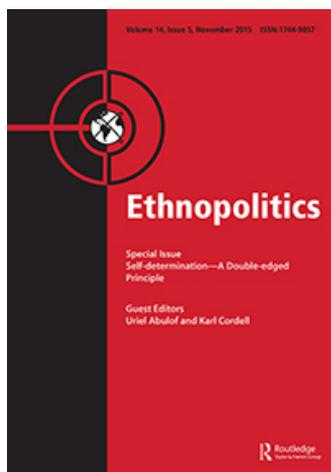


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Self-determination: The Democratization Test

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Self-determination: The Democratization Test

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ABSTRACT Self-determination is the process by which people, who are governed by a foreign power, gain self-government. Often the people first form a sense of community—a sense of a shared identity, destiny, and core values—and then seek to invest those in a state, forming a nation (defined as a community invested in a state). The term self-determination is also used to refer to the normative principle that is evoked to justify breaking away from the old regime to form a new one.

Self-determination was first recognized as a principle of international law by Article 1 of the UN Charter, which calls for ‘friendly relations among nations based on respect for the principle of equal rights and self-determination of peoples’ (United Nations, 1946). The 1966 UN Covenant on Economic, Social and Cultural Rights defines this principle as the right of peoples to ‘freely determine their political status and freely pursue their economic, social and cultural development’ (United Nations General Assembly, 1966). Self-determination was popularized by US President Woodrow Wilson in his wartime speeches, with six of his ‘Fourteen Points’ implicitly based on the concept (Pomerance, 1976; Raic, 2002, p. 181). Prior to the formation of the UN, self-determination failed to gain recognition in international forums such as the League of Nations, as it threatened the interests of existing colonial powers (Kirgis, 1994).

Demands for national self-determination have served a large number of people in rising against colonial powers and in breaking up empires to form their own states and nations. The USA and Latin American wars of independence against the European colonial powers provided important precedents of self-determination. Following the French Revolution and the related rise of nationalism, minority demands for self-determination undermined the Austro-Hungarian and the Ottoman Empires, which collapsed after the First World War. As nationalism spread outside Europe, aspirations towards self-determination inspired the liberation movements that ended the British, French, Spanish, Portuguese,

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and other empires in the mid-twentieth century, creating scores of new independent nations.

Given that in each of these instances, native people (often of colour) were able to wrest control of their lives from foreign powers who had occupied or controlled their lands and exploited them (though sometimes helping them develop economically and sometimes politically), self-determination has been long associated with democratization and hence considered a major liberating force and principle. The last major wave of self-determination occurred when the USSR fell apart (One may add the disintegration of Yugoslavia).

Since the end of the imperial period, and especially in the twenty-first century, the democratizing effects of self-determination—when actually effected or merely fought for—have been far less clear. Six brief case studies—three of actual secession and three of potential secession—will illustrate this point. In all of these cases, the situation is complicated by other factors including historical grievances and superpower conflicts. However, the question of concern here is narrow: whether self-determination has achieved, a more democratic representation of the affected people. After all, if people break away from a democratically governed society and then become oppressed by people of their ‘own kind’ no true self-determination is achieved. In evaluating democratization, I draw on widely used metrics such as those of ‘Freedom in the World’ and Economist Democracy Index.

The Freedom of the World Index, which began in 1972, rates countries on a scale of 1 (most democratic) to 7 (least), averaging the two indexes of political rights and civil liberties. The Economist Democracy Index, which was first produced in 2006, rates countries from 0 (least democratic) to 100 (most), based on five indexes: (1) electoral process and pluralism, (2) civil liberties, (3) functioning of government, (4) political participation, and (5) political culture. While these metrics have been criticized (e.g. Campbell, 2008), they suffice for the purposes at hand.

Czechoslovakia and Slovakia

In January 1993, Slovakia separated from Czechoslovakia, which then became the Czech Republic. While providing self-determination to the Slovaks, this split was a setback for democracy. Where Czechoslovakia improved its rating on the Freedom House’s index from 6 to 2 following the end of communism in 1989, rapidly implementing free elections and freedoms of press and association, Slovakia fluctuated between 2.5 and 3.5 over the next half decade, failing to achieve pre-secession levels of democracy until 1989.

Czechoslovakia was an Eastern European state with that existed in the years 1918–1938 and 1945–1993. Its two major national groups, the Czech majority and Slovak minority, had different but mutually intelligible languages. Having spent the Cold War as a Soviet client state, Czechoslovakia returned to democracy with the 1989 Velvet Revolution. Its peaceful division in 1993 was rooted in several factors. First, Czech and Slovak nationalism had been kept in check, but not erased, by the communist rule, and played a role in the breakup. Second, Slovaks felt that they lacked ‘equality and visibility’, both in the material sense that they were underrepresented in government institutions and lacked political leverage and in the symbolic sense that their identity was hyphenated as ‘Czechoslovak’ and often abbreviated by outsiders as ‘Czech’. A third factor was economic—the Czech leadership eagerly pushed for economic liberalization to accompany democratization, but the Slovak economy was more vulnerable to the disruptive impact that policy

would have entailed, leading Slovaks to prefer more gradual transition. Resisting Slovak political and economic demands, the Czech leadership instead presented the Slovaks with an ultimatum: ‘either a Czech-Slovak state with a strong central government and radical economic reforms, or no [unified] state at all’ (Hilde, 1999). The failure of both sides to compromise ultimately led to the breakup of Czechoslovakia in January 1993.

As shown by the Freedom House index, self-determination in this case was a setback for democracy, at least in the short term, for several reasons. First, despite (or perhaps because of) widespread popular support for unity, independence-minded leaders on both sides blocked President Vaclav Havel’s call for a popular referendum, choosing to break up the state without a democratic mandate (Roxburgh, 2014). Second, the transition from a multi-ethnic state to a Slovak nation-state was problematic from a democratic standpoint. Almost 10% of Slovakia’s population is Hungarian, leading to tensions over language and ethnicity that affect relations with neighbouring Hungary, and an additional 5–8% of the population belongs to the Roma minority (Puhl, 2009). Third, newly independent Slovakia lacked the historical experience and institutions of statehood, leading political elites to fight over procedure rather than policy (Szomolányi, 2003). During Slovakia’s first decade of independence, the country was led by a ‘series of coalitions between nationalist and populist parties’ and witnessed an initial regression of democracy, including ‘violations of minority rights, misuse of the secret service, and corruption’ (Freedom House, 2012).

Crimea, 2014

Following a controversial referendum on independence, the northern Black Sea peninsula of Crimea seceded from Ukraine and sought annexation by Russia. It can be viewed as a case of quest for self-determination for Crimea’s Russian majority; however the annexation is a setback for democracy, given that Russia’s scores on the Freedom House and Economist democracy indexes of 5.5 and 37, respectively, are significantly worse than those of Ukraine (3.5 and 59, respectively).

An independent Muslim state founded in 1449, Crimea was conquered by Russia in 1783, became a Soviet Republic in 1921, and then became a region of Ukraine in 1954, where it remained following Ukrainian independence in 1991. Ukraine officially recognized Crimea’s constitutional status as an Autonomous Republic in 1998 (State Council of the Republic of Crimea 2009). According to a 2001 census, Crimea’s population is approximately 60% Russian, 24% Ukrainian, and 10% Crimean Tatar or Turkic Muslim.

In 2014, following a series of protests that unseated Ukraine’s pro-Russian president, and a covert Russian military incursion into Crimea, the Crimean parliament held a successful referendum on secession from Ukraine, leading Crimea to declare independence and successfully request to join the Russian Federation. However, the referendum and secession were not widely accepted abroad, due to concerns that the referendum was neither free and fair (given the presence of Russian troops) nor valid under international or Ukrainian law.

Most relevant to the discussion at hand, even under the assumption that most Crimeans did prefer to join Russia, the annexation still bodes ill for democracy in Crimea. True, Ukraine is a defective democracy. The advocacy group Transparency International rates Ukraine among the most corrupt countries in the world, with a rating of 25 (100 being ideal). Corruption pervades the political class, the business environment (Business

Anti-Corruption Portal, 2014), the judiciary, and even the military (Chayes, 2014). Anti-democratic right-wing groups have considerable influence over the government, and the 2014 repeal of a language law allowing the use of Russian in official context, though subsequently vetoed, alienated Russian speakers and met with some criticism from the EU (Ghosh, 2014). Indices of democracy rate Ukraine as ‘partly free’ or a ‘hybrid regime’ between democracy and authoritarianism (Freedom House, 2015e). Ukrainian democracy is bolstered, however, by its engaged civil society and largely non-violent protest movement, both in the Orange Revolution of 2004 and the unrest of 2014 (Karpyak 2013; Lagon, 2014).

Most relevant, the state of democracy in Russia is much worse. The political opposition is impotent and repressed, and Russia’s rating in democracy indexes has declined during Vladimir Putin’s 14 years in power from a ‘hybrid regime’ like that of Ukraine to thinly veiled authoritarianism (Freedom House, 2014). Thus, Russians in Crimea may derive emotional and cultural satisfaction from the annexation, but their prospects for democratic accountability are worse. Crimea’s substantial Ukrainian (24%) and Tatar (10%) minorities have gained neither self-determination nor democracy.

Pakistan 1947

In 1947, as the British colonial rule ended, part of what was previously colonial India (the British Raj) became Pakistan. While decolonization clearly advanced self-determination, and the creation of Pakistan provided additional self-determination to some of India’s Muslims, partition was harmful to democracy, inciting a series of wars and intercommunal strife, and creating a religion-based state that scores much worse on indexes of democracy. Freedom House rates Pakistan Partly Free in 2015 with a rating of 4.5 (Freedom House, 2015b), down from 4 in 1973 (Freedom House, 2015d), while rating India ‘free’ with a rating of 2.5, unchanged from 1973. The Economist rates Pakistan 46, compared with a more democratic 75 for India (The Economist Intelligence Unit, 2013). British influence in India dated back to the seventeenth century, and Britain formally ruled India from 1858 in 1947. In the face of Indian nationalism, Hindu–Muslim tensions, and its own financial distress, Britain agreed in 1947 to grant independence to the subcontinent—but as two states, India and Pakistan, divided on the basis of religion. This decision marked victory for the ‘two-nation theory’ (according to which religion rather than ethnicity should form the basis for Indian nation-states) and satisfied both major independence movements, the Indian National Congress and the Muslim League, but Gandhi and some prominent Muslim leaders opposed it.

While independence from the British Empire promised both self-determination and democracy for the inhabitants of the subcontinent, the partition into two states had considerable adverse consequences. British India was diverse, and its religious groups were not homogeneously distributed. As a result, the imposition of Indian–Pakistani borders was arbitrary, dividing the provinces of Punjab and Bengal and creating a Muslim population in India larger than that of Pakistan, and East Pakistan (what would become Bangladesh) was separated from West Pakistan by India—following a wave of ethnic cleansing and genocide that displaced some 10 million people and killed up to a million, laying the basis for a series of Indo-Pakistani wars, the bloody secession of Bangladesh from Pakistan, and a nuclear arms race.

More relevant to the question of democratization, the elevation of religion as the basis for nationhood, particularly in Pakistan, but also to some extent in India (Varshney, 1993), had adverse implications for inter-ethnic and sectarian relations. As an Islamic Republic, Pakistan's constitution and legal system restrict religious freedom (U.S. State Department, 2012), violence against sectarian minorities is rife (Hassan, 2014), and state sponsorship of religiously motivated terrorism destabilizes Pakistan and undermines democracy (Khan & Salman, 2012). India, thanks in part to the more pluralistic and democratic foundations of a secular rather than religious state, is more democratic, but its Muslim minority suffers from discrimination and poor integration (Baker, 2008).

Iraqi Kurdistan

If the Kurds in Iraq would be granted independence, under current 2014 conditions, this would be a case where self-determination would bolster rather than set back democratization. As a semi-independent state with its own military forces, oil reserves, and diplomacy, the Kurds have achieved greater stability and democracy than the rest of Iraq, and formal disengagement from Iraqi politics would allow them to better consolidate democratization and governance reform.

Iraq's Kurds gained a measure of autonomy from Baghdad following Saddam Hussein's campaign against them in the 1980s and the 1990–1991 Gulf War, which led to the imposition of a no-fly zone in northern Iraq. In 1992, Kurds formed the Kurdistan Regional Government (KRG) and a two-party electoral democracy, the Kurds' position improved further following the 2003 US invasion. Iraqi Kurdish democracy is flawed but improving, with free elections and a relatively free press on the one hand, but corruption, patrimonialism (e.g. Natali, 2010), and violence against journalists on the other (Chomani, 2014; Gatehouse, 2012; Hawez, 2014; Hawramy, 2012). Its prospects are improved by the emergence of a reformist political party, Goran, to challenge the two-party political establishment (BBC, 2010).

By contrast, the Iraqi state has poor democratic records. Democracy indices rate it somewhere between a hybrid and authoritarian state, with a Freedom House score of 6 and an Economist Democracy Index score of 41 (the KRG, as a regional government, is not rated) (Freedom House, 2015a; The Economist Intelligence Unit, 2014). Introduced under US pressure rather than indigenously developed, Iraq's constitution and democratic institutions are poorly suited to its sectarian realities (Jawad, 2013). Democracy and pluralism regressed further under the authoritarian and divisive rule of Prime Minister Maliki, who used Iraqi security forces to violently oppress minorities. (While Maliki was replaced in 2014 by the less divisive Haider al-Abadi, there is still no effective Sunni representation in the Iraqi government). Iraq's rating on democracy indices did not change significantly from 2013 to 2014–2015 (Freedom House, 2015d). Under such circumstances, Kurdish self-determination, even if it preserves the KRG's flaws, will lead to a more democratic outcome for the Kurds, not only by allowing the Kurds to focus on their own political development, but also by fulfilling a popular mandate—98% of Iraqi Kurds voted for full independence in an unofficial 2005 referendum (Salih, 2014).

So far, we have examined briefly four cases to illustrate the differences between situations in which self-determination leads to more democratization—a vital element of genuine self-determination—and in which it has the opposite effect. We turn next to

examine situations in which pressures to secede in order to gain self-determination were treated instead by providing more regional autonomy.

Canada and Quebec: Successful Adaptation

In 1980 and 1995, the French-speaking province of Quebec held referendums in which voters decided against secession from Canada. Self-determination would not have been a favourable result for democracy, as Canada is already one of the world's most democratic countries and one in which the rights of minorities are well protected. France began to colonize North America in the seventeenth century, establishing a French-speaking presence in what are today the eastern Canadian province of Quebec and the US state of Louisiana. Britain took control of Quebec during the Seven Years' War (1754–1763) and incorporated it into the majority English-speaking, semi-autonomous Dominion of Canada in 1867. Canada in turn gained legislative independence in 1931 with the Statute of Westminster and full sovereignty from Britain in 1982.

While Canada developed as a British colony and remained part of the British Commonwealth after independence, Quebec retained a French-speaking majority and a distinct culture.¹ Rising dissatisfaction with this arrangement led to the emergence of the independence-minded Parti Québécois in 1968. Despite winning the 1976 provincial election, the party failed to secede from Canada, as voters in a 1980 province-wide referendum rejected its proposed 'sovereignty association' with Canada 40–60%. The Parti's second effort, a 1995 referendum calling for more straightforward independence, also failed, though by a smaller margin of 49–51%. Support for independence declined thereafter and remains limited today (Argitis & Tomesco, 2014).

In part, this is because Quebec gains materially from staying a part of Canada through the system of equalization payments—whereby wealthier provinces such as Alberta subsidize less wealthy provinces such as Quebec—which was introduced in the 1950s and constitutionally mandated in 1982 (Government of Canada, 1982). Quebec was also allowed to introduce various measures that enable it to retain a distinct, French-style legal system (Government of Quebec, 2015) and French language rights (Government of Quebec, 2013).

Secession from Canada cannot further democracy in Quebec as Canada is one of the most democratic countries in the world, with the highest rating of 1 in Freedom House's Freedom in the World Index (Freedom House, 2015c), and ranked the 8th most democratic country in the world by the Economist, with a rating of 9.08 out of 10 (The Economist Intelligence Unit, 2013). It seems that increased autonomy for Quebec allowed its citizens to both gain more self-determination and gain so without secession and without a loss of democracy.

Catalonia and Spain

Spain faced increasing secessionist pressures from one of its wealthiest provinces, Catalonia. Spain is highly democratic, so Catalan self-determination would not substantially contribute to further democratization, but Spain has not sufficiently addressed Catalonian concerns for more regional autonomy. Spain is highly rated in metrics of democracy, with the highest score of 1 in the Freedom House's index. In recent years, however, Spain's rating by the Economist Democracy index has declined (a rating of 8.02 out of

10) almost to the point where it is categorized as a ‘flawed democracy.’ Its highly rated electoral process and civil liberties are offset by poor functioning of government and political participation, due largely to ‘the erosion in sovereignty and democratic accountability associated with the effects of and responses to the Eurozone crisis’ (The Economist Intelligence Unit, 2014).

Catalonia is a northeastern region of Spain along the French border, and has been part of Spain since the union of Castile and Aragon in the fifteenth century. With a distinct language, flag, and culture, Catalonia has had a tensed relationship with the Spanish state, joining wars against Spain in the seventeenth and eighteenth centuries and facing restrictions on its language and autonomy under both the monarchy and the Fascist regime of Francisco Franco (1936–1975) (Burgen, 2012). Following the restoration of democracy, the 1978 Spanish Constitution recognized the right of ‘historical nationalities’ such as the Basques, Catalonia, and Galicia to autonomy (Luis, 2009), and this right was implemented for Catalonia in the 1979 Statute of Autonomy (Editorial, 2010). This arrangement failed to stem popular demand for greater autonomy in Catalonia, however, particularly given that, unlike Quebec, Catalonia pays more in taxes to the central government than it receives in benefits (Desquens, 2003). Pro-secession sentiments further increased in 2010, when Spain’s Constitutional Court struck down parts of an agreement to grant Catalonia additional autonomy that had been negotiated between the Catalan and Spanish parliaments in 2006 and approved in a provincial referendum (Blitzer, 2012), and in 2012 when the central government denied Catalonia’s demand for control over its own tax revenue (Cala, 2012). While Spain has denied Catalonia the right to hold a formal independence referendum, the province held an informal referendum in November 2014 in which 80% of voters backed independence (Minder, 2014). In February 2015, Spain’s constitutional court ruled illegal both that informal referendum and Catalonia’s plans to proceed with a formal referendum in 2015 (Welle, 2015). In short, Spain is insufficiently accommodating Catalonia’s quests for more autonomy and may thus lead to secession.

Conclusion

I cannot stress enough that in each case other considerations apply, such as historical grievances or effects on conflicts between superpowers such as the USA and Russia. The discussion here is strictly limited to the question of whether self-determination enhances or in effect diminishes self-government and whether it has or can be treated by granting more regional autonomy.

Given the questionable benefits of secession in the current, post-colonial international system, the principle of self-determination should be viewed as detrimental when it leads to less democratization, (e.g. in the case of Slovakia and Crimea) and as beneficial when it leads to a significantly higher levels of democracy (e.g. in the case of East Timor and the Kurds) (Etzioni, 1992). In cases of secession from a pluralistic, liberal democracy, the normative merits of secession are highly questionable.

Furthermore, in cases where regional minorities hold that a democratic central government is not responsive to their needs, increasing regional autonomy or moving from a unitary state to a federal one may better achieve democratic self-government than secession (Etzioni, 1992). Such decentralization seems to have been carried out fairly successfully in Canada but much less so in Spain. Given the failure of the Scottish independence

referendum in 2014, followed by the pro-independence Scottish National Party's strong showing in the subsequent 2015 British parliamentary elections, it remains to be seen what the course and impact of self-determination in the UK will be.

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Note

1. More specifically, 80% of Quebec residents speak French as their primary language, with most of the rest having it as a second language (Statistics Canada, 2014).

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