

U.S. RESPONSES TO SELF-DETERMINATION MOVEMENTS

Strategies for Nonviolent Outcomes and Alternatives to Secession

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

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INSTITUTE OF PEACE



PEACEWORKS

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KEY POINTS

- Though the right to self-determination is included in numerous international documents, it has never been explicitly defined. The lack of a clear and universally accepted definition is one of the primary reasons the United States and the international community are unable to respond coherently to the increasing number of claims to self-determination and demands for secession. Because guidelines for U.S. policy toward self-determination movements will not be easily drawn, the U.S. Institute of Peace's second meeting on the self-determination issue focused on ways the United States and the international community have worked in the past, or can work in the future, to promote nonviolent—and, it is hoped, nonsecessionist—outcomes to territorial or separatist disputes. To create a framework within which to examine U.S. policy responses, four case studies were considered: the Kurds, Kashmir, Eritrea, and Tibet.
- The Kurds have always found themselves on the peripheries of other nations and empires and today are found primarily in the states of Turkey, Iraq, and Iran, with the largest number in Turkey. Because of Kemal Atatürk's determination to create a homogeneous republic, most expressions of Kurdish identity have been repressed since the founding of the Turkish republic in 1923. The Gulf War in 1991 and the influx of Kurdish refugees from Iraq into Turkey heightened world awareness of the Kurdish issue in general and highlighted Kurdish distinctiveness. The formation in the 1970s in Turkey of the Kurdistan Workers Party, or PKK, a radical and violent Marxist-Leninist organization, also intensified the issue; the PKK's success in rallying the Kurds' sense of identity cannot be denied. Though the PKK has retreated from its original demand for independence, the Turks fear that any concession to their Kurdish population will inevitably lead to an end to the Turkish state.
- Although the Kashmir issue involves both India's domestic politics and its relations with neighboring Pakistan, the immediate problem is the insurrection in Kashmir itself. Kashmir's inclusion in the state of India carried with it provisions for considerable autonomy, but the Indian government over the decades has undermined that autonomy, a process eventually resulting in anti-Indian violence in Kashmir in the late 1980s. A lasting solution to the Kashmir problem is unlikely unless that autonomy issue is addressed. Pakistan and India have gone to war more than once over the Kashmir issue, and the two countries are currently polarized in their positions; indeed, the primary concern for the United States on this issue has been to avoid another Indo-Pakistani war. To that end, the United States may have to exert more effort to solve the problems inside Kashmir, which will probably not be possible without some return to the autonomy established in the original accession agreement.
- Eritrea is an unusual case in that it has been "resolved": it has successfully seceded from Ethiopia to become an independent state. Though a co-federal arrangement between Eritrea and Ethiopia had been agreed to in 1952, the Ethiopian government under Haile Selassie began to undermine Eritrea's autonomy until the region was forced to relinquish its autonomy in 1962, triggering an insurgency against the Ethiopian government. The United States was not greatly involved in the dispute until 1990, when the Eritreans asked for a U.S. role in negotiating a resolution to the conflict. Because by this time the Eritreans had essentially won the war, they had no incentive to agree to anything but their long-sought aim: full independence. Neither the United States nor the members

of the Organization of African Unity were happy about officially aiding the secession of Eritrea, supporting instead a state's right to territorial integrity. However, the insurgents' military victory over Ethiopian government forces meant that the latter had to agree to a referendum on independence; there was thus little reason for the United States to oppose it.

- Unlike many other self-determination cases, the Tibet issue has involved the U.S. government since the late 1940s and has engaged a large number of supporters in the United States, despite its continued refusal to officially support Tibetan self-determination. From 1913 to 1951, Tibet functioned as a *de facto* independent entity, though it was not officially recognized as such by other powers. In 1950, China invaded Tibet; after an abortive uprising in 1959, the Dalai Lama was forced to flee and the Chinese government then implemented more harsh measures to ensure Tibetan assimilation. During the period when China was a Cold War enemy of the United States, the latter was actively involved in supporting the Tibetan struggle against the Chinese. However, when China's place in U.S. foreign policy began to shift in the late 1960s, U.S. support for Tibet ended and the United States largely ignored the issue. Since then, the Tibetans have launched a campaign to secure international support for their cause and have been particularly successful with the U.S. Congress and segments of the American public. As a result, the Chinese have stepped up assimilation efforts, leaving open the question of the ultimate effectiveness of the campaign.
- Some analysts argue that these and other cases were not really efforts at self-determination but responses to repression by the central governments in question. The United States, however, has often responded as if they were self-determination movements rather than matters of human rights and good governance. Others suggest that the problems stem from the international community's overemphasis on territorial integrity to the point that central governments are led to believe that no matter how badly they mistreat their people, the international community will support the principle of territorial integrity. In any case, in these and other situations, it was difficult for the

United States to maintain consistency in its promotion of human rights, because this concern had to be balanced against other interests and realities.

- Bad governance may not be the only factor behind self-determination movements. The global information revolution is making more and more groups in the world aware of themselves and their status as "minorities," a status they sometimes become unhappy with whether or not their central government is repressive. Thousands of groups throughout the world are only now becoming aware of their status, resulting in an extremely dynamic situation.
- The right to self-determination remains a controversial issue at the United Nations, and language on the issue for the UN's fifty-year anniversary document was hotly disputed. In the end, the right to self-determination was reaffirmed, as was a people's right to "take legitimate action" to realize this right. The document also stated that self-determination is not to be exercised to the prejudice of the territorial integrity of states that comply with the UN Charter. One new development is the growing UN involvement in the promotion of elections as a mechanism for the realization of self-determination. The recognition of democracy as the preferred system, and of electoral assistance as a means to that end, is eclipsing the right to self-determination as an operative principle at the United Nations.
- The best way to deal with self-determination movements is to focus on human rights above all other issues, emphasizing individual over group rights in most circumstances. In addition, the group concerned should explore all other options available short of secession. At the same time, however, the United States should not take the position that secession is never justified—only that it is the remedy of last resort in the case of the most serious injustices. Instead of secession, federal or confederal solutions should be promoted. In the face of likely concerns that concessions on human rights will lead to the proverbial "slippery slope" toward demands for secession, the international community must maintain a practice in which states see that good-faith efforts to address the problems will be accompanied by

assurance from the international community that it will not sanction secession. However, one complicating factor is the reality that any U.S. response to a self-determination or secessionist movement will inevitably be colored by the relationship of the United States with the government involved.

- Because of the extreme complexities of most self-determination movements, an overriding principle of response for U.S. policymakers is unlikely to emerge. The need for the United States to define specific and overarching goals with regard to these movements will fall victim to the more compelling need to juggle a host of U.S. interests that

vary from country to country. Ideally, the international community would have early warning capabilities to detect when a group's plight is going to lead to violent secessionist demands; however, resources for developing such capabilities are lacking. Secession should continue to be viewed as a very last resort, though it should be possible to countenance secessionist demands before a group has experienced serious human rights abuses amounting to genocide. It may be that in the post-Cold War era, fostering legitimate democratic institutions is the only hope for providing a context within which self-determination demands can be addressed in a nonviolent manner.

PREFACE

Struggles for self-determination have become one of the most complex foreign policy issues for the United States and the international community. The issues surrounding self-determination arise not so much from whether it is a right—many human rights documents assert that it is—but from the lack of a clear definition of what “self-determination” means, especially in terms of its potential implications for and impact on long-held notions of territorial inviolability and political sovereignty.

This is the second Institute report on the issue of self-determination. The first, from a meeting held in February 1995, focused on the differing legal and political interpretations of what the self-determination right includes and implies; the results of that session are reported in *Self-Determination: Sovereignty, Territorial Integrity, and the Right to Secession* (Peaceworks no. 7) by Patricia Carley.

Working again with the staff of the Policy Planning Office at the Department of State, in March 1996 the Institute convened a second meeting on the issues surrounding self-determination, focusing on U.S. policy in four cases—the Kurds, Kashmir, Tibet, and Eritrea—to see what lessons might be drawn from them for possible strategies and options for future cases. The aim was to determine if it were possible for the United States and the international community actively to promote successful outcomes in territorial

or separatist disputes, outcomes that would be both nonviolent and nonsecessionist.

The participants examined a number of questions bearing on policy-development issues. How, they asked, has the international community’s response affected outcomes in specific cases? Is there a stage at which actors are likely to look outside for support, intervention, or response? Have external actors influenced the outcomes of secessionist movements, and with what tools? What might be the effects of actively promoting nonsecessionist forms of self-determination? Does the existing language on self-determination—or the lack of it—affect the goals and strategies of separatist movements and their leaders? Is there consistency in U.S. policy or is it ad hoc? Does it matter?

Other Institute projects examining related issues include *Autonomy: Flexible Solutions to Ethnic Conflicts*, former fellow Ruth Lapidoth’s book-length study of the potential variety and versatility of forms of autonomy; *Power Sharing and International Mediation in Ethnic Conflicts*, by Timothy D. Sisk; *Minorities at Risk: A Global View of Ethnopolitical Conflicts*, by Ted Robert Gurr; and the Ukraine and Sri Lanka volumes in the Series on Religion, Nationalism, and Intolerance (all published by the United States Institute of Peace Press). We hope that readers interested in learning more about this complicated subject will find these publications useful.

1

INTRODUCTION

The right to self-determination is proclaimed by numerous international documents, including the United Nations Charter and the Helsinki Final Act. However, this right has never been precisely defined and has thus come to denote different things to different peoples and governments at different times. To examine the complex self-determination issue, the United States Institute of Peace, together with the Policy Planning Staff of the Department of State, organized a series of meetings to help U.S. policymakers develop a response to self-determination demands. Experts on international law and state sovereignty discussed the right to self-determination—its origins, what it entails, and the nature of international legal language sanctioning and defining it. The results of the first roundtable were published by the Institute in its Peaceworks series under the title *Self-Determination: Sovereignty, Territorial Integrity, and the Right to Secession*.

It was plain at the first meeting that the absence of a clear and universally accepted definition is one of the main problems the United States and the international community face in responding to claims for self-determination and dealing with secessionist movements. As a consequence, guidelines for U.S. policy will not be easily drawn. It was suggested, however, that alternative expressions of self-determination short of secession should be considered.

Focusing on U.S. policy toward actual self-determination and separatist movements and the strategies and options available to the United States to mediate or intercede in them, the Institute of Peace and the State Department's Policy Planning Staff held a second meeting in March 1996 to examine ways that the United States and the international community might work to promote successful outcomes to territorial or separatist disputes, with "successful" broadly defined as nonviolent and nonsecessionist. The matter easily becomes extremely complicated, however, as so many issues must be considered: the tenacity with which the principle of territorial integrity should be upheld, and the need to balance such various and often competing American foreign policy goals as human rights, strategic concerns, and economic interests. The extent of U.S. leverage in any given situation must also be taken into account, because it clearly varies and thus becomes a determining factor in a policy response.

To create a framework for wider discussion of U.S. policy responses to self-determination movements, four very different case studies—the Kurds, Kashmir, Eritrea, and Tibet—were considered. These cases were chosen not because they are necessarily the most significant self-determination cases in the world today, nor the most violent, but because—as past, current, and potential future movements—they are representative of the complexity of the problem. These cases are not exhaustive examples of all such movements, but illustrative of self-determination claims at various stages.

SELF-DETERMINATION AS A FOREIGN POLICY DILEMMA

To give an idea of the scope of the self-determination issue, Institute of Peace president Richard Solomon observed that in 1945 there were only fifty-five nation-states in the world; in 1996, there were 185. Clearly, self-determination and secession are "pressing and very live issues, presenting enormous dilemmas" to policymakers throughout the world as they decide which peoples to support in the quest for self-determination. Furthermore, since there are no clear principles regulating self-determination movements, the politics of these situations weighs heavily on the entire international community. James Steinberg of the Department of State added that there is hardly an employee at the Department who is not involved in the

self-determination issue in some form. Instead of viewing the issue in abstractions, analysis is needed that directly links self-determination to what is at stake for the United States.

Obviously, Steinberg continued, all claims to self-determination cannot be treated in the same way. Nevertheless, “defensible criteria”—a set of tools to approach the issue—might be developed that take into account the moral component that reflects values deeply rooted in American tradition. At the same time, Steinberg said, self-determination is linked to two very sober realities: security and stability. The issue of

stability leads to that of governance, since an important factor helping to generate stability is a structure of governance that gives people the sense that mechanisms exist to resolve disputes through political rather than violent means. Another consideration is pluralism. It is ironic that some self-determination movements have very undemocratic aims, such as the creation of a homogeneous, mono-ethnic state. In approaching questions of self-determination, the extent to which there is a stake in preserving pluralism must be taken into account.

2

SELF-DETERMINATION

Four Case Studies

THE KURDS—BACKGROUND

The Kurds, some 20 to 22 million, are the largest distinct nationality group in the world without a separate state. Today, Kurds live in many different countries, though the largest numbers are found in Turkey, Iraq, and Iran. Unlike the primary language of two of those countries (Turkey and Iraq), Kurdish is an Iranian language, related to Persian. However, the dialects of different Kurdish groups, even within one country, are often quite distinct and sometimes not completely mutually intelligible, and group histories frequently diverge also. These two points are often part of an argument against the notion that the Kurds (at least those in these three countries) could ever be united in one territory. Whatever the accuracy or relevance of this argument, the “problem” stems, at least in part, from the treatment the Kurdish minority has received in its resident countries.

In Turkey, the presence of 12 to 14 million Kurds has been a tense issue virtually since the country was established by Atatürk in 1923. In renouncing Ottoman imperialism, Atatürk proposed limited boundaries for the new Turkish republic with the conviction that only members of the Turkish nation lived within its borders. In the process, the existence of the country’s largest minority group, the Kurds, was disregarded. The Turkish government has upheld this tenet of exclusively Turkish nationhood by actively promoting the “assimilation” of the Kurdish population,

suppressing the Kurdish language and other manifestations of cultural distinctiveness. In the 1970s, an underground group called the Kurdistan Workers’ Party (PKK) formed to promote Kurdish rights. By the early 1980s, the PKK had become violent, demanding self-determination through independence from Turkey. The Turkish military has since then been engaged with the PKK in a brutal war that has taken the lives of thousands of Turkish soldiers and PKK members, as well as Turkish and Kurdish civilians.

The Turkish government views the situation primarily as the need to combat a terrorist, secessionist organization. However, it has for many years been accused by international human rights organizations, and the European Community—and, increasingly, the U.S. Department of State—of serious human rights abuses against the civilian population, Turkish journalists, and human rights activists in its fight against the PKK. During the Cold War, when Turkey’s location made it a pivotal American ally, it was perhaps more compelling for the United States to overlook the conflict. This has become an increasingly untenable position, however, as violence continues to rage and the key issue—the cultural and linguistic aspirations of the Kurds in Turkey—has not been addressed.

A KURDISH NATION-STATE

Discussing the Kurdish question, Graham Fuller of the Rand Corporation raised the question of why such a large group has no separate nation-state. What happened in Kurdish history that statehood eluded them, though it was gained by so many other groups in the region? According to Fuller, the Kurds have always ended up on the periphery of various Iranian and Ottoman empires and been divided among them. Now they remain divided, no longer by empires but by the states of Turkey, with twelve million Kurds; Iran with six; Iraq with four; and Syria with one. In part because of these geographical partitions, the Kurds are divided into separate clans and groups in such a way as to work against broader unity among them. Also, they speak many different dialects of a language related to Persian, and their dialects are frequently not mutually intelligible. The Kurds have traditionally lived in mountainous regions, in isolation that tends to magnify their linguistic differences. And the states in which they reside have all, at various times, encouraged divisions among their Kurdish populations, not least to discourage any kind of broader unity.

Historically, according to Fuller, there was never a strong ethnic distinction between the Turks and the Kurds. In the Ottoman period, ethnic differences were not legally recognized among the Muslims in the empire, all members of the Islamic *umma*, though they were among such non-Muslims as Greeks, Armenians, and Jews, who were given a separate status. The fact that Kurds never had a discrete status in the past in relation to the Turks is one of their problems today.

The Kurds had their best chance at statehood immediately following World War I, Fuller continued, when Anatolia was occupied by the Allied armies and the issue of an independent Kurdish state was on the agenda at Versailles. However, “History reversed the issue,” Fuller said. Atatürk, leading the Turkish forces, reoccupied Kurdish areas in his attempt to carve out a new Turkish republic, and the matter of an independent state for the Kurds became moot. Atatürk demanded homogeneity for the new country, and, in the face of Allied plans regarding the Kurds, he began early on to deny their distinctiveness. This has been, Fuller noted, one of the worst aspects of the modern Turkish republic—the blanket repression of all Kurdish aspirations, even, until very recently, the acknowledgment of a clear Kurdish identity. There was much “pseudo-scholarship” in Turkey, for example, to prove that Kurdish was not really a distinct language, but essentially Turkish with a jumble of other aspects of grammar and vocabulary. The Kurds were officially called “Mountain Turks” until only a few years ago.

At the end of the Gulf War in 1991, Turkey was threatened by an influx of one million refugees from Iraq, most of them Kurds. The Turks appealed to the United Nations for help, Fuller said, and with U.S. assistance succeeded in getting most of the refugees back to northern Iraq, where a protective zone was set up. Though all the refugees stayed on the Iraqi side of the border after that, the consequence of the episode had already become apparent: a heightened world understanding of the plight of the Kurds and, indeed, an increased awareness of their very existence. After the establishment of Operation Provide Comfort (OPC), for the first time in Kurdish history, Kurdish leaders from northern Iraq went to Ankara to talk to Turkish officials. As a result, a certain legitimacy was accorded the “Kurdish problem” within Turkey, to the great regret of many Turks. Consequently, many Turks regard OPC as a Western device to divide Turkey by encouraging Kurdish nationalism. This view of using the Kurds against Turkey may appear fanciful to

Westerners, Fuller said, but it is perhaps not so much if one looks at how the Kurds have in fact been used by outsiders in the past, first by the British to gain a foothold in the oil-bearing regions of Iraq, later by various other states against Iran, Iraq, or Turkey. Still, Fuller maintained that the meetings between Turkish officials and Kurds from northern Iraq did a great deal to illustrate the fact of Kurdish differences, of the Kurds as a different people.

Because of their geographic and linguistic differences, the Kurds have been slow, relatively speaking, to develop a strong sense of identity. Now, when they want to press for something, they are very aware that they are Kurds, but they have not, Fuller said, always been sure how to link their awareness of identity to their regional aspirations. However, the creation of the PKK in Turkey brought about a change. The PKK began as a radical Marxist-Leninist organization that eventually became a violent and terrorist one. But the success of the PKK in raising and solidifying the Kurds’ sense of identity cannot be denied.

In fact, Fuller contended, the PKK is the most successful Kurdish resistance organization ever. It has challenged the Turkish government for more than twelve years and has yet to be decisively defeated. The Turkish government has put forth massive efforts to crush the PKK—at great military, financial, and human cost, and with limited success. The government has managed to put a lid on it, but once the lid is lifted, the problems are likely to return, since once any group has raised its ethnic self-awareness, “There is no going back.” Not all Kurds like the PKK, Fuller said; many support it not because they approve of its ideology or methods but because it is the only entity standing for them and their rights. The Turkish government denies this aspect of the PKK, claiming that it is only a group of leftist terrorists. But in fact the PKK helped to crystallize Kurdish awareness in Turkey and to develop the understanding that Kurds are entitled to certain rights they do not now enjoy.

The PKK has retreated from its original demand for an independent pan-Kurdistan. According to Fuller, the PKK’s demands have now been modified to something like a federative state guaranteeing autonomy for the Kurds. The Turks, however, do not believe this—they fear it is a ploy—and firmly believe that any concession, even of linguistic rights, will eventually mean an end to the Turkish state—the “slippery slope” argument. It is true that cultural and linguistic rights for the Kurds in Turkey could become the focal point for

a broader movement for Kurds down the road, for it is impossible to say definitively whether they alone will suffice. In fact, Fuller maintained, it is no exaggeration to say that what happens to the Kurds in Turkey is in part hostage to what happens in Iraq and Iran. Iraqi leader Saddam Hussein's "unbelievably gross maladministration" has created the best case for Kurdish separatism ever—how could the Kurds of northern Iraq ever return to the "lion's den" of rule by Baghdad? It is simply impossible, Fuller claimed, to predict today whether there will be some sort of Kurdish state in the future.

A GLOBAL PHENOMENON

The issue of the Kurds, Fuller contended, is related to the much wider one of ethnic and national self-awareness—a phenomenon that is growing all over the world. How it is stimulated does not necessarily matter; the fact is that it is stimulated and rarely fades away. It may be true now that the PKK is made up only of a handful of "troublemakers" and that the majority of Turkish Kurds do not support it, but the issue is, at best, a moving target. Most separatist movements have begun with only a handful of troublemakers, a few agitators, but quickly gain a wider audience.

There is also the economic factor: Is the group better off economically if it secedes? In the case of the Kurds (and most other groups), it is probably true that they would be worse off if they seceded. However, that is not deterring many national leaders from believing in the importance of developing some sort of nation-based foundation for the day in the future when the economy improves. "We must be careful," Fuller said, "lest we think that *homo economicus* rules" in all self-determination cases, including the Kurdish one.

Without a doubt, Fuller said, Turkey is a functioning democracy. It has a flourishing civil society, fairly free press and parliament, real elections—governments do come and go. However, Fuller maintained, democratic institutions are not functioning to stop the Kurdish problem—in fact they cease to be democratic in the context of the Kurdish problem. The press does not cover it; the parliament does not talk about it; civil society does not discuss it. The subject is not officially forbidden, but self-censorship is practiced. It is unfortunately left to the Turkish military to attempt to eradicate the problem.

KASHMIR—THE BACKGROUND

The conflict over Kashmir (territories of the former princely state of Jammu and Kashmir, including Gilgit and Ladakh along the Chinese border) has long been a source of tension between India and Pakistan and is one of the world's most intractable disputes. Of the three wars fought between these two countries, two have been specifically over this territory. The territory of Jammu and Kashmir is now divided between the two along a cease-fire line (referred to as the Line of Control), but the final status of the territory—its sovereignty—has been in dispute since decolonization in 1947. Since both India and Pakistan are now considered near-nuclear powers, the threat of another round of fighting over this small territory takes on a more ominous significance.

Kashmir is the only state in India in which Muslims, some 12 percent of India's estimated 890 million people, represent a majority. Pakistan disputes the legitimacy of Kashmir's accession to India, but India has consistently maintained that the territory is an integral part of India and any future dispensation must be made in terms of the Indian constitution. Although India originally devolved considerable autonomy to the territory (Kashmir is the only state in India with its own constitution), in practice India has increasingly governed it from the center. In the mid-1960s, in response to New Delhi's tightened grip, some Kashmiris began to advocate violent means to bring about a change in the territory's status, and this movement has grown considerably over the decades.

The situation in Kashmir has grown more tense and violent over the past eight years. Movements within Kashmir have asserted new demands for independence, autonomy, or accession to Pakistan and have stepped up guerrilla activities within the territory. The influence of Islamist movements has increased, and India accuses Pakistan of aiding the insurgents. On the other hand, Pakistan and a number of international human rights organizations have accused India of serious, systematic human rights abuses. Conflict has been especially acute in the Kashmir Valley between the Pir Panjal and Pangi ranges south of the highest peaks of the Karakoram Mountains. Some estimates suggest that as many as 12,000 people have lost their lives in the conflict since 1989.

The Kashmir issue involves two problems that overlap and greatly complicate it, according to Walter

Andersen of the Department of State. The first is domestic: the six-year-old insurrection in the Indian state of Jammu and Kashmir. The second is the role the issue plays in India's relations with Pakistan. There are links between these two problems, but they cannot, Andersen said, be solved simultaneously, though the issue arouses great passions on all sides. The Islamists in Pakistan demand that their government make no compromises on the matter, and the government position is that a plebiscite must be held in Kashmir to determine its future. In India, Hindu nationalists demand that the autonomy rights guaranteed to Kashmir when it first entered the state should be discarded. The two countries are at present completely polarized in their positions on Kashmir. India says the state is an inalienable part of the Indian union; Pakistan demands a plebiscite. However, the violent insurrection, as the more immediate problem, must be dealt with first. Not until some measure of calm is restored in Kashmir will India and Pakistan begin to sort out their differences, including the problem of Kashmir, and there has been a virtual freeze in diplomatic relations since 1994.

Jammu and Kashmir, Andersen explained, has always been a distinctive state in the federal, multinational Indian union; it is the only state that was accorded constitutionally guaranteed autonomy. When the British left India, they allowed 500 or so princes to decide whether they wanted to join India or Pakistan or remain independent. Maharaja Hari Singh of the Muslim-majority princely state of Jammu and Kashmir "dithered" in his decision, and as a consequence, Pakistan, which also claimed the region, sympathized with the action of tribal groups from Afghanistan and Pakistan when they attacked the Vale of Kashmir, the core area and the center of the dispute. As a result, the Maharaja asked India's first governor-general, Lord Louis Mountbatten, for troops to assist; Mountbatten agreed to provide them, on the condition that the Maharaja also agree to accede to the Indian Union.

The accession agreement contained two conditions that have caused the fundamental problems today, Andersen said. The first required the government in Kashmir to consult the people to determine their political future, and the second stipulated that the Indian government would protect the unique culture of Kashmir. The leader in Kashmir at the time, Sheikh Abdullah, agreed to this arrangement with the understanding that the Indians would also promote democracy in Kashmir. Jawaharlal Nehru, the Indian prime

minister, abided by one part of the bargain by protecting the political autonomy of Kashmir with a constitutional provision (article 370 in the Indian constitution) which stated that all authority will be given to the Kashmiris themselves, with the exception of authority over defense, foreign affairs, and currency. The pledge to hold a plebiscite in Kashmir, however, was not carried out; Indians argue that the election of a constitutional assembly in Kashmir in the early 1950s was the functional equivalent of a plebiscite.

The autonomy provisions outlined in article 370 were official policy from 1950 on, and from 1952 through 1982 the situation was relatively calm, broken only by a few short periods of violence. Turnouts in Kashmiri elections were relatively high; pro-plebiscite parties in Kashmir received approximately one-fifth of the vote. However, the Indian government began slowly to alter the contract with Kashmir on political autonomy and to "whittle away" at Kashmir's autonomy. Some of these actions were symbolic, such as replacing uniquely Kashmiri names in public places with terms applicable to other Indian states. Others, however, were more substantive: India's legal system and elite administrative service were extended to Kashmir, and the Indian president was given emergency powers over the region. The situation was exacerbated further at the end of the 1980s, Andersen said, when Kashmiri politicians were manipulated by the Indian government. There was then significant rigging of elections in Kashmir in 1987, one of the factors that led to the surge of anti-Indian violence in 1989.

The Indian government initially responded to the violence as if it were a matter mainly of law and order. In the early 1990s, the Indian government considered holding elections in Kashmir, the beginning of the implementation of what some call the "Punjab solution." In the Punjab state, tough law and order policies were used to isolate Sikh militants; then elections were held to legitimate the political solution. However, this may not work in Kashmir, Andersen contended. The main political issue in the Punjab is access to water resources, something that can be solved by the government; in Kashmir, on the other hand, the issue is political autonomy for people who think of themselves as ethnically different from the rest of the population in South Asia. Officials elected in Kashmir under the conditions used in the Punjab would have problems establishing their credibility among Kashmiris unless they also demonstrated a commitment to autonomy. This is why, according to Andersen, there

can be no lasting solution for Kashmir until the autonomy issue is addressed.

The Kashmir issue is one of the flashpoints in India's relations with neighboring Pakistan, which supports self-determination for the largely Muslim Kashmiris. Today, both governments are, according to Andersen, in a "conceptual rut." Pakistan insists on the implementation of forty-five-year-old UN resolutions calling for a plebiscite in Kashmir, which it knows that India will not accept. On the other hand, the furthest the Indians are willing to go is to suggest the Line of Control (which separates Indian Kashmir from that part of the state held by Pakistan) as the final international boundary. However, because this solution leaves the Vale of Kashmir inside India, Pakistan rejects it. Both sides claim to want to avoid war over Kashmir, though there have been two already: in 1948–49 and 1965. (The 1971 Indo-Pakistani war was mainly over the rebellion in East Pakistan, now Bangladesh.) There was also a "near-miss" in 1990, when the two countries almost came to blows. The U.S. administration sent presidential envoy Robert Gates to both countries, and he was able to get them to retreat from the brink of military conflict. Since 1965, the Indians have refused all efforts at mediation over the Kashmiri situation with the claim that it is an internal matter. Pakistan claims to want mediation, but essentially on its own terms.

India's ethnic problems hardly stop with Kashmir, though. Andersen noted that ethnic discontent affects other areas in the multi-ethnic state. The situations of the Bodos in Assam and the Gurkhas in West Bengal are as complicated as that in Kashmir. The Bodo people fear being overwhelmed by the Assamese, while the Assamese have an ethnic problem themselves, fearing they will be overwhelmed by Bengalis and Bangladeshis. At the same time, the Assamese feel threatened by increasing Bodo assertiveness. The Indian government is fearful of the "slippery slope" precedent that it believes could occur if secession is permitted for any ethnic group, such as the Kashmiri-speaking Muslims.

THE U.S. ROLE IN THE DISPUTE

According to Andersen, the key issue for the United States has been to avoid yet another Indo-Pakistani war over Kashmir. The U.S. mission in 1989–90 provided sufficient political cover for both sides to withdraw their troops. The United States must be prepared to do this again if the situation warrants, and be

prepared also to suggest confidence-building measures (CBMs), as Gates did in 1990. Unfortunately, the CBMs agreed to and formally adopted were never honored by either side. Still, tension was diminished.

There are trade-offs for both India and Pakistan in seeing the Kashmir issue resolved. Continued tensions inside Kashmir make the Indians look bad internationally, said Andersen. On the other side, Pakistan would gain a more secure eastern border with India if the Kashmir issue were resolved.

In both cases, Andersen said, the United States should, despite its relatively weak leverage, suggest that India and Pakistan take steps to solve the problems inside Kashmir. Only when tensions within Kashmir diminish will either side have the political will to adopt the necessary innovations to solve their larger bilateral problems. A number of possible solutions have been proposed, including the establishment of "soft borders," a "condominium," or some kind of free trade zone covering India, Pakistan, and Kashmir. Nevertheless, the central issue of the turmoil in Kashmir has to be addressed first. A genuinely sustainable peace is unlikely unless there is a return to autonomy for Kashmir as stipulated in the original promise to Sheikh Abdullah.

To get the Indians and moderate Kashmiris to arrive at a political agreement, Andersen said, there almost certainly must be a return to some version of the original agreement. A return to the "diluted" 1975 agreement between Indira Gandhi and Sheikh Abdullah will probably be insufficient, as views in Kashmir have hardened after six years of insurrection. Even Sheikh Abdullah's son, Farukh Abdullah, who supports a political agreement that leaves Kashmir within the Indian Union, has rejected the 1975 agreement. There are compelling reasons for Indians to arrive at some settlement with the Kashmiris: The problem gets in the way of India's desire to appear an attractive place for foreign investment, and it impedes India's hope of playing a significant role in world affairs. Only when some semblance of peace returns to Kashmir will the time be ripe to restart Indo-Pakistani negotiations on other issues.

ERITREA—BACKGROUND

Eritrea is an example of the emergence of a new state that has been accepted by the international community. Eritrea, a colony of Italy for more than fifty years, was liberated after World War I and became a member of the League of Nations. It was occupied by Italy

again from 1936 through 1942 and, after the end of World War II, became a ward of the United Nations. In 1952, a confederal system was set up in which Eritrea and Ethiopia would be equal and confederated parts of the same state. In the early 1960s, however, the Ethiopian government under Emperor Haile Selassie began undermining Eritrea's autonomy, essentially occupying the region in 1962 and incorporating it into a centralized state. This act triggered an Eritrean insurgency that lasted almost thirty years. With the downfall of the Soviet Union, by then the Ethiopian government's primary backer, the Eritrean army was victorious over Ethiopia's forces. The culmination was the 1991 referendum in which Eritreans voted overwhelmingly for independence and which the Ethiopian government had no choice but to accept.

The case of Eritrea is unusual. It has technically been resolved, the small nation having successfully seceded from Ethiopia and become an independent state. According to former assistant secretary of state for African Affairs Herman Cohen, of the Center for Strategic and International Studies, the confederal solution adopted in 1952 between Ethiopia and Eritrea had seemed perfect. Ethiopia's main concern was maintaining access to the sea, and Djibouti, under French control, was its only passage. With the 1952 agreement, Eritrea got maximum autonomy over its own affairs—its primary aim—and Ethiopia got access to the sea through Eritrea. The federal government in Addis Ababa had control only over the ports, currency, civil aviation, and external defense. The situation changed in the early 1960s, however, when senior advisors of Emperor Haile Selassie suggested that having such a small region in his domain not under his complete control was unacceptable to his honor and prestige. The Ethiopian government began slowly to undermine Eritrea's autonomy and the confederal relationship.

In 1962, the Ethiopian government engineered a sort of *Anschluss* by surrounding the Eritrean parliament, Cohen continued. Many in the Eritrean parliament tried to escape to avoid having to vote under threat of force; those left in the parliament eventually "voted" to join Ethiopia, and Eritrea was forced to give up its autonomy and become simply another Ethiopian province. Though the American consulate described the event as a repressive act, the United States did not officially protest, primarily because of the extremely important American naval communications station in Asmara. (Also, Ethiopia had sent a

battalion to fight in the Korean War, something that was still very well remembered and appreciated in Washington.) In Eritrea, however, the 1962 act triggered an insurgency against the Ethiopian government—a war for self-determination.

The 1974 coup in Ethiopia led to a change of sides in the Cold War game as the new government of Mengistu Haile Mariam, Marxist-Leninist in orientation, became a client of and dependent on Moscow. The Soviets became increasingly involved in Ethiopian affairs and started a massive flow of arms to the government. This led the United States to sympathize more openly with the Eritrean cause. There were no large arms transfers to the Eritreans, however, not least because the Eritrean rebels also referred to themselves as Marxists, which did not help their cause in Washington. In the 1980s, the Eritreans began the tactically shrewd policy of supporting the Tigrean People's Liberation Front (from another province in the country), thereby expanding the opposition to the Ethiopian government.

U.S. ROLE IN THE EMERGENCE OF ERITREA

According to Cohen, the United States did not expect to have a large role in this conflict—and certainly not in its resolution. However, as relations with the Soviet Union began to improve in the late 1980s, the United States adopted a policy of cautious cooperation in resolving any regional conflicts. At that time, the Soviets' worst problem was the conflict in Ethiopia, particularly due to the heavy burden of arms delivery. The Americans first suggested to the Soviets that they try mediation between the Ethiopian government and the Eritreans through a non-governmental organization (NGO), and in 1989–90, former president Jimmy Carter attempted to resolve the conflict. This attempt was not successful, however, because the Eritreans did not have enough confidence in Carter and asked instead for the official intervention of the U.S. government, thus beginning the direct role of the United States in negotiating an end to the Eritrean-Ethiopian conflict.

American officials, Cohen continued, looked first to the original 1952 confederal agreement as a solution, asking both parties to return to the status quo. This may have been acceptable to the Eritreans in the mid-1980s, when they were militarily weak; by 1990, however, the insurgents were gaining the upper hand and would accept only maximum autonomy. In

1991, the Ethiopian government's military position deteriorated even further, and it was willing to make greater concessions. By this time, however, the Eritreans had no need to compromise at all, as they, along with the Tigreans, had essentially won the war. U.S. officials, then, were essentially left in the position of "picking up the pieces," Cohen said. A conference was convened in London in May 1991 to work out an acceptable settlement, which included a delay of three years before a self-determination referendum would be held in Eritrea to ease the "shock" of the expected outcome, and the establishment of a common market that would give Ethiopia access to the ports. Furthermore, the referendum was to include the option of staying in Ethiopia.

This arrangement contained an overt reference to self-determination, Cohen continued, even though the overall U.S. policy for Africa has been to support the principle of territorial integrity. This was in agreement with the Organization for African Unity's 1962 principle that colonial borders, though illogically drawn, should remain in place to avoid even greater bloodshed. Nevertheless, it was decided to consider Eritrea a special case. However, when U.S. negotiators announced at a press conference in London that the United States would support a referendum on self-determination, official Washington became alarmed. At that time, Cohen explained, the United States was under pressure from Germany to recognize self-determination for Slovenia and Croatia, which was not then U.S. policy. Nevertheless, the alarm was overcome; there was a general feeling that justice was being done in Eritrea because of the violent means of the 1962 annexation that robbed it of its UN-awarded sovereignty. In any case, in the meantime, the Tigrean insurgents took control of the Ethiopian government and themselves agreed to a self-determination referendum for Eritrea. By then, Cohen said, there was no need for outside opinion. In the end, the Ethiopian state agreed to dismember itself.

Now, ironically, after the Eritreans voted overwhelmingly in favor of independence, Ethiopia and Eritrea have in many ways returned to the situation of 1952. There is a common market between them, freedom of movement, and complete access to ports. Furthermore, there are Eritreans in high positions in the Ethiopian government, and political relations between the two states are very close. In other words, Cohen commented, they had twenty-nine years of war only to return to the original arrangement.

TIBET—BACKGROUND

A Tibetan self-determination movement is simmering, with the potential of coming to a boil in the future. Due in large part to the policies of the current regime in Beijing, which state categorically that independence for Tibet is absolutely nonnegotiable, many feel certain that Tibet will never develop the kind of active secessionist movement found elsewhere in the world. However, following the breakup of the Soviet Union, which would have seemed impossible only a year before it occurred, it is now risky to make any categorical assumptions, and Tibet may serve as a good example of a potentially explosive situation.

Though it was never formally recognized by the League of Nations or the United Nations, Tibet in the period 1911–49 had an independent government, currency, army, judicial and postal systems, and administration. Furthermore, the Tibetan government enjoyed formal bilateral relations with the neighboring countries of Mongolia, Nepal, India, and Bhutan, and concluded treaties with China and Great Britain. In 1949–51, the newly established People's Republic of China (PRC), in what it described as "the peaceful liberation of Tibet," sent military forces into Tibet and imposed a new political order that remains in place today. The PRC claimed and continues to maintain that this action was supported by the people of every ethnic group in Tibet.

Although the Chinese government claims to respect the autonomy and cultural and religious freedom of the Tibetan people, it has engaged in repressive policies towards Tibetans and Tibetan Buddhist religious and cultural practices. U.S. Department of State and U.S. Senate reports have repeatedly documented systematic human rights violations in Tibet, particularly against monks and nuns, not least because of the Chinese government's ideological hostility toward religion but also because Tibetan distinctiveness is viewed as a threat. In addition, the Chinese government has encouraged large numbers of Chinese to emigrate to Tibet. As a consequence, the Tibetans harbor strong anti-Chinese sentiments, and many fervently assert their right to self-determination and independence from China's illegal occupation of their country. While there has been no violence recently—and many observers consider self-determination a non-starter given the current state of politics in China—the situation is not likely to remain static.

Moreover, this case has a higher profile in the West than many others.

Tibet is somewhat different from the other self-determination cases discussed here, according to Melvyn Goldstein of Case Western Reserve University, for a number of reasons. Its supporters have a strong historical case for their right to self-determination; the U.S. government has been actively involved in the Tibet conflict since the late 1940s; and an energetic and emotionally engaged group of American supporters has been able to insert the Tibet question into U.S. domestic politics via Congress and the human rights community. These factors notwithstanding, Goldstein said, there is no U.S. government support for Tibetan self-determination and no likelihood that this will change in the foreseeable future. Consequently, the Tibet conflict is likely to fester. The genie of violence and terrorism is not yet out of the bottle, but the situation appears likely to degenerate.

The dispute over Tibet's political status vis-à-vis China began in the eighteenth century, Goldstein continued, when the Manchu dynasty sent several armies to Tibet and imposed a "loose protectorate." The Manchu, however, had no interest in directly absorbing and administering Tibet and were satisfied with posting a few Imperial commissioners in Lhasa together with a small garrison. Tibet continued to be ruled day to day by its own government, laws, and officials.

Internationalization of the Tibet question began at the turn of the twentieth century when the British in India attempted to extend their influence into the region. Tibet rebuffed their overtures, Goldstein said, and the British responded by invading the country in 1903–04 and imposing a treaty that gave the Empire the right to station officials in Tibet and conduct trade relations. Despite this, Britain did not try to convert Tibet into a protectorate and in fact quickly signed new agreements on Tibet with China and Russia reaffirming Chinese suzerainty over Tibet. However, the specter of British troops marching into Lhasa shocked the Manchu and led them for the first time to take active steps to integrate Tibet more closely with the rest of China. This integration policy did not have a lasting impact only because the Manchu dynasty was itself overthrown in 1911. At that juncture, Tibet expelled all remaining Chinese officials, declaring it would rule its country without any interference from China. From 1913 through 1951, Tibet functioned as a de facto independent polity.

However, the Chinese governments that succeeded the Manchu dynasty insisted that Tibet was a part of China and must be reunited with it, Goldstein said. Britain, the Soviet Union, and the United States implicitly supported this by recognizing only Tibetan autonomy under Chinese suzerainty, even though it was clear that China exercised no control over Tibet and that Britain and other countries routinely dealt with Tibet directly.

Goldstein gave an example of how implementation of this policy helped to confound the issue. In 1948, the Tibetan government sent a "trade" delegation to the United States that was allowed to enter the country despite the U.S. policy of considering Tibet part of China. However, as a result of Chinese protests, the State Department refused to permit the Tibetans to meet with President Truman unless they agreed to be accompanied by the Chinese ambassador. The Tibetans demurred, Goldstein continued, but did not come away empty-handed, as the United States then allowed them to meet the secretary of state without a Chinese "escort." Both sides later claimed that these events demonstrated the validity of their position. Much of the confusion over the status of Tibet today has its roots in such deliberate inconsistency on the part of the Western democracies.

When the communists defeated Chiang Kai-shek in 1949 and established the PRC, Goldstein said, they set out to reunify all provinces and territories that had been part of China in the past, including Tibet. The Tibetan government rejected Chinese claims of sovereignty and refused to open negotiations with China over "reunification," seeking instead military and diplomatic support from the United States, Britain, and India. According to Goldstein, however, Tibet received virtually no such diplomatic support. In October 1950, China invaded Tibet's easternmost province to force the Tibetan government to negotiate a reunification agreement. The Dalai Lama turned to the United States and the UN for help but again received none.

Tibet then reluctantly sent representatives to Beijing and signed the Seventeen Point Agreement under whose terms Tibet accepted Chinese sovereignty in return for the maintenance of the Dalai Lama's government in Tibet for the immediate future. Reforms of the old feudal system under the agreement would not be implemented until the Tibetan leaders and people requested them. For a number of reasons, this agreement lasted only eight years. In 1959, there was an

abortive uprising in Tibet and the Dalai Lama fled to India. In exile, the Dalai Lama renounced the validity of the Seventeen Point Agreement, declaring Tibet an independent country illegally conquered by China. The Chinese government also renounced the agreement and terminated the old Tibetan government, implementing “socialist reforms” that ended the feudal manorial and monastic systems. During the devastating Chinese cultural revolution of the 1960s, Goldstein said, Tibetan religion and culture were attacked and suppressed.

THE U.S. RESPONSE

Before the communists took power in 1949, U.S. policy had consistently recognized Tibet only as an autonomous part of China, since Washington had no interest in supporting Tibet’s political claims against those of its ally, Chiang Kai-shek. However, after the founding of the PRC, Washington sought to use Tibet against China as part of its general China containment policy. In 1951, for example, the U.S. government tried vigorously to persuade the Dalai Lama to reject the Seventeen Point Agreement. The United States, according to Goldstein, also went beyond words, actively trying to undermine China’s position in Tibet. Starting in 1957, the CIA began training Tibetans to fight against the Chinese, even dropping them back into Tibet. After the Dalai Lama’s exile in 1959, the Central Intelligence Agency (CIA) continued to support the Tibetan guerrilla organization, helping it establish a base of operations in the Mustang area of Nepal.

Despite such aid, Goldstein said, the United States never gave the Tibetans the diplomatic aid they wanted—active support on the international stage for Tibet’s *de jure* independence. The closest they got was the February 1960 statement of Secretary of State Christian Herter to the Dalai Lama. Herter wrote, “As you know, while it has been the historical position of the United States to consider Tibet as an autonomous country under the suzerainty of China, the American people have also traditionally stood for the principle of self-determination. It is the belief of the U.S. government that this principle should apply to the people of Tibet and that they should have the determining voice in their own political destiny.”

China, however, continued to claim sovereignty over Tibet, and the United States did not try to change international opinion in this regard. The U.S.—backed

guerrillas, moreover, were ineffectual and exerted no meaningful pressure on China’s control of Tibet. Not surprisingly, Goldstein continued, when China’s place in U.S. foreign relations began to shift in the late 1960s, support for the guerrillas ceased. From then until the 1980s, the United States largely ignored the Tibet issue, considering it no longer of geopolitical or strategic interest.

The rise of Deng Xiaoping in China at the end of the 1970s produced a major Chinese initiative to resolve the Tibet question, according to Goldstein. In 1979, 1980, and 1981, exiled Tibetans sent fact-finding delegations to Tibet at Deng’s invitation, and in 1982, face-to-face negotiations were held in Beijing. China was willing to afford the Dalai Lama a substantial degree of cultural, linguistic, and religious autonomy in Tibet (the Tibet Autonomous Region)—and possibly even substantial ethnic homogeneity—if he accepted Chinese sovereignty and gave up all claims to independence. The Tibetan government in exile, however, wanted nothing less than full political autonomy, Goldstein said, as well as the political unification of Tibetans living in neighboring Chinese provinces under an autonomous Tibetan government. The negotiations quickly broke down.

In the meantime, Goldstein suggested, Beijing tried to win over the loyalty of the Tibetans without the Dalai Lama by allowing a revival of Tibetan culture and religion, while the Tibetans in exile launched a campaign to internationalize the issue of Tibet’s status and, in particular, to harness American power and influence as leverage for securing better terms from Beijing. This new initiative played to the long-standing American moral commitment to human rights and Wilsonian ideals and concentrated its efforts on Congress rather than the State Department. In one sense, Goldstein pointed out, the campaign has been remarkably successful: Over the past decade Congress has become a vocal supporter of the Tibetans in exile, has inserted statements in legislation that criticize Chinese policies in Tibet (including references to Tibet as a “captive nation”) and has sought to fan the flames of opposition to China in Tibet by authorizing Tibetan language broadcasts on the Voice of America (VOA) and Radio Free Asia. The emergence of the Tibet issue in American politics has also exerted pressure on the executive branch. Both Presidents Bush and Clinton have met privately with the Dalai Lama (though in technically “informal” meetings). The exiles’ position was also strengthened by a series of political demon-

strations in Lhasa, led by Tibetan monks and nuns, in support of the Dalai Lama and independence.

Despite such successes, the internationalization strategy of the Dalai Lama has been a disappointing failure overall, Goldstein contended. The support of the U.S. government has been token—while the United States implores China to adhere to human rights norms in Tibet and to preserve Tibetan culture and religion, and periodically urges the Dalai Lama and Beijing to negotiate their differences, it simultaneously assures Beijing that it accepts Chinese sovereignty over Tibet. In the end, Goldstein asserted, China is perceived as too important to risk worsened relations over either human rights or the political status of 5 million Tibetans. Consequently, while the Dalai Lama's successes have made Tibetan exiles and their supporters "feel good," there has not been any more movement toward a real settlement of the Tibet question since the campaign was launched. In fact, Goldstein said, the Tibetans are worse off, because the campaign has led to a shift in China's policy toward the region.

While the international campaign was registering successes in the United States and on the streets of Lhasa, Beijing reacted predictably, Goldstein continued, agitated by what it felt was unwarranted American meddling in a strategically important part of its country and the political disturbances it felt were in part fomented by the Dalai Lama and symbolic American support for him. Beijing implemented a new policy of pursuing rapid economic development despite Tibetan cultural and religious sensibilities, in the process pumping large amounts of money into the region and creating a development boom that drew large numbers of non-Tibetan (Han and Chinese Muslim or Hui) workers into Tibet. Today, Goldstein noted, there are very likely more non-Tibetans than Tibetans in Lhasa, though they see themselves not as colonists in the traditional sense but as temporary workers. Nevertheless, their growing numbers are changing the character of Tibet, endangering, for the first time in history, Tibet's demographic and ethnic homogeneity. The Dalai Lama deplures these developments but is helpless to stop them, and his supporters in the United States are unwilling or unable to use U.S. power to assist him. They can hold "glitzy benefits" on his behalf, but they cannot influence Beijing's policies, rendering the Dalai Lama's victories through his international campaign largely Pyrrhic, Goldstein contended.

The Dalai Lama is now under pressure to develop a strategy to counter these trends and preserve a culturally and demographically homogeneous homeland for his people—even if politically it is part of China. His options, however, are less than ideal. He could accept a high degree of cultural and demographic autonomy in exchange for accepting Chinese sovereignty over Tibet, abandoning the demand for independence or even political autonomy, or he could attempt to force China to alter its current policies by sanctioning, however implicitly, a campaign of violence and terrorism in Tibet. The latter strategy would be personally deplorable to him, yet compromising with China would also be unpalatable. Nevertheless, if he chooses inaction, according to Goldstein, and the situation continues to deteriorate, the Dalai Lama is unlikely to be able to stop his followers from resorting to organized violence whatever his personal views.

IS THERE A ROLE FOR THE UNITED STATES?

The U.S. government's low risk policy of balancing symbolic gestures, such as Tibetan VOA broadcasts and unofficial presidential meetings with the Dalai Lama, with assurances to Beijing that the United States will not challenge its claims to Tibet has been shortsighted and counterproductive, Goldstein asserted. Ironically, this policy has also increased the likelihood of violence in Tibet: By giving the Tibetans the false impression that the United States supports them in their struggle against Beijing, it has encouraged demonstrations in Tibet and the political confidence to resist compromise with the Chinese government. It has also been a factor in Beijing's decision to jettison the strategy of ethnic conciliation in favor of a new policy that emphasizes integration and development. Thus, Goldstein contended, the Dalai Lama's current dilemma is in part the unintended consequence of what the United States thought was a low-cost strategy.

According to Goldstein, the United States should instead take an active role in fostering a compromise. It will have to halt the misleading signals from Washington and replace merely urging both sides to hold talks with a concerted effort to persuade the Dalai Lama that it is in the interest of the Tibetan people to accept the "cultural" compromise that is probably still available. This will not be easy, Goldstein conceded,

but if successful, it could prevent an outbreak of serious violence in Tibet, preserve Tibet as a cultural and religious homeland for Tibetans, and ensure that the conflict does not cause a further deterioration in U.S.–Chinese relations.

NEGOTIATIONS

According to Morton Halperin of the Council on Foreign Relations, the Clinton administration has been trying to encourage negotiations on Tibet. The key issue, he said, is the relation between the Tibetans' claim to independence and their approach to negotiations with the Chinese. The Americans have pressed the Tibetans to approach talks making it explicit that they do not consider independence for Tibet to be on

the table. At the same time, there was a commitment from the Chinese to hold talks if the Tibetans would agree not to raise independence. The Dalai Lama initially agreed to this arrangement. However, the Chinese then pulled back, demanding that the Dalai Lama withdraw his earlier claim to independence and stating that only under those terms would they be willing to discuss autonomy. The Dalai Lama responded that he was prepared not to raise the issue with the Chinese, but not to renounce independence entirely. There the situation stalemated, Halperin said. The United States believes that negotiations would be very valuable. Unfortunately, congressional opinion is leading the Tibetans to feel that a resort to violence will meet with more U.S. support than is likely.

3 SELF-DETERMINATION, HUMAN RIGHTS, AND GOOD GOVERNANCE

Hurst Hannum of the Fletcher School of Law and Diplomacy at Tufts University maintained that in all four of the cases discussed, repression by the central government was the prime instigator of secessionist struggles. These self-determination movements did not suddenly arise among groups who decided to seek the right to an independent state. Since the central government was largely at fault in all four cases, Hannum contended, it should not have been so difficult for the United States to develop a response. The problem was, however, that the United States responded to each of them only in terms of the right to self-determination. Today, the United States can more easily respond to instances of central government repression by invoking widely known and accepted human rights norms. As soon as the United States raised the issue of self-determination in the countries discussed above, Hannum said, at the same time criticizing the governments involved, it was seen as interfering with the domestic constitutional arrangement in those countries, something the U.S. government would greatly resent if there were a similar attempt to interfere in its own domestic political arrangements.

In fact, Hannum continued, it is possible to learn from these four cases precisely how not to respond to such situations. They were not issues of self-determination but of human rights, and they should have been dealt with as such. At the same time, and in the

absence of major human rights violations, the United States should make clear that it has no position on states that wish to separate, as long as separation is consensual. Thus, Eritrea was not an issue of self-determination or secession—Ethiopia and Eritrea agreed to divide. If it had not been consensual, it is likely that the United States would have opposed it.

The distinction between morality and *realpolitik* in self-determination cases is misleading, Hannum said. If consideration of U.S. national security interests or the spread of violence is not considered “moral” but concern for self-determination is, there are serious flaws in how the entire matter is viewed. Promoting self-determination, according to Hannum, is neither more nor less moral than desiring protection from nuclear holocaust, promoting human rights no less a policy of *realpolitik* than opposing communism. The misguided conflation of morality and *realpolitik* undervalues both the morality of legitimate security concerns and the *realpolitik* aspects of human rights, minority rights, and self-determination.

Halperin disagreed, suggesting that the main problem is not that the United States unnecessarily raised the issue of self-determination but that there has been an overemphasis on territorial integrity. The position of the international community in all four cases, he said, has been that the primary concern was territorial integrity. The four central governments were led to understand that no matter how badly they treated the people inside their boundaries, no matter the extent to which they abandoned their commitments to autonomy for various minorities, the international community would proclaim the need to maintain territorial integrity at all costs. This stance implies also that what happens inside a territory is the business only of the central government concerned. This, Halperin maintained, has been the main international message to central governments engaged in repression, and it must change. The United States ought to be telling those governments that if their repressive policies continue—and especially if they worsen—it will be forced to support the secessionist movement. Self-determination, Halperin said, becomes justified under such repressive conditions. In any case, noted Patricia Carley of the Institute of Peace, many cases may have started out as human rights problems—that of the Kurds, for example—but very quickly adopted the language of self-determination movements. Regardless of their human rights origin, they unquestionably became self-determination problems.

Cohen noted that the politics of the decolonization period thirty to forty years ago was more straightforward, solving the “easy cases” and leaving the more complex ones. The bottom line, he said, is that the nation-state is still the primary unit in the world order, and thus self-determination must be viewed with the assumption that the nation-state should be preserved. It is clear that many self-determination claims are not legitimate; however, even in those cases where self-determination movements have developed in response to government repression, U.S. policy should not be to support secessionist claims but instead to pressure governments to “clean up their acts.” Graham Fuller responded that, in fact, there are hardly any “nation-states” in existence today. The nation-state as such is actually a very subversive idea, especially in such places as Africa, where the attempt to establish true nation-states would ignite a furious and destabilizing spate of border changes. Cohen countered that the correct term would then be “state” and not “nation-state,” and it is, for better or worse, the primary legal entity in the world today. At the same time, he said, the international community should be in a position to suggest a “divorce” for groups that simply cannot live together in one state; for example, in the cases of Rwanda and Burundi, where it seems increasingly logical simply to split up the two warring tribes. Sudan is perhaps another case.

In the Middle East and other regions, Fuller said, many see American concern about human rights as purely instrumental, a method of attempting to achieve U.S. foreign policy gains at the expense of its enemies. Not a few people might argue that human rights are not universal standards but exist only for those people the United States cares about. If concerns about geopolitics continually intervene, it leads others to see U.S. interest in human rights as mercenary only. Yet the United States must consider how to deal with the realities of the “superpower game,” said Dave Scheffer of the Department of State. The two other “mega-states,” Russia and China, are both permanent members of the UN Security Council. Every day, the United States must weigh how far to push, when to pull back, whether to challenge certain policies and goals, with the understanding that either of these countries can thwart U.S. aims at any time. The question arises of how the United States will play the superpower game with these and other countries and at the same time cope with concerns about human rights.

There need not be inconsistency between human rights and moral concerns on the one hand and promoting political stability and territorial integrity on the other, contended Robin Raphel of the Department of State. For any situation truly to be stable, these and other factors must balance. There may be times when U.S. policy is distracted because a certain aspect of a particular country is under focus, but it is one part of a greater picture. Thus, care should be taken not to accept the claim of inconsistency between human rights and, say, business interests.

The bottom line, Hannum said, is that there simply are not any “silver bullets” to cure all the problems related to self-determination. The UN Charter did not do away with war, even though that was its aim. In the same way, it is not fair to criticize attempts to address minority, human rights, and self-determination issues by simply attacking the flaws in codes written to address them. The state system has been around for more than 400 years; “human rights”—even as a phrase—barely 50, and basic human rights covenants only 20. The whole “human rights project” is really just beginning, Hannum said, and its fruits will not likely be evident to the current generation. The perspective should not be so short-term.

GOOD GOVERNANCE

Perhaps not all ethnic or minority groups are interested in seeking self-determination, Cohen suggested. When one examines a continent like Africa, where there are at least 2,000 different ethnic groups, it is remarkable that there are not more self-determination movements. The most important factor may not be having its own state but getting a fair share of resources. Raphel agreed that good governance and the just sharing of resources can satisfy independence movements. If the Indian government had not abrogated its original agreement with the Kashmiris, for example, and then pursued some questionable governance in Kashmir, the situation would not have been likely to deteriorate to its current state.

Fuller disagreed, maintaining that among those 2,000 different African groups, demands for autonomy or self-determination are only likely to grow, with more and more conflicts the result. Similarly, indigenous peoples in Central America, have their own strong cultural traditions and languages that predate colonization. In a world of heightened cultural self-awareness, it will not be long before they, too,

determine they do not want to be swept away into the larger culture. There will obviously be, Fuller said, immense resistance on the part of states, though they should be made aware that the phenomenon is universal, that few states are genuinely unaffected, and that no one state is being singled out by outside pressure. This sort of message may be one way to alleviate the fears of a central government and encourage it to implement reforms acceptable to minority groups.

In the end, though bad governance may be a cause for this phenomenon, Fuller said, it is not the only one. Even reasonably good governance may not suffice if people believe themselves to be different enough to want greater autonomy than is available as part of another state. It may be that desires for autonomy are separate from good governance, since there exist situations in which relatively good governance is present and groups still want autonomy or even independence to express fully their own, separate identity. There could be good governance in China, for example, but if free enterprise were still bringing too many Han Chinese into Tibet and threatening Tibetan identity, Tibetans might have legitimate grievances. The present situation is extremely dynamic, and the issue of identity is unresolved, Fuller contended; it is not always possible to anticipate when such feelings may develop or when they will be organized into a movement. Furthermore, the “demonstration effect” is extremely influential. It is not going to be possible to prevent Pandora’s box from opening—it already has, regardless, at least in some cases, of the quality of governance.

On the other hand, noted Scheffer, many conflicts that are ostensibly about self-determination are not. The wars in Liberia and Angola, for example, are about self-aggrandizement and increasing the wealth and personal gain of a leader or particular tribe, using the cause of self-determination as a disguise. With the end of the Cold War, local leaders are attempting to gain control over others in the country, to “colonize

internally.” Without a convincing rationale for separation, an increasing number of wealth-seekers fight to perpetuate their own power on the pretext of seeking self-determination. Moreover, said Cohen, not all self-determination movements are “morally correct”; in other words, the United States should not assume that a secessionist movement by definition holds all the claims to the moral high ground—often minority leaders play the ethnic card merely for their own political gain.

DEVOLUTION

A related but more developed trend may be localized devolution, which is “the order of the day” in Western Europe, said Charlie Jefferson of the Department of State. In Spain, government power has devolved to the Catalans and the Basques. It is a current in France and the United Kingdom also, and is happening in a way that is not threatening to the central governments. Whether such devolution is possible in weaker countries is a key question, however. Though in long-established states the trend is only likely to continue, outside Western Europe, more fragile younger countries are more threatened by such trends. For example, this trend is definitely not happening in South Asia, Andersen pointed out; in fact, just the opposite. Since independence from the colonial powers, many Asian states have moved toward centralization, not necessarily because of ethnicity or nationalism but because of economic crises and plans—at least at one time—to implement socialism. Economic reform might counter the centripetal forces in that part of the world, since decentralization is usually an aspect of reform, but that has not yet begun to any great extent. There may also be a shift away from centralization as national parties are increasingly challenged by local ones advocating a kind of states’ rights doctrine.

4

A CASE FOR SECESSION

There is a moral right to secede grounded in the right to self-determination, argued Christopher Wellman of Guilford College, and a distinction between self-determination and other rights. Currently, the international community does not recognize the right to secede based on the right to self-determination. If there were such a thing as religious self-determination, it would mean that the choice of religion is personal and individual. However, if the right to religious self-determination stipulated that the right to change religions would be granted only if an individual were unjustly treated in his or her own religion, most would agree that that would not be true religious freedom. Yet, at best, that is what the international community claims with regard to political self-determination. If your country treats you sufficiently unjustly, then—and only then—you may have the right to secede. However, that is not, Wellman maintained, a right to self-determination; it is only a right to live without injustice. A genuine right to self-determination would be exemplified by a group's ability to establish its own political game regardless of injustice. This, however, the international community unequivocally denies.

The core of the secession controversy, Wellman continued, is territory, as one group demands part of a state's territory. In a moral analysis of such disputes, it is necessary to adjudicate both sides' claims. This raises the question of a state's claim to its territory

and the right to force its governance upon the whole. Wellman pointed out that the U.S. government has the right to force its citizens to pay taxes. One reason often given is the theory of consent: Americans are committed to the U.S. government and consent to be taxed. Similarly, this is a reason why states have a claim to their territory, since for legitimate governments, in the absence of gross injustice, there is a consensual relationship between the governors and the governed.

However, if consent is required for a state to have a claim to its territory, it follows that where consent is absent or withheld, an individual or group may claim a secession right grounded in the right to self-determination. Many existing governments lack the consent of those they govern. Moreover, individuals do not actually enter into direct contracts with their government; this is usually done through such political acts as voting, that connote consent. And even with voting, Wellman said, voters should not technically be bound by the outcome since the people were never given the option not to be bound by the government—they have the right only to choose who will govern them. Thus, the consent theory does not actually explain a government's right to tax its citizens or a state's claim to its territory, since some form of coercion already exists, regardless of whether there is consent.

Thus, if consent is the only circumstance under which a government may legitimately make demands of its citizens, Wellman said, and if even the best, most legitimate liberal democratic governments lack the full consent of their citizens, it follows that there should be unlimited political self-determination. However, most people even in the United States do not believe that consent is required for a government to be legitimate; most believe that some form of coercion (like the right to demand taxes) is acceptable even in the absence of consent. Thus, the most popular and reassuring justification for political coercion—consent of the governed—does not generally apply.

Wellman offered a functional justification for state coercion, suggesting that citizens allow it because states perform the important function of securing political stability and providing security against foreign enemies, preventing an otherwise chaotic and potentially harmful state of affairs. This is, according to Wellman, the functional rather than consensual justification for state coercion. However, if some group or territory within a state could perform those functions better than the state, then, according to the functional

argument, it should be allowed to secede. There is therefore justification for secession if a group were to prove that it could perform certain political functions better. There would likely be unpalatable implications, though; for example, the United States could make a case for the annexation of Canada if it could prove that it could better perform certain functions. Thus, the functional justification for state coercion, and thus a state's claim to its territory, also does not hold unequivocally.

Nevertheless, political coercion is justified to provide for a functioning political state and coercion that prevents a group from seceding is permissible because of the harm that would result. At the same time, the functional model, at least in part, allows groups within states to create and maintain their own entities because that is consistent with political stability. Perhaps, Wellman said, states could assess claims to self-determination from within their territory in the same way that the United States adjudicates drivers' licenses—it is possible, but not automatic. Thus, states would not respond to every self-determination movement but would allow the right to be exercised by groups of a certain size, contiguity, wealth, and ability to function in a secure manner. This would allow some claims to self-determination to be honored without allowing for unrestricted secession.

Though political self-determination must be limited, it does not follow that it should be prohibited, as the international community now suggests, Wellman continued. In fact, some claims to self-determination cannot be prohibited without resorting to a completely arbitrary justification. The current policy of dogmatically clinging to territorial boundaries simply because they currently exist is morally tantamount, for example, to endorsing slavery and denying women the right to vote because of the status quo—impermissible coercion for no morally justified reason. It is true that rules are necessary for political stability, but it is morally arbitrary to use existing boundaries to determine who gets to play at statehood and who does not.

Furthermore, Wellman said, an increasing number of groups are going to make this argument, including the growing number of groups claiming the right to secede even in the absence of injustice—in Quebec, for example. These groups must be given some answer justifying the state's control over their territory, otherwise it will appear that the international community wants only to demonstrate its power. Groups are

lobbying, sometimes violently, to break the status quo, and the international community can respond in two ways: by explaining why the determination to preserve existing states is not morally arbitrary or by making clear that the issue is not about which group may exercise its right to self-determination but about the importance of maintaining the existing system of state boundaries to avoid chaos and conflict.

In the final analysis, Wellman contended, one of the best methods of getting states to respect minority rights is to allow secession. If political arrangements were changed so that states were no longer the monopolistic suppliers of sovereignty but instead suppliers in “competitive markets,” the state would have to govern well enough to prevent a secessionist drive. The essential point is that states do not want to lose territory. Yet the international community is set up in such a way that states do not have to treat their minorities well. If the international community were to make it possible for groups to secede, states would have more incentive to treat groups within their territory well and prevent the desire to secede. Allowing for secession within the self-determination right could actually secure individual rights, internal self-determination, and, perhaps ironically, territorial integrity—but must not be allowed to do so at the expense of human rights.

Clearly, the consent theory justifying government coercion does not apply in the world today. Instead, Wellman said, governments are justified because they perform certain functions, like protecting their citizens and organizing a judicial system. If a government is not performing these functions—if it is not protecting people from injustice but is itself a source of injustice—then the state cannot maintain the claim to its territory. The international community has little moral recourse if it insists that groups have no right to secede under any circumstances and must continue to endure state-imposed injustice. It is extremely important, Wellman maintained, not to take these moral dynamics lightly.

THE FUTURE OF MULTI-ETHNIC SOCIETIES

Timothy Sisk of the Institute of Peace pointed out that Wellman's argument rested on two assumptions: that the international system dogmatically clings to existing boundaries and that groups that seek self-determination are themselves coherent with a single

representative, party, or movement. Sisk challenged these assumptions, noting that, since its inception, membership in the United Nations has increased from 55 to 185 and that the fights within groups seeking self-determination are often uglier than their fights with the central government. Two practical problems emerge in such situations, Sisk said. Secession only serves to rearrange majorities and minorities and rarely solves the problem of multi-ethnic societies, and the issue of who genuinely represents any group is not resolved. For example, does the group calling for an independent Khalistan represent all Sikhs, or do those calling for an independent Afrikaner homeland represent all Afrikaners? Also, what would be the threshold for determining the actual desire of any group—a referendum requiring a majority or super-majority? Sisk agreed that general criteria based on moral grounds are needed, and though it is true that partition, assisted by the international community, should be possible, it should be a last resort.

Wellman replied that while it is true that there are many more states today than forty years ago, it is also true that the international community consistently refers to the status quo in its total lack of support for secessionist movements whose arguments are based on self-determination. It is also true that many self-determination movements are incoherent, and those may be the ones that cannot persuasively claim the right to secede, since they are the very ones unlikely to provide a functioning government. No argument was made that any group with a claim to secession, regardless of the circumstances, should be supported. Wellman suggested that a simple majority would have to be sufficient, since it would not be sustainable for a minority to tell a majority how to live. He conceded that, because no system is foolproof, not all political preferences within a group would be satisfied, and there will be groups all over the world that want to secede that still would not be able to do so.

DANGER OF ALLOWING SECESSION

Allen Buchanan of the University of Wisconsin strongly disagreed with the premise that groups should have a right to secede even in the absence of injustice. First, as Sisk noted, secession rarely solves the problems associated with multi-ethnic or pluralistic societies. Abraham Lincoln observed that when a man and woman divorce, they can go to separate

places, but when countries divorce, they remain right next to each other, all their animosities intact. There are more constructive proposals for dealing with the problems that frequently lead to secession that focus on solutions short of secession, particularly in the area of human rights. Wellman's argument would pose a barrier to exploring such approaches as various forms of decentralization. In Wellman's scenario, a state would make every attempt to thwart decentralization to prevent a region's gaining enough political experience to meet the functional justification criteria and then agitating to secede on that basis. This would, Buchanan argued, put an end to serious efforts at devolution and other potential solutions.

The real problem, according to Hannum, is not whether a right to self-determination is morally absolute but the assumption that the right exists at all. It is a false analogy to compare the right to self-determination with slavery and women's right to vote, because self-determination is not absolute and has no normative content. Wellman's argument does not address the matter of the right to an independent state, because that would require an explanation of what moral values underlie the moral claim of the right to a state. This cannot be done with self-determination as long as it is phrased in present terms, Hannum said. The "right to self-determination" cannot be discussed intelligently until there is some recognition of and agreement upon the moral values that underlie the phrase.

Cohen posed a hypothetical case. If there were a homogeneous group within a state, capable of self-government, that by accident of geography also controlled all the oil for the larger entity, would the state have a right to some of that oil revenue? Should a referendum on secession be held in the wider entity rather than just the group or region? In response, Wellman stressed the need to distinguish the question of political self-determination from natural resource or welfare transfers. All Ethiopia should have determined the status of Eritrea if all of Ethiopia had a claim to its territory. The basis of grounds to a people's territorial claims determines the thrust of the whole analysis of consent and functionality.

Fuller, however, suggested that the whole discussion of the moral and legal right to self-determination or secession is, in many ways, beside the point. The reality is that people are demanding the right, and they will kill others and shed their own blood to achieve it. The question of right and wrong may be

relevant, but it is not the primary consideration, since what people are likely to do must be heeded over and above whether or not they have the right to undertake these actions.

OTHER REALITIES

The functional justification in Wellman's argument cannot stand, Jefferson contended, because "the cow's out of the barn." There are already at least thirty-five or forty micro-states in the world with no functional justification for their existence, making it difficult to deny other minority groups statehood on this basis. Also, some states have willingly given up a portion of their sovereign powers to others—Kazakhstan to Russia, for example—raising further questions about the functionality argument. Many scholars now argue that the state as it exists is no longer capable of providing the kind of security (economic or social, environmental or police) that states were created to provide. The entire moral or practical basis for the state has crumbled significantly.

Steve Morrison of the Department of State objected to Wellman's argument on the grounds that it claims that the United States should take action based on whether a particular group or action meets certain criteria. However, U.S. policymakers are always, overtly or otherwise, weighing the costs of supporting an insurgency movement (in, say, Chechnya or Quebec), evaluating the costs of action or inaction, with the inevitable reality that secession or even instability is not always undesirable. The moral aspects are of course part of the equation, since no society based on the rule of law can hope to retain its integrity if morality is completely ignored in foreign policy. However, it is

only a part of a larger picture of costs. Insurgents, Morrison continued, make similar calculations. Thus there should not be too strong an emphasis on the "rational actor" analysis, since many actors behave randomly. It is simply impossible to establish a moral or legal yardstick against which the United States should always act, because situations are too dynamic. Wellman agreed that morality should not be the only determining factor for U.S. foreign policy, but it is an important component of the calculus of how the United States should respond.

5

SELF-DETERMINATION AT THE UNITED NATIONS

The United Nations Charter was the first international document to proclaim the right to self-determination, observed Scheffer.

Though it was meant to apply to member states and not to peoples or groups, it very quickly began to be interpreted more widely. The 1960 *UN Declaration on the Granting of Independence to Colonial Peoples* declared self-determination to be an absolute right, though only for colonies, and the determination was based on territory, not ethnicity or nationality. In recent decades, however, the original, vaguely worded “right to self-determination” has come to mean, for better or worse, that all distinct ethnic groups and peoples have the right, though exactly what it implies remains unclear and controversial.

1995 was a significant year for issues of self-determination at the United Nations, Scheffer continued. In fact, publication of the UN’s fifty-year anniversary document was stymied by the language surrounding the self-determination issue. For example, the preamble to the eventual declaration, meant to be a “victory statement” of sorts, announced that through the process of decolonization, 100 million human beings had been assured the ability to exercise the fundamental right to self-determination. However, there was a prolonged dispute over the use of the word “fundamental.” The U.S. delegation opposed it, arguing that self-determination, though a right, is not seen as a “fundamental” right in the UN Charter; however,

the United States let the language stand when it was eventually accepted by other key delegations.

Other language was equally controversial, Scheffer continued. For example, two delegations insisted that there be no reference to “colonialism” and “foreign occupation” in the UN 50 Declaration. However, prior UN documents referring to self-determination had contained these terms and the objections were overruled. Two governments from the former Soviet Union insisted that any mention of self-determination be balanced with language on territorial integrity. Also in dispute was the recognition of the right of the people to “take legitimate action” to realize self-determination, since it was not made clear what the derivation of legitimacy might be. These words stayed in the document, primarily because they are contained in the 1993 “Vienna Declaration and Programme of Action” on human rights, to which the United States has agreed. The final compromise language in an “operative clause” of section one of the UN 50 Declaration is as follows:

We will continue to reaffirm the right of self-determination of all peoples, taking into account the particular situation of peoples under colonial or other forms of alien domination or foreign occupation, and recognizing the right of peoples to take legitimate action, in accordance with the charter of the United Nations, to realize their inalienable right of self-determination. This shall not be construed as authorizing or encouraging any action that would dismember or impair, totally or in part, the territorial integrity or political unity of sovereign and independent states conducting themselves in compliance with the principles of equal rights and self-determination of peoples and thus possessed of a government representing the whole people belonging to the territory without distinction of any kind.

The language on the rights of indigenous peoples has been even trickier to determine, Scheffer said. The U.S. delegation debated whether the UN 50 Declaration should refer to “peoples” or “groups” and “populations.” There is a strong argument under international law that indigenous peoples have certain rights, such as self-determination and control of their own natural resources. This language is sometimes problematic for the United States in regard to American Indian tribes, for whom the United States provides the right to “self-governance”; their self-determination includes the right to tribal self-governance and autonomy “to the extent provided by U.S. law.” In the international context, the United States

would prefer the discussion revolve around “groups” or “populations” and not “peoples.” In December 1995, there were a series of resolutions in the General Assembly referring to “indigenous people” (not “peoples”), though there is also a reference in one General Assembly resolution welcoming the fact that a working group will elaborate a draft declaration on the “Rights of Indigenous Peoples.” The difference between “people” and “peoples” may seem insignificant, but it is in fact extremely charged, since the latter term may be seen as “nations,” thereby entitled to still more rights.

Every year the United Nations adopts resolutions on self-determination, Scheffer noted. One of these invariably involves the right of the Palestinians to self-determination and another the universal right of peoples to self-determination through speedy decolonization. The United States, Scheffer said, generally opposes these resolutions, except for one very general one. (The U.S. opposition to the resolution on the Palestinians, Scheffer said, stems from concern that it would interfere with the peace process.) Some observers have begun to call general opposition to these resolutions a “rut” of U.S. foreign policy, while those more alarmed by their ramifications say that the U.S. position is the only realistic one.

In the UN 50 Declaration, self-determination is stated as an inalienable right. According to Hannum, however, the document also states that self-determination is not to be exercised to the prejudice of the territorial integrity of states that comply with the UN Charter. The document does not confer a general right to secession, though it does not rule it out in the cases of states that do not comply with UN principles. There is similar language in the CSCE’s Copenhagen Final Document, which attempts to balance an open-ended notion of the right to self-determination and an absolutist interpretation of the principle of the territorial integrity of existing states, which never allows secession even in the face of gross human rights violations. This, Hannum said, is a positive development.

THE UNITED NATIONS AND SUPPORT FOR ELECTIONS

One new development in the international arena is the increasing role of elections as a procedure for achieving self-determination. The prospect that the United Nations has a role to play in providing electoral assistance and supporting democratic tendencies more generally has “overwhelmed” UN

discussion and activities, Scheffer said, and is even providing the rationale for implementing Chapter Seven authority to restore democracy, as in Haiti. The recognition of democracy as the preferred system, and of electoral assistance as a means to that end, is eclipsing the right of self-determination by itself as an operative principle of the UN. In other words, at the UN, one “gets further by talking about democracy and elections than about self-determination,” Scheffer said.

Halperin pointed out that the first phase of self-determination embraced decolonization and was consistent with U.S. principles. The second phase involved not only getting rid of the colonial master but allowing for the people’s genuine consent as to how they would be governed on their own territory. This second phase, Halperin said, has gathered momentum and shapes the direction in which the world is now headed. Both the United States and the UN increasingly voice the conviction that a government receives legitimacy by virtue of elections. Accordingly, the self-determination right is coming to mean more than just not being ruled by outsiders, but being ruled by those chosen by the people. This development is wholly consistent with U.S. principles, and the United States constantly presses this point at the UN and in regional organizations.

If secession is the last resort, the preceding issue is internal self-determination, and elections become the best method of achieving that, Sisk concurred. However, what of the many states that do not request electoral assistance from the UN? It is true that consent is required by the central government for the UN electoral assistance division to become involved, Halperin said, and consent is unlikely to be forthcoming in the very countries where self-determination movements develop. However, states are finding it increasingly difficult to resist asking for some sort of electoral assistance—it is a current they can no longer avoid. The most dramatic example is Mexico, not one expected to invite the help of the UN Electoral Commission. Yet the Mexican government has come under enormous pressure to demonstrate the legitimacy of its elections and, to that end, required some international presence. This is a positive trend, Halperin asserted, though it is true that elections can sometimes produce negative results. Nevertheless, it is simply wrong, in today’s context, to say that “free and fair elections” is an American notion. In fact, the concept is embedded in a whole series of international agreements. In most cases, in fact, the refusal to hold elections is the clearest sign of bad governance.

6 NONVIOLENT ALTERNATIVES TO SECESSION U.S. Policy Options

In dealing with self-determination movements, the United States should focus on human rights above all, Buchanan contended, and make it clear that the best general hope for avoiding secessionist demands is progress on human rights. Both state governments and groups agitating for secession should be put on notice that U.S. support for their cause will be contingent on respect for human rights. Furthermore, since the right to self-determination does not, outside the context of decolonization, include the right to secede, secession must be distinguished from other forms of self-determination. Buchanan suggested that the United States emphasize the different legal and constitutional rights that can be developed within states to facilitate other forms of self-determination. The promotion of these options can create a climate in which states recognize a region's legitimate interest in self-determination without conceding the legitimacy or acceptability of secession.

Options for self-determination, Buchanan said, could include minority cultural rights, various types of self-administration, limited self-government functions, federalization, and possibly group participation in political processes (such as proportional representation or quotas for legislative seats for minority groups). In any U.S. efforts to promote nonsecessionist modes of self-determination, priority should be given to cases in which violent secessionist crises are likely or where the groups seeking self-determination—particularly

many indigenous groups—are the victims of major state-inflicted injustices.

WHEN SECESSION IS JUSTIFIED

The United States should not take the position that secession is never justified, Buchanan maintained, though it should be viewed as the remedy of last resort in response to the most serious kinds of injustices. Secession may be justified when attempts to solve problems through less radical means, such as demands for autonomy, have failed and where the group in question is subjected to gross human rights violations amounting to genocide or is the victim of a recent and clearly unjust annexation of previously sovereign territory. In general, though, the United States, as well as international organizations, should endorse and encourage the view that secession is not a general right of any group but a last resort. The United States should take a firm and unambiguous position against the idea that every people or ethnic group is entitled to its own state, according to Buchanan. In other words, there should be firm rejection of the idea of ethnically “pure” or exclusive states, including of the principle that citizenship rights depend on ethnicity or religion.

Instead of secession, federal or confederal solutions to self-determination demands could be encouraged, especially where “discontent groups” are territorially concentrated. However, Buchanan said, the federal units should not be given the right to secede, even if a majority votes for independence, since that would undermine the incentive for any central government to accept federalization. Similarly, federalism should not be encouraged in cases where the legitimate redistributive functions of existing states would be undercut; for example, if it were to be used by a wealthier region to avoid its obligations of “distributive justice” to the poorer ones. Instead, disputes about resource distribution should be resolved within the political processes of the state and not through separatist strategies, at least if the state meets minimal standards of democracy (i.e., if groups with grievances about resource distribution are not excluded from participation in government).

In cases where less drastic solutions have failed and secession appears inevitable, Buchanan continued, the United States should take a leadership role in regional or international efforts to help develop just terms. This is extremely important, and a good knowledge of mediation processes is essential.

Among the problems to be dealt with would be determination of new borders, renegotiation of treaties, provisions for defense, division of national debt, and, above all, guarantees of minority and human rights. As a condition for recognition of the new states, the rights of minorities within them must be guaranteed, human rights respected, and every effort made to develop democratic institutions, all of which must be open to monitoring by the relevant international organizations. At the same time, Buchanan said, the United States should be prepared to condemn, and even institute sanctions against, any group that declares independence prematurely and any state that recognizes its independence. There is thus a large U.S. role when secession is actually occurring. Generally, the United States must make a distinction between trying to articulate standards for justifiable secession and trying to establish good procedures for controlling damage when secession looks inevitable. And this distinction must be made with the acknowledgment that there is much more agreement in international law and politics on procedural than on substantive fairness regarding all self-determination movements.

SECESSION MUST BE MADE DIFFICULT

Halperin stated that Buchanan's prescriptions would make clear to governments and self-determination movements that there is a definite bias against secession, though opening the option of secession. It seems the United States would be saying to a government that if its repression is great enough, there will be sympathy for a secessionist movement, and saying to a secessionist movement that there will be support only if all other steps have been exhausted. Fuller asked if that meant that there would be American (and international) support for a secessionist drive among the Kurds in northern Iraq. Buchanan responded that there should be international pressure on the Iraqi government to grant some significant but limited self-government to the Kurds, not on the Kurds to push for self-determination.

Before 1990, "human rights" was seen as referring primarily to individual civil and political rights, observed Hannum. Since then, the international community has been increasingly willing to look at minority rights, indigenous rights and the rights to political participation in a more expansive way, meaning that many concerns of groups asserting the right to self-determination are now covered by the human

rights umbrella. Moreover, if the United States is going to recognize a group's secession, it should require that the seceding group agree to respect the same right to secession for all other groups within its territory, a stipulation that could have avoided bloodshed in the former Yugoslavia. It applies also to Quebec—if the right of the Quebecois to secede is supported, then the right of indigenous groups within Quebec to secede must also be supported. In the end, Hannum maintained, it is important to bring pressure to make secession extremely lengthy and difficult, if not impossible, and to make sure that it will have consequences. If, after such difficult steps, secession still results through a rights-respecting process such as would occur in Belgium or Canada, it should be allowed to continue. Most people, Hannum asserted, would not vote to secede if given the choice. Fuller disagreed, asserting that most groups would vote to secede if given a genuine choice. It is precisely those cases where grievances are the greatest that the people are never given a choice.

GROUP VS. INDIVIDUAL RIGHTS

Most self-determination groups do not want to secede, Buchanan contended. At the very simplest level, they want not to be subject to genocide, and then they want to have basic civil and political rights. Beyond that, they want some special rights to self-government. There is a difference, though, between a group whose culture is imperiled because of repression and a culture that simply is not going to survive whatever the circumstances. Many cultures have not survived and many today will not make it—there are currently no international documents or agreements that guarantee the right to the eternal survival of every group. Groups subject to serious repression, Buchanan said, such as indigenous peoples, may be entitled to a special form of self-determination within a state, including proportional representation, home affairs councils, reserved seats in legislatures—many things that, for example, American Indian tribes have. Nevertheless, Buchanan emphasized that individual rights are primary. Group rights are essentially rights of collective decisionmaking that are in many cases exercised by elites claiming to speak on behalf of the rest of the group. Strong group rights are acceptable only within a framework of entrenched individual rights, particularly freedom of movement. There are a few exceptions, however, such as when especially threatened indigenous groups need group property rights.

At the same time, though, even in those cases, respect for individual rights must be encouraged.

HUMAN RIGHTS NOT ALWAYS THE ANSWER

Self-determination movements are not all human rights matters, Goldstein contended. The situation in Tibet, for example, is fundamentally a political and not a human rights problem. If Beijing were to allow monks to hold free demonstrations on behalf of the Dalai Lama it would not end the conflict over the status of Tibet. Tibetans use human rights to gain international attention for their plight, but the real issue is that they want political control of their own territory. Practically speaking, Goldstein asked, what can be done in a case like China? The UN Charter gives certain groups considerable impetus to pursue political rights. The bottom line, however, is that China does not accept universal human rights standards, and no outside country is likely to impose sanctions on China for its refusal to hold a plebiscite in Tibet. Half the world's governments, Goldstein said, are not following the rules laid out by human rights documents, and in the final analysis, when other geostrategic concerns come into play, the United States—and most other countries—will ignore human rights violations. If the suggestions laid out by Buchanan are not going to be enforced in any way, then is not, Goldstein asked, the wrong message being sent out to groups who will believe they can expect United States or international support as long as they follow the rules.

Buchanan replied that the international community should not leave in the lurch those groups that do follow the rules. In the case of China, there is no reason the United States cannot be tougher than it is. Instead, it is now being unnecessarily timid, mainly because of business interests. The U.S. government should stand up to those business interests and, by pressing human rights concerns, China could change—slowly, of course, and not overnight. In the final analysis, China needs the United States—and its markets—more than the United States needs China.

THE “SLIPPERY SLOPE”

Raising human rights concerns brings with it the need to reassure countries that guaranteeing those rights will not lead eventually to their dismemberment through the proverbial “slippery slope.” Many governments fear that if individual rights are sanctioned,

minority rights will follow, and finally demands for the right to secession. Fuller contended, however, that no country can ever be fully reassured that its minorities will never seek to break away, even if their human rights are not being violated. There are general trends of growing national and ethnic awareness throughout the world and the costs of trying to prevent them may in the end prove more destabilizing. It is certainly possible to legislate that the right to secession is not inherent in any federal arrangement, reassuring the central state that increased autonomy for minority groups will not lead to secessionist movements, but in fact the slippery slope does exist, Fuller said, even in such legal federal arrangements. There simply are no guarantees against it, since few states are immune, even those without a history of human rights problems. Even the United States is likely to be touched by this phenomenon, whether through demands from Native Americans, ethnic Hawaiians, or other groups.

Buchanan acknowledged that the precedential problem is very real. There must be created a climate in which states see that good faith efforts to decentralize will be accompanied by assurance from the international community that it will not sanction secession. Sisk suggested providing those countries worried that acknowledging a minority's concern will eventually lead to secessionist tendencies with information on other cases that have worked out successfully, such as in Malaysia or South Africa, pointing out, for example, that federalism does not have to be territorial. Similarly, elections do not have to be set up in zero-sum terms, with the outcome either consolidating the aims of a secessionist movement or preserving the status quo. There are compromises closer to the middle.

The slippery slope problem is very much on the mind of the Chinese, who are convinced that too much autonomy for Tibet will give ideas to the Uyghurs in Xinjiang, among other peoples. The Uyghurs are not as organized and well-known as the Tibetans, but their grievances are similar, and their organization is developing. Fuller questioned why the United States should encourage China or any similarly repressive country to believe that it can repress one group as a means to control another. There is gross repression of human rights in China, against the large population of Han Chinese and minority groups that are not insignificant in size. There are 6 million Tibetans and 8 million Uyghurs—two groups larger already than the populations of many existing countries. Xinjiang is going to be a

problem for China, Fuller asserted, and it cannot be avoided, especially not if China maintains its current policies.

EARLY WARNING

The essential reality beyond human rights concerns, Fuller contended, is that people are simply not happy living inside borders arbitrarily assigned by history. As conditions continue to deteriorate, they will only become more unhappy. States should be alerted that if they do not improve their practices violent secessionist struggles may develop, though even improved conditions may not halt the determination of minorities to seek independence.

The aim should be, then, to recognize problems much earlier, and to attempt to correct them before they reach that stage, Cohen suggested. If the situation reaches the point that the United States is forced to choose between supporting a state's territorial integrity and a minority's right to self-determination, it is already too late—the problem is already too advanced and likely to be accompanied by significant levels of violence. For example, the United States should have dealt with the Ethiopian government before it abrogated its agreement with Eritrea. Perhaps, Cohen said, there should be better reporting from U.S. embassies on problems that could lead to self-determination movements. Such “early warning” information might enable the United States to intervene before violence erupts.

Carley questioned the realism of alerting states to the probable consequences of their repressive policies. In many cases, the government in question is not made up of reasonable actors who would respond—or even care—when told they are going to have serious problems if they continue repressing a minority population. Most such leaders are convinced that they can deal with the situation, which stems only from a few troublemakers, a few terrorists, who can be stamped out with a few more weapons. Furthermore, in many such cases, the United States is tempted to overlook repression, especially in its allies, and then is left to cope with the fallout—such as a secessionist movement—later.

Jefferson concurred that the United States has an unfortunate pattern of becoming beholden to particular regimes for one reason, unable to press them on certain issues, mainly human rights, regardless of when violations are detected. There are many ways, Jefferson pointed out, of reproving countries that do

not respond to concerns about repression and violation of human rights, including sanctions or the denial of most favored nation status. In several cases, however, such moves would be in direct confrontation with our stake in a particular regime. For example, the United States supported the government in the Philippines for many years, despite its repressive nature, and more particularly, its war against the Moros, a rebellious ethnic minority. Similarly, the native Indian population in Guatemala is coming to a self-realization, and is confronting its lesser status in that society. And the American relationship with Turkey has precluded realistic discussion about the Kurds.

In fact, Jefferson continued, among the four cases discussed, in all but the case of the Kurds, the United States witnessed an egregious violation or abrogation of a previously agreed-upon arrangement. In the Ethiopian takeover of the Eritrean parliament in 1962, the Indian government's reneging on the 1947 agreement with Kashmir, and the Chinese takeover in Tibet and subsequent violation of the Seventeen Point Agreement, the United States essentially chose a policy of benign neglect. The action was not necessarily recognized, but neither was it loudly condemned or responded to. The lesson, then, is that the United States should look more closely at the consequences of ignoring breaches of agreements, since it was the violations that caused the problems in the first place. The United States, Jefferson said, should be more willing to see the longer term implications of these abrogations. In Eritrea, for example, the United States should have been able to see that serious trouble would erupt after the Ethiopian *Anschluss*. Eritreans were a largely educated people, and there was considerable industry in the area, making it by far the most developed region in the country. For the United States to think that Ethiopia could simply “gobble it up” without any consequences, Jefferson said, was, at the very least shortsighted.

Nevertheless, there are tremendous bureaucratic obstacles to improving early warning capacities, cautioned several State Department representatives. The issue is one not only of ideals versus realpolitik, but also of simple timing. Every diplomat is faced with immediate short-term and long-term goals in dealings with any foreign government. The reality is that, unless an issue is crucial at that moment, it gets sacrificed to the issues of the day. Something that might be a problem only in the long run is not going to get the attention it might deserve. Nor would it be practical to include early warning on potential self-determination

conflicts in the State Department's annual human rights report, already overloaded with reports on numerous other special interest issues. At the same time, however, those reports could be used much more thoughtfully as a source of information on the kinds of human rights problems that tend to lead to the development of secessionist movements. There should be more discussion of how current human rights problems, as outlined in those reports, can affect long-term U.S. interests.

THE NEED TO OUTLINE GOALS

Hannum disagreed with placing greater emphasis on early warning, saying that countries in which conflicts are likely to occur can be identified fairly easily. The United States must first determine its goals and enunciate precisely what it wants to achieve. If the goal is, for example, to prevent violence, then allowing one side in any particular conflict to win might be the best response—and there would, for example, be a greater Serbia now. Other possible goals are the promotion of human rights, democracy, ethnic self-determination, or economic interests. The goal of U.S. foreign policy is more than just the avoidance of conflict; there must be other values, and they should be articulated more directly. Sisk agreed that in dealing with insurgencies, the United States should determine whether it wants to focus on outcome—that is, whether a group's self-determination should be recognized—or on the negotiation process by which parties discuss their differences. He suggested that the latter is the best option, but the United States must set this goal and pursue it. The focus should be on process, without losing sight of outcome.

Jefferson also stressed the need for the United States to formulate some underlying basis for its policies. Throughout U.S. history, especially before and immediately after World War II, American policy was imbued with unambiguous support for self-determination. For example, during the war, the United States clashed with the British on the issue of self-determination for India, and it maintained numerous forces in Iran to keep it from Russian or British domination. Furthermore, self-determination runs throughout the Atlantic Charter. It is thus very much a part of American intellectual history. For strategic reasons, Jefferson asserted, the United States has moved far away from that position, but the fact that the United States

had a great role in propelling the self-determination right to prominence cannot be ignored. Without a fundamental underlying basis for its foreign policy actions, “the United States is liable to find itself with a batch of ad hoc policies of convenience.”

Cohen contended that it is not possible to avoid a case-by-case policy. There are simply too many variables and too many competing U.S. interests for an all-embracing principle. Goldstein concurred, noting that in order to deal realistically with minority groups' aspirations in the next twenty years, the United States is going to have to approach them on a case-by-case, ad hoc basis. The United States can take a hard-line position on behalf of a particular group and can agonize over moral values and other interests, but if it is not actually going to do something to help, hard-line pronouncements of support are likely only to cause harm. As Goldstein said, unless the United States is willing militarily to back independence for the 6 million Tibetans, it does not help to grandstand on their behalf.

Moreover, U.S. leaders are eventually going to have to deal with the contradictions between the two branches of government on foreign policy interests—between what is said in Congress and what comes from the White House and the Department of State—or the problems and inconsistencies will continue and worsen. Solomon concurred, noting that the realpolitik and “moral politik” aspects of U.S. policy are sometimes reflected respectively in the administrative and legislative branches of the U.S. government. Tibetans are extremely sophisticated at “working the Congress,” and, as a result, the United States does indirectly give encouragement to those who want self-determination, though their aspirations will ultimately fail to gain active U.S. military support.

Nonetheless, there is still a need for heightened U.S. leadership, Scheffer said. In several of the African cases, there was enthusiastic response to a strong U.S. leadership role, even when not accompanied by foreign aid or weapons. U.S. diplomatic clout has made a difference. Long before secession is an issue, there must be a recognition of the need for power sharing or local autonomy arrangements. Obviously it is not possible to send envoys everywhere and not always helpful to play an open role, but where the United States does have access, it should do everything possible to make its influence felt, if only through diplomatic channels.

7

CONCLUSION

Despite the need, outlined initially by Steinberg, to develop a set of tools to cope with the self-determination phenomenon, it was apparent from the first meeting and confirmed by the second that it is unlikely that an overriding guiding principle for U.S. policy toward self-determination movements will soon emerge. When the issue is viewed as more than an abstraction and specific cases are analyzed, it becomes clear that there is simply no all-embracing remedy for this extremely complex and multifaceted problem. Every suggestion or proposal offered as a guiding principle can be opposed or found inadequate from a variety of directions. Moreover, the need for the United States to define specific and overarching goals in relation to self-determination is equally complicated and infeasible. The desire to outline goals falls victim to the need to juggle a host of American interests that vary from country to country. As a result, contradictions in U.S. policy are inevitable. U.S. policymakers should be mindful of this before succumbing to the temptation loudly to proclaim overarching principles when referring to any one particular self-determination movement.

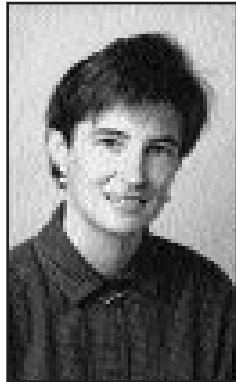
Ideally, the international community would have in place early warning or detection capabilities that could draw attention to a group's plight before its members are driven to use violent means to seek self-determination. Certainly it would be possible for the

United States and other states to react if a group's autonomy rights, previously guaranteed, were pointedly denied by a central government. However, setting up and monitoring early warning capabilities require more time and money from an already overburdened and cash-strapped United Nations, or new financial resources from member states.

Most roundtable participants agreed that secession should be seen only as a last resort, even in the face of gross human rights violations, and secession should be made as difficult and undesirable as possible by the international community. That addresses, at least in part, the matter of which solution will be supported when a group agitates for self-determination. At the same time, it remains problematic that a group or people should have to experience serious human rights abuses to the extent of genocide before secessionist demands are considered. If the choices are to entertain a secessionist movement's demands or witness the massive repression and even murder of a particular minority group, many may come to feel that the international community is currently on the wrong side.

The brightest note in this otherwise troubling issue is that the democratic imperative as a guiding rule for domestic politics is taking root in the international community as never before. This does not necessarily mean that there are many more genuine democracies in the world than in the past, but there is definitely a growing sense in many countries that they should be. The democracy essential harks back to Steinberg's point that governance is key, that the existence of legitimate democratic institutions is a necessary—if not crucial—element in finding a peaceful, nonsecessionist solution to political, social, and cultural grievances. The new democratic current, which has yet to develop fully—indeed, is not even a decade old—may prove to be the only nonviolent context in which the right to self-determination can be managed.

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Peaceworks No. 16. First published July 1997.

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