National Self-Determination and Justice in Multinational States

by Anna Moltchanova

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National Self-Determination and Justice in Multinational States

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Introduction

Centers of political and military influence in world politics change, as the fading away of the bipolar arrangement of the Cold War has made clear. But regardless of whether one or two great powers or a coalition of states dominates international politics, there ought to be a set of norms that allows us to evaluate the actions of governments and individuals in the international arena from a moral standpoint. Labeling an action or a policy as morally wrong cannot prevent it, of course, but moral norms have some power to shape individual and group actions, even if these actions consciously counter the norms. When both the citizens of a state and outsiders are able to evaluate the moral status of state actors by reference to an established moral ideal, they can find a way to mobilize around the moral ideal and make it known to those who violate that ideal that their actions are wrong. Establishing a moral foundation for international relations would also demand consistency: if actions are to be prohibited for one type of group actors and allowed for others, the norms behind these regulations would need to be aligned.

From a moral standpoint, human rights are a set of inviolable standards of international and domestic politics. Many governments of the world fail to respect them, however, and individual enjoyment of this basic entitlement depends on what group one belongs to, which is itself a function of the vagaries of personal and societal history. The country one is born into, its geographical location and political and economic fortunes, often are not and cannot be chosen. Some may say that because all individuals enjoy benefits or are denied benefits on the basis of their group membership, the goal of the international community should be to minimize the influence of the historical contingencies that determine group membership and bridge the gap separating individuals around the globe from the pursuit of a decent life. If we wish to do away with the inequality of persons worldwide, however, we must find a principled way to determine what contingencies ought to be addressed and under what circumstances. This requires a set of norms subsidiary to the universal standard of human rights but nonetheless moral in nature.

Determining under what circumstances national belonging matters to the exercise of human rights enables us to attend to a number of factors relevant to individual quality of life: being Croatian or Serbian does not matter that much in the sense of affecting one’s political activity if one lives in Canada or the United States, for example, but it matters a great deal if one lives in Bosnia. More important, if
we treat individuals as moral agents, not simply as moral recipients, we need to account for their preferences for group membership and consider the nature of their present engagement with the group under which they live and whether it is voluntary. Finally, every contingent framework can easily acquire normative features if considered in terms of the relations of individuals. Being born in a certain territory and enjoying remaining there is contingent. If others claim the territory as their own, then one’s decision to remain there or, even more, one’s claim to possess a right to do so is a contingent event that acquires a normative dimension. When individuals advance competing or conflicting claims—any claims that affect others—they may explicitly support the claims using a norm or standard that endorses the kind of relationship to others that they wish to maintain or achieve. This background norm or standard needs to be evaluated at least in relation to the standard used by the other party or parties against whom their claim is advanced. If competing claims to territory are not made with explicit reference to a standard, the claims’ very advancement implies that the individuals who advance them rank their own entitlement higher than that of others. Thus, the basis for the entitlement to the right to the territory or its absence is moral in nature.

That individuals’ preferences to be included in the group of their choice ought to be respected does not imply that groups should be unimpeded in the aspects of their functioning that violate their members’ human rights. Specifying what facet of group existence must be regulated to safeguard group members’ human rights requires us to pay special attention to group constitution. Groups are constituted through the modes of their members’ interaction. To alter a group’s influence on its members, we need to alter the mode of their interaction, and for a change to be lasting, group members must cooperate and embrace it. An effective change cannot be produced by a third party alone, even if it is motivated by the quest for justice. It needs to engage the group members on the right terms. Determining what these terms are is the task of a theory of international justice.

In this book, I propose an element of such a theory, focusing on membership in national groups. The basic intuition that I develop and defend in this book is that national groups are collective agents (or “group agents”) of a certain kind. Given that group agents may take shape or interact in ways that threaten the rights of members or nonmembers, we need to determine which modes of organization are acceptable and on what terms groups agents should interact. Because groups formulate their demands upon others using the discourse of rights, even engaging in war over these “rights” in the worst-case scenario, we need to define a principled basis for group entitlements in conflicts between national groups. Only a set of norms concerning groups’ status in relation to the rest of the world can provide the international community with an idea of the proper state of affairs to which the warring groups ought to be restored. This is not a simple task, because warring groups often aspire to control a contested territory. For the sake of world peace, such territories need to be governed efficiently and justly, and setting the terms of acceptable group interaction is vital to achieving this goal. One precondition for encouraging a group to cooperate, I argue in this book, is to ensure that its status as a world actor or within its political community is determined in accordance with the particular
shared good around which the group is organized, whether it be territory, language, religion, culture, political rights, or something else.

Substate nationalism, especially in the past fifteen years, has noticeably affected the political and territorial stability of many countries, both democratic and democratizing. The United Kingdom and Fiji, Spain and Russia, Canada and the former Yugoslavia, and many other states have encountered problems, from political crisis to long-lasting asymmetrical warfare, caused by stateless national groups’ advancing self-determination claims. Because most states are multinational—that is, they have more than one national group living within their boundaries—the challenge of accommodating multiple claims to self-determination within a single territory is unlikely to diminish in the future. It would be impractical for every national group to acquire a state of its own, and international law does not normally permit stateless national groups to secede, yet they are usually not willing to give up their claims to self-determination, especially given the high value placed on the acquisition of independent statehood, which is normally associated with the realization of self-determination in the current international context.

Secessionist movements are a typical but extreme challenge to the stability and territorial integrity of multinational states. The pursuit of self-determination by secessionist national groups often leads to protracted conflicts accompanied by severe deterioration in the political and economic situations of secessionist regions, sometimes leading to total paralysis and the groups’ failure to effectively govern themselves. We have seen such a situation develop in Chechnya, for example. A widely accepted framework for the consideration of such conflicts that is based on the norms of international law regards wars of secession as matters internal to the host states or, if more than one state is concerned, as matters to be dealt with by the recognized state units involved. The secessionist claims of Abkhazia and Southern Ossetia, for example, have been treated as matters internal to Georgia or, when there is Russian covert involvement, placed in the context of relations between Russia and Georgia. This perspective treats Georgia as the legitimate state in the conflict because Georgia was a union-level national republic in the former USSR, while Abkhazia and South Ossetia were its autonomous national republics. This historical classification established a hierarchy that continues to be respected by international law. But the very ranking presupposes that the ranked units are separate national groups, and this important constitutive feature should figure in the perspective on the conflict between Abkhazia and Georgia or Southern Ossetia and Georgia taken by the international community.

In addition to secessionist claims, federations currently face a number of other problems related to substate groups. The advantages and prerogatives that minority nations can acquire within a federal system are affected by the internal composition of their federal state. Many federations are mixed: they contain national and territorial subjects. The Russian Federation, for example, includes both territorial-administrative and national units. All eighty-nine subjects of the Russian Federation were considered equal in the federal treaty signed after the fall of the Soviet Union. In reality, however, the status of the national and territorial-administrative units is different. Many of the twenty-one national republics have
declared themselves to be sovereign states within the federation. “Sovereign” here has a specific and historically defined meaning. The former Soviet (union-level) republics nominally retained their sovereignty through the constitutional right of exit. Others (non-union-level republics) only qualified as national minorities with various levels of self-government (as autonomous republics, regions, and districts) within the boundaries of the union-level republics and were not sovereign.

Should territorial and national subjects in federal states receive differential treatment? The clear but hierarchical definition of various national groups in the former USSR constructed the official evaluation of their status as just, but it was not always perceived as such by the groups themselves. The hierarchy of nationalities, a cornerstone of Soviet national policy, was clearly arbitrary (Armenia, for example, was a union republic, while Bashkortostan, which is comparable in size, was only an autonomous republic). Mikhail Gorbachev, just before the fall of the Soviet Union, tried to elevate the status of some autonomous republics to the union republic level and thus acknowledge their sovereignty. On April 26, 1990, the Supreme Council of the USSR issued a law on “the division of powers between the USSR and the subjects of the federation” that gave equal legal status to union-level and autonomous republics. The latter acquired a right to interact with the federal authority directly, rather than through their host union republics. The autonomous districts and regions, still acknowledged by the Soviets to be a lower level of national identity, were now required to have treaty-based relations with their republics, which elevated their status as national groups. While this move was prompted by the autonomous republics’ desire to sign the USSR treaty, Boris Yeltsin wanted them to sign the Russian federal treaty instead. In the end, the USSR fell apart, and the republics signed the Russian Federation’s federal treaty. Thus, when the USSR was disbanded, the former autonomous republics of the Soviet Russian Federation became the national republics in the present federation. Their constitutions demand a significant degree of independence from the Russian federal state: Tatarstan’s constitution considers the federal law void if it contradicts treaties the republic has signed with other subjects of the federation, while the constitution of Sakha grants its legislature the right to ratify federal laws before they acquire force in the republic. The territorial-administrative units (49 oblasts, 6 krai, and 2 cities), on the other hand, do not have the statelike status of the national republics in either internal or international relations, and they perceive that the sovereignty of the republics puts them in an unequal position in the federal state. In the course of the 1990s, some of them attempted to elevate their status by declaring themselves republics. Adding to the confusion, the Federal Constitution says that neither the federal treaty nor the republics’ own constitutions determine their status and that the republics are not sovereign. Thus, what the groups that perceive themselves as national can in principle claim and how they can justifiably relate to the territorial units are open questions.

As the example of the Russian Federation demonstrates, while historical factors such as power asymmetries and the role of previous political leadership causally define groups’ present status, the historical demarcation of groups is dynamic and often unhelpful in identifying group agents in present-day conflicts. Moreover, the
intentions of group agents adjust to and often escalate based upon their officially recognized status.

In addition to the status struggle with the federal state and the territorial districts, the national republics of the Russian Federation inherited the problem of “substate” nationalities, wherein formerly autonomous districts and regions have become their national minorities. What needs to be determined is, first, whether there is any difference in principle between territorial and national subjects of federations that can justify the special status of national republics in the Russian Federation and, second, whether differences in size and historical standing among national groups in a federal state, such as the present division into national republics and national minorities in the Russian Federation, warrant differential treatment based solely on these factors.

One approach to national minorities is offered by the Council of Europe’s Framework Convention for the Protection of National Minorities. It introduces norms for the equal treatment of individuals from both national minorities and majorities before the law and in economic, political, and cultural spheres. In this document, the essential elements of national minorities’ identity are considered to be religion, traditions, language, and cultural heritage. The rights that the convention aims to promote are given to individuals and not to groups, although it acknowledges that individuals can enjoy their rights “in community with others.” The convention does not address self-determination claims, however, and thus it does not provide a fully adequate response to the demands of minorities.

To settle problems related to the status of various groups presently referred to as “national” in relation to one another and to arbitrate the various claims of minority national groups, including the claim to self-determination, we need to decide which groups possess a moral right to self-determination. Substate groups’ perception of unjust treatment is warranted only if substate and state-endowed national groups are similar kinds of communities—if, in other words, both are “nations” with a moral right to self-determination. And even if substate groups are in principle entitled to the same treatment with respect to self-determination as state-endowed groups, it may still be the case that they cannot be afforded that treatment due to pragmatic limitations. If so, the basis for the denial of the exercise of the right to self-determination would be different from what it would be if the group did not possess the right at all, and thus being denied the right may entitle the group to some form of compensation. In short, the regulation of self-determination claims on a moral basis requires us to define nationhood and to explain the moral entitlements of national groups in relation to self-determination by specifying which groups are the subjects of the right to self-determination and how they may exercise that right, particularly in regard to statehood.

The very different international status and privileges presently enjoyed by stateless and state-endowed groups provide a difficult setting for the regulation of their relations. State-endowed nations are full members of the international community and have control over their political futures, whereas non-state national groups do not have an internationally recognized legal right to self-determination unless they are occupied or colonized. They are not even considered nations according to
the prevalent understanding of the term in international relations, which associates "nation" with "state." There are no legal international means for addressing a minority’s claim to self-determination except indirectly through an appeal to the principles of human rights. Once human rights are violated, however, it is usually too late to resolve conflict by peaceful means.

To address destabilizing self-determination claims, we must regulate the behavior of substate groups with respect to one another and to their host states. Norms exist to limit the behavior of collective agents in relation to individuals; the set of universally accepted human rights provides a basic framework. There is a lacuna in international law, however, in the regulation of the behavior of groups toward other groups, with the exception of relations among states. International law does not define the status or powers that non-state groups that claim to be nations but reside within multinational states should have in relation to other groups, their citizens, or their own national minorities.

Solving the self-determination problem can be seen as a purely practical exercise: multinational states’ territorial integrity can better be preserved if an improved set of measures is put in place to ensure the enforcement of the present norms of international law, which protect the territorial integrity of states and allow secession only in exceptional circumstances. A strict adherence to current norms, however, will not eliminate tensions introduced by the norms themselves. A non-state group’s claim to self-determination is illegal if unsupported by its host state, because the claim violates the host state’s sovereignty and territorial integrity. Thus, the international system is organized in such a way that it poses a dilemma to groups that advance claims to self-determination (unless they are occupied or colonized): they can either follow the rules and give up their claims or break the rules and try to secede, which usually leads to violent conflict. The first option is designed to maintain the current formal order of international society, which continues to be provided by the collectivity of sovereign states. The second option is backed up by the existing moral right of all peoples to self-determination but is not straightforwardly practicable in the terms of an international system that associates the exercise of self-determination with the acquisition of independent statehood.

A state-centered attitude, while motivated by practical considerations of stability and supported by the current principles of international law, is not, in the end, a practical one, because it does not resolve conflicts, and to some extent it even encourages them. While there is simply no good normative explanation for why stateless national minorities’ exercise of the right to self-determination should be second to that of groups with states of their own, or for why stateless groups are not entitled—or are significantly less entitled than state-endowed groups—to control their future political status, it may be said that, given the costs of accommodation, stateless groups cannot be granted the right to self-determination for practical reasons. But restricting the exercise of the right to self-determination by substate groups could not be justified pragmatically on the basis of the need to preserve the stability and territorial integrity of multinational states if an approach were developed that served this need while granting moral claims to substate groups. This book suggests such an approach to the entitlements of national groups, which I will
call the “nations approach.” I begin by considering what guidance the current international norms provide for the regulation of relations among national groups and briefly review various theoretical approaches to self-determination and nationhood in the first chapter. I argue that we cannot reduce the right to self-determination of a group to the individual rights of group members and that we need to differentiate self-determination from other types of group entitlement.

The existence of the collective legal right to self-determination is commonly acknowledged, but the notion that collectives have moral rights is often contested. On one side of the debate is the claim that moral rights can inhere only in individuals and that, at most, collectives can acquire “derivative” moral rights, which belong to individuals but can be exercised by individuals only through their participation in a group. Using this reasoning, the right to be educated in French in Manitoba belongs to individual Francophone Manitobans, but it cannot be exercised unless there are a sufficient number of Francophone children present in a given area who warrant the right of the Francophone minority to receive instruction in French schools. On the other side of the debate is the claim that moral rights can belong to collectives as such as “primary” collective rights. In line with the spirit of this position, Nunavut, an autonomous Inuit territory in Canada, was created in recognition of the moral right of the Inuit people to self-government. Reversing the viewpoints in the two examples, could Nunavut’s autonomy derive from its individual members’ right to democratic self-governance? And could the right to be educated in French belong to the Francophone citizens of Manitoba as a group?

I address these questions in the second chapter, wherein I distinguish between the two types of group moral rights and argue that the type of group entitlement can be determined by how a group is constituted in relation to non-members. All group rights belong to collective agents sharing in the good that the right in question promotes. I argue that only collective agents constituted so that they are capable of exercising equal freedom can have a primary moral right. A collective right to self-determination can be primary because self-determination concerns the relation of a collective to other collectives as free equals. Collective moral rights of groups organized around such shared goods as language, culture, or religion are derivative because these groups are identified by the circumstances of their inclusion in the host self-determining communities and do not have the capacity for equal freedom. I argue that self-determination is an important shared good to which certain group agents have a moral right.

I define the subjects of the right to self-determination in Chapter 3, in which I introduce a new definition of nationhood. A number of conceptions of nationhood have recently been advanced, and some theorists argue that the very notion is amorphous and passé. I define “nationhood” as a political culture shared by the members of a group with the collective end of maintaining or acquiring effective agency of a certain kind. Nations are organized around the ideal of self-determination: the members of a nation believe that membership in the group defines the bounds within which political authority can originate meaningfully for those the group governs. Finally, for a political culture to characterize a national group, the group’s members have to identify with that culture. By focusing on political culture,
I capture how national groups relate to one another and provide a conception of nationhood that reflects the self- and mutual understanding of the members of a national group.

The present international community’s inability to manage issues of substate nationalism affects not only societies with established democratic traditions and clearly defined nations but also newly democratizing countries in all parts of the world. Regulating relations among national groups in transitional societies is important for democratization. The scholarship on minority nationalism has paid little attention, however, to the instability of national identities in transitional societies. I extend the theory of nationhood to account for the presence of changeable or unknown national identities in transitional and oppressive societies in Chapter 4, in which I introduce the concepts of “potential” and “vacuous” political cultures to demonstrate how my definition of nationhood can be applied in such societies. A vacuous culture represents official norms and political goals rather than societal values and beliefs. Citizens usually do not identify with a vacuous political culture. Instead, they relate to often-fragmented attitudes toward or beliefs about politics that are not fully expressed or even articulated. These beliefs and attitudes reflect a potential political culture, which coexists with the vacuous culture. The existence of vacuous political cultures explains why self-identification with a political culture is so important to my definition of nationhood. The presence of a vacuous culture tells us that we should pay attention to changing or murkyly expressed national identities and that in some circumstances we should suspend our judgment concerning the national makeup of a society. Although the notion of political culture does not produce a theory of nationhood that has the unfailing capacity to identify all groups that qualify as nations in transitional societies, defining the terms of interaction for any national groups that might emerge during the transition to democracy in advance, even before national identities crystallize, could help control the newly formed nations’ relations and thereby facilitate peaceful political changes in transitional periods. I conclude Chapter 4 by formulating a general strategy for transition based on a set of normative guidelines about the treatment of substate national groups.

I next defend in Chapter 5 that national communities have a moral right to self-determination and that the just treatment of substate national groups requires the equality of different national groups to be the norm governing the treatment of self-determination claims. Because I do not associate nationhood or self-determination with statehood, my approach to self-determination can accommodate the pragmatic limitations on normative ideals posed by the requirements of security and stability. I argue that the right to national self-determination must go beyond self-government but to stop short of statehood, and thus I introduce a modified right to self-determination, which states that all national groups have an equal right to self-determination provided that the realization of the right does not require the acquisition of independent statehood as its necessary condition. It is unjust not to allow national communities to live according to their internal constitutions provided they do not harm others. National groups should be given an opportunity equal to those
of other members of their host multinational states to determine their future political status within these states.

Many treatments of self-determination concentrate on conditions for secession, a much-debated topic in recent scholarship. Presently, a national group has the right to secede from a state if the state is subjecting the group to colonization or illegal occupation. A common approach to secession allows secession also if the host state is guilty of gross violations of human rights. This approach, however, ignores states that respect human rights but harbor competing claims to self-determination. The modified right requires that states respect not only human rights but also the equal right of the national groups within their territory to self-determination. Sub-state national groups can secede either by mutual agreement with other national groups present within the territory of a multinational state after their equality within the state has been achieved or if they are persistently denied the right to exercise self-determination on an equal basis with other groups within the state.

Since the modified right to self-determination can be afforded in an equitable fashion to all national groups without breaking up existing states, it has the potential to become a universal legal right. The current international system is prone to conflict partly because it treats similar groups unequally. Expanding the sphere of international regulation to include national groups within multinational states could help improve the stability of such states by establishing norms for the just treatment of national groups within these states. The idea behind this approach is that normalizing relationships among groups is most effective when it takes into consideration groups’ motivations for acting, which allows it to address instability associated with their behavior. This book suggests a positive theory of self-determination—the nations approach—that aims to foster the systematic regulation of relations of self-determination among national groups rather than simply specify conditions for secession. This approach would preserve the territorial integrity of multinational states better than alternative proposals that make respect for human rights the only criterion for multinational states’ legitimacy.

Ultimately, I contend that the nations approach, which promotes equal access to self-determination for minority and majority nations within their host states, is not only justified but also can be implemented and will improve the stability and preserve the territorial integrity of multinational states. In Chapter 6, I discuss which principles for the institutional arrangement of multinational states properly address the self-determination claims of national minorities, and thus which principles can be put into place for the implementation of the modified right to self-determination. I also consider a number of challenges that substate self-determination poses for multinational federations. I argue that the employment of my nations approach to self-determination will have positive consequences for international peace. If this approach were to become an accepted part of the international legal framework, it would undermine the moral basis of justifications for asymmetrical warfare, provide incentives for non-state groups to participate in negotiations, and help them transform themselves into responsible members of the international community. I demonstrate that since the norms for the regulation of self-determination that I propose respect the principle of territorial integrity, these norms have a good chance
of being accepted by the members of the international community. The modified right embedded in the nations approach would afford substate groups the equal status with respect to self-determination that they desire and serve their host states’ interest in stability. This would facilitate the voluntary compliance of the collective agents holding the modified right to self-determination—both state-endowed and substate—with the requirements it places upon them to qualify for membership in the international community. I consider various approaches to the empirical effects of implementing theories like mine and conclude that the approach to self-determination I propose would provide the most stable and morally appealing arrangement of multinational states and therefore is consequentially beneficial. The introduction of the modified right to self-determination would help to alter stateless groups’ goals for achieving self-determination by demoting the status of statehood. Rather than compete for a state of their own, their goal would become to cooperate within their host states, which they would share with a number of national groups in an equal relationship, creating conditions for peace within the boundaries of multinational states.

Readers fairly familiar with the various theoretical approaches to self-determination may choose to skip Chapter 1, which highlights the differences of these approaches with my approach. Those readers who are more interested in the practical applications of my theory may want to skip Chapter 3, in which I defend my definition of nationhood.

Notes


2. There is a similar tension between federal subjects in Canada, where Quebec’s demands for special recognition are deemed excessive by the other provinces, which view Quebec on a par with themselves and not as a different type of federal subject.


4. Ibid., p. 19.

5. Ibid., p. 9.


9. The situation is also complicated by the fact that many title nationalities in the national republics of the federation are not even majorities in the territories named after them. The overall percentage of the title nationalities in the republics is 42.4 percent, though some republics have the title nationality as a majority, including Dagestan (80.2%), Chuvashia (67.8%), Tuva...
(64.3%), Kabardino-Balkaria (57.6%), and North Ossetia (52.9%). See M. Guboglo, *Mozhet li dvuglavii oriol letat’ odnim krilom? Paznishmenta o zakonotvorchestve v sphere ehnogosudarstvenikh otnoshenii* (Moscow: Russian Academy of Sciences, 2000), p. 84.


11. The UN Charter acknowledges that “all peoples have a right to self-determination,” but that right is limited in the current international law to occupied and colonized national groups. Cassese states, for example, that self-determination is firmly entrenched in the corpus of international general rules in three areas only: as an anticolonialist standard, as a ban on foreign military occupation, and as a standard requiring racial groups be given full access to government. See *Self-Determination of Peoples: A Legal Reappraisal* (New York: Cambridge University Press, 1995), p. 319. For another argument supporting this interpretation, see Hurst Hannum, *Autonomy, Sovereignty, and Self-Determination: The Accommodation of Conflicting Rights* (Philadelphia: University of Pennsylvania Press, 1996).


Chapter 1
Multinational States and Moral Theories of International Legal Doctrine

When those of us armed with a typical liberal sense of right and wrong read historical accounts of liberation movements directed against either domestic tyrants or colonizers, we intuitively agree that the oppressed peoples deserved their freedom, because they deserved to govern themselves. But what lies behind our intuition? How do we establish that the oppressed are a people and explain why they deserve this freedom? Furthermore, groups with internationally recognized governments sometimes oppress their members in the name of their right to self-determination, as do groups whose internal organization is neither properly institutionalized nor internationally endorsed. Thus while self-determination, especially qualified as a “moral” right, may seem fine as a general rule, in its application it is potentially dangerous and destabilizing, and even contrary to human rights. The questions that need to be answered to unpack our intuition concerning self-determination are very basic: Does a moral right to self-determination exist? If so, who holds the right? This chapter begins to examine these questions by first considering the current international norms that control self-determination and then looking at the various theories that attempt to provide a moral foundation for the regulation of relations among different types of national groups. In the course of this brief survey, I discuss the ways in which major theoretical accounts of self-determination can be modified to deal with substate nationalism and identify the areas in which my approach to nationhood and self-determination can be particularly useful. I continue the discussion concerning who holds group rights in the next chapter.

Current International Norms

Both the Charter of the United Nations and several subsequent UN documents identify the moral right of “all peoples to self-determination.” The United Nations was created in part to “develop friendly relations among nations based on respect for the principle of equal rights and self-determination of peoples.” UN resolution 1514, the International Covenant on Civil and Political Rights, and the International Covenant on Economic, Social, and Cultural Rights reiterate that “all peoples have the right to self-determination” and that “by virtue of that right they freely