1861, John Stuart Mill argued that "it is in general, a necessary condition of free institutions that the boundaries of government should coincide in the main with those of nationality". Mill argued that when a state comprises of two almost equal nationalities democracy will become endangered as these contending groups would endeavour to seize the political system by popular means so as to undermine the opposing groups and favour its own group. The ideal of democratic equality among its people will be endangered. In Mill's view liberty and peace are well guaranteed if the boundaries of the nationality are coextensive with those of the state, a feature which is a rarity to be found today as it was during Mill's era. It amounts to the "pure version" of the nationality principle in politics. Mills argument prompted Lord Acton to contradict his views. In Lord Acton's views the "co-existence of several nations under the same state is a test as well as the best security of its freedom". He mentioned that a state with many nationalities was in consequence the best guarantor of freedom and when "a state that is incompetent to satisfy different races condemns itself". Lord Acton contended that the quality of the government is all that matters. In the light of the fact that the majority of states are multinational, Lord Acton's views hold ground.<sup>9</sup>

The doctrine of nation self-determination is generally thought to be the ideal belief borne of the French Revolution. It was believed that the cause of the Peace would be well-served if each nation were able to choose its own political destiny. This principle occupied the centre-stage of the Paris Peace Conference of 1919 and it resulted in more problems than it could resolve. However, unable to deal with the awkward fact of incongruence between the national and political boundaries of the new Europe, The Charter of League of Nations gave an assurance to the national minorities that they would be protected. The League also played it cool with regard to translating its rhetoric about the right of self-determination into a brand right to secede applicable to non-colonial and colonial situations.

Such a policy could have caused embarrassment to England with regard to Irish, Welsh and Scots, for instance. However, the League was instrumental in forging a series of minority treaties guaranteeing various rights to various nationalities trapped inside the borders of the European nation-states. Adolph Hitler had exploited the notion of minority rights as an excuse for invading Czechoslovakia and Poland ostensibly to liberate "oppressed" ethnic Germans was fresh in the memory of the leading statesmen of the world. Further, the inability to draw a line between minority rights and the right to secede obviously led to the virtual abandonment of the concept of minority rights and their replacement by individual human rights in international law after the post-second world war period.<sup>10</sup> Thus the idea of minority rights was not incorporated in the UN Charter. Instead exercising the option of self-determination was accepted as an inalienable right of all peoples. It is not mentioned in the 1948 Universal Declaration of Human Rights, which most of the UN member-states signed and ratified. Thus in the formula which was accepted by the UN Charter, the independent state and the free human being triumphed. The notion that a minority people could possess rights became obscured. Added to it, no

reference was made to the feasibility of territorial alteration as it was conceived in Woodrow Wilson's preliminary text of Article X of the League Covenant.<sup>11</sup>

It is, therefore, necessary to examine the position of international law on separation which is *prima facie* unsatisfactory. While several international organisations notably the United Nations frequently declare a broad "right of self-determination of peoples" which appears to suggest a right to separate but these institutions tried futilely to confine the purview of this choice quite erratically to only colonial situations. It is also note worthy that the framers of the UN Covenant did not use the term national self-determination, rather choosing a nebulous concept of a people. However by using the word "people" instead of "nation" the problem could not be resolved. It was as difficult to define a people as it was to define which national groups were eligible for self-determination.

The borders of the former colonial states are largely arbitrary impositions of the imperial powers, which correspond neither to ethnic distribution nor to the consent of the people. It is precisely in these countries that secession is likely to become a highly explosive issue. How, therefore, should one understand the concept of self-determination after the 1945 era? If we take into account practices of the state as a guiding factor, it is evident that the international society held on to an orthodox view. National self-determination was treated as an equivalent to Western European de-colonisation. The fact that these states gained political freedom from the colonial yoke was interpreted as exercising the right of self-determination at some point of their historical evolution. Such an interpretation was upheld by the Third World, small and great powers alike.

The African continent has set a trend in this regard. Before gaining political freedom, the African nationalists usually condemned the arbitrary nature of Africa's international frontiers, which were demarcated keeping in view European and no regard to African views at the Berlin Conference in 1884. After gaining freedom it was realised by them that the danger to the territorial integrity of the established states was so enormous that the common objectives of African Unity will be well-served only inside the boundaries as bequeathed to them by the imperial rulers.

The fact, that in the Constitution of the Organisation of African Unity (OAU), commitment to the territorial integrity is mentioned. Further, this commitment was reinforced in the 1964 Cairo OAU conference the member decided to "respect the borders existing at their achievement of political independence". The general practice has been to create a code of regional customary law aimed at respecting the existing territorial boundaries. This principle of *Uti possidetis* (as you now possess) is generally agreed by all states as a logical solution to a truly intricate political problem. Further it also prohibits any discussion of frontier revision which can prove disastrous not only to the concerned state but can affect the whole region.<sup>12</sup>

However one should try to understand and analyse whether self-determination can really solve the problems the secessionists groups claim to project. There has been a territorial mix of populations due to long term migration resulting in ethnic distribution becoming very complicated. Therefore, in most ethnically plural states secession is at the most going to effect a mere reordering of diversity. The secessionists' claims that suggest a complete separation from the existing state as a solution are devoid of understanding of ethnic patterns and structures in these states. The transformative character of identity at various levels of salience has not been adequately taken up. Thus the issue of ethnic division and breakdown will prove to be a never-ending process.<sup>13</sup>

Inter linked to this conundrum is the extraordinarily important issue of minorities that come into being as a result of formation of new states. The distribution of people in various states of the contemporary world does not even permit to separate complete communities even if they are "nations" from one another. The irony of the issue is such that almost any newly freed country is likely to have some kind of "minority problem" which will be unique to itself. It is now common knowledge that this factor of majority - minority continuum has largely disturbed peace, normalcy and economic progress in the region, which was previously part of the erstwhile USSR (Soviet Union). For example, the civil wars in Nagorno Karabakh, and parts of Caucasus and Moldavia, are the extreme cases. As it is the case with Croatia and most importantly Bosnia, Herzegovina both constituents of the defunct state of

Yugoslavia. It is this ignorance of these intricacies that has led Robert Dahl to characterise “partitionist solutions as a form of philosophical anarchism”.<sup>14</sup>

There are practical issues embedded in the divisionist solutions for the creation of ethnically homogeneous states. For instance, the division of colonial British India into India and Pakistan has not resulted in the creation of homogeneous countries. Both India and Pakistan emerged as ethnically heterogeneous states. Further the territorial frontiers of the putative states in conflict are generally contested. For example, The Sinhalese have vehemently rejected to accept the North and East as the “traditional homeland” of the Tamils. However, there are certain situations where self-determination may appear to be a “step forward” and granting such a right would enhance democracy rather than retard it. For instance, the creation of Bangladesh may appear to be a “step forward”. Similarly the secession of Baltic States (Estonia, Latvia and Lithuania) from the Soviet Union would also seem to be a correct development. Likewise without any prejudice to known positions, independent entities may enhance democracy.<sup>15</sup>

However, “A STATE FOR EACH ETHNICITY!” may fragment the international society into hundreds of independent territorial entities and may serve as a starting point for much more grave and tragic developments. Such a development would take us back to the medieval era. Thus territorial approach offers “clean” and simple “solutions” but requires large-scale transfer of populations and resources to effect homogenisation. In Africa, Asia and Europe challenges to prevailing boundaries to make room for new states could have catastrophic consequences. Particularly past efforts of redrawing the map of the WORLD were not encouraging.<sup>16</sup>

#### CONCLUSION:

The international system consists of sovereign nation-states. A very few of them are homogeneous, while a great majority of them are heterogeneous in character. The heterogeneity is a result of diversity in race, religion, language and culture. People have been moving from place to place over the years making the places they dwell diverse. All these features resulted in nation-states becoming heterogeneous. Earlier diverse people lived together in peace and amity. However, modernisation, nation-building, science and technology and other forces have made people become aware of their differences with others. This has led to the “us” and “them” syndrome setting in motion discord, strife and conflict.

Dominant groups in nation-states have taken hold of the State machinery and given primacy to their own cultural attributes at the cost of minority groups. Thus the project of nation-building and forces of modernisation have become launching pads for various secessionist and separatist movements. If the concept of self-determination is put in vogue mercilessly it will lead to creation of thousands of states and that too there is no guarantee that the project will be complete. Therefore, the best solution is to live with diversity. Multiculturalism is the need of the hour. Let all cultural groups live together and learn and enliven from one another’s cultural attributes. No separatist or secessionist group seeks self-determination just for the sake of self-determination. It is only when all avenues fail that demands for secession grows. To avoid discord, turmoil and separatism nation-states can devise various constitutional safeguards; institutional mechanisms and build structures to fulfil the aspirations of all the cultural groups. Democracy, good governance and responsive government can make all people live together. Ultimately every cultural group should have space live its own life and fulfil its aspirations and realise its goals.

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4. East Timor was formerly a Portuguese colony, the region declared itself independent in 1975. In 1976 it was invaded and annexed by Indonesia and declared East Timor as its 27th state, a claim which was never recognized by the United Nations. The region witnessed violent activity resulting in large number of deaths involving the East Timorese and the Indonesian military forces. Ultimately after a long struggle East Timor gained full independence following a referendum in 1999 and a formal declaration by the United Nations in 2002.  
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15. Kumar David has termed the emergence of Bangladesh as a step forward. Similarly h feels that for the good of all concerned that the Baltic States have ceded from the Soviet Union. He says that, "it is difficult to justify China's continued occupation of Tibet". This statement he makes "without any prejudice to the arguments put forward by each side about whether Tibet is, or is not, historically a part of China". Amitai Etzioni has mentioned that "some pockets of empire" still persists. He feels that the people of Tibet and Inner Mongolia "may well need to break away from the remote, imposed, exploitative, and undemocratic Chinese empire". See Kumar David, "Ethnic Conflict: Rethinking the Fundamentals", in Kumar Rupesinghe and Khawar Muntaz (eds.,) *Internal Conflicts in South Asia*(London: Sage Publications,1996) p. 5.; See also Amitai Etzioni, "The Evils of Self-determination", *Foreign Policy*, No. 89 (Winter 1992 - 93), p. 24.
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