

# SOVEREIGNTY AFTER EMPIRE

## Self-Determination Movements in the Former Soviet Union

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DEACHEWORS

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## KEY POINTS

### INTRODUCTION

The “right” to self-determination has recently reemerged as the focus of much debate, as its fulfillment—or denial—quite often results in mass violence. Such conflicts are aggravated by the uncertain position of the international community, which cannot rely on precise guidelines for assessing the right to self-determination.

For the many ethnic minorities of the former Soviet Union, creating their own state seems to be the only hope of preserving their identity. In many cases, their struggles mean secession from and territorial disintegration of Soviet successor states, whose leaders, supported by strong nationalist currents, seek to quash such movements. Confronting an indifferent world community, self-determination movements often feel forced to take up arms.

To prevent wars associated with self-determination, the world community will need to equip such organizations as the UN Security Council with a more sophisticated legal mechanism that would infringe upon the international legal principle of nonintervention—an issue that is still highly sensitive in some circles, despite such precedents as Bosnia, Somalia, and Rwanda.

The consideration of different approaches to this difficult concept may help in the development of new criteria for legitimizing the right to self-determination. The author offers suggestions for such criteria based

on case studies and the observations of political leaders and top-level foreign policy officials.

### THE SIGNIFICANCE OF CONTEMPORARY NATIONALISM

Contrary to the scenarios of global integration, nationalism has not weakened in global society, but has, in fact, gained strength. National feelings are rooted in the idea of a linguistic, religious, and psychological community based on the ancient kinship of the members of a given ethnic group.

Only a powerful internal security apparatus could maintain the Soviet Union’s facade of a multinational socialist federation, so it is not surprising that the empire disintegrated upon communism’s discreditation. The Soviet republics exercised their right to secede soon after the August 1991 putsch. Holding a status below the union republics in the Soviet hierarchical system, autonomous territories were not so privileged.

### THE UNATTAINABLE RIGHT TO SELF-DETERMINATION

At a time when ethnic groups are striving to affirm their nationhood—and their *statehood* in the international arena—more established states react to the principle of self-determination with extreme suspicion. Some seem to believe that today’s political map of the world constitutes a final global configuration.

Determining exactly who (or what) the right of self-determination applies to remains its most disputed aspect. In the post-World War II era, it has been more or less commonly accepted that the right to self-determination applies only to colonies, which filled the ranks of the United Nations as full-fledged states during the wave of decolonization in the 1950s and 1960s.

It is obvious that the existing approaches to making decisions that will determine peoples’ futures are inadequate. International institutions must be prepared to address such claims adequately. The failure to do so will surely transform a promising era of independence and international diversity into one of unbridled chaos and mass violence.

### HOPES AND DISAPPOINTMENTS: CASE STUDIES

*The Russian Federation.* From the very beginning of the post-Soviet period, problems arising from Russia’s ethnic and regional diversity have influenced the

country's course of economic and political reform. Its most challenging problem is trying to find a type of federation that will enable its many ethnic groups to pursue their goal of self-determination while preserving its integrity and viability as a multinational state.

Russia was the only federation in the Soviet Union with a three-tiered hierarchy of ethnically defined autonomous formations: autonomous republics, regions, and districts, each having a different degree of autonomy from the central government. In reality, however, this complicated system did little to guarantee minority rights, let alone the right to self-determination.

Not long after the union republics started moving away from Moscow, Russia's autonomous regions began to demand higher status and greater rights. During 1990 and 1991, all autonomous republics unilaterally declared themselves "sovereign states," deleting the word "autonomous" from their official names, while practically all autonomous regions upgraded themselves to republics.

The first serious ethno-political crisis in the Russian Federation occurred when the Chechen republic in the North Caucasus proclaimed itself independent from Russia soon after the August 1991 coup attempt, following the example of the union republics. Chechnya's president, Dzhokhar Dudaev, was elected in October 1991 on a platform of sovereignty for the Chechen republic.

**Georgia.** While not formally a federation, Georgia had a complex national-administrative structure under the Soviet regime. The relatively small Georgian Soviet Socialist Republic also included two autonomous republics, Abkhazia and Adzharia, and an autonomous region, South Ossetia.

Tensions grew in the late 1980s as the South Ossetians attempted to pursue their right to self-determination and a change in territorial status. In the fall of 1990, South Ossetia declared itself a sovereign republic within the Soviet Union, but its claims garnered little if any support from Moscow.

The Abkhaz national movement emerged in 1978, when mass rallies were held to support a plan to secede from Georgia and join the Russian Federation. These open expressions of discontent arose over a draft of the new Abkhazian constitution. In the late 1980s, the Abkhaz national movement resurfaced, this time with renewed demands for union republic

status. Although Georgians and Abkhaz clashed over the issue in 1989, the violence was sporadic.

**Crimea.** While the Crimea still cannot be listed among the numerous areas of violent ethno-political conflict in the Soviet successor states, it has recently become a focus of domestic and international tension, with conflicting self-determination claims voiced against a background of interstate territorial disputes and an unsettled legacy of military-political issues left over from the Soviet period.

As the Crimean Tatars returned to their homeland from their Stalin-era relocation, the ideology of the Crimean Tatar movement shifted toward more radical demands, despite noticeable tensions between the "new" settlers and the local population. No longer content with mere ethnic minority status, the more radical Crimean Tatars claimed the right to national self-determination.

At present, the Crimea's case for self-determination, involving secession from Ukraine, has attracted little international support, since most observers concur that contemporary secessionist claims are basically motivated by economic considerations, and the Crimea's Russian-speaking majority has not suffered any civil or human rights violations under Ukrainian rule.

**Nagorno-Karabakh.** During its nearly seven decades of existence as an autonomous region within Azerbaijan, Nagorno-Karabakh was populated mostly by Armenians, though the region has no common border with the Armenian republic and is, in fact, separated from it by a narrow strip of Azeri land.

While the Armenian side emphasized the concept of self-determination—vaguely mentioned in the Soviet constitution—the Azeri side stressed the constitutional prohibition against changing republican borders without the approval of the republic(s) affected by the change.

As violence mounted against ethnic Armenians in Azerbaijan, the number of Armenian refugees flowing into Armenia and other Soviet republics steadily rose. However, by late 1988, the cycle of violence and retaliation in the Armenian-Azeri conflict was complete, as thousands of Azeris were forced to flee from Armenia and Nagorno-Karabakh. The policy of ethnic cleansing had become "bilateral."

While the prospects for peaceful settlement of the conflict seem increasingly remote, what appears to be

a permanent cease-fire was finally established in May 1994. Yet the lull appears tenuous.

***Self-Determination through Secession: Typical Stages of Conflict.*** A precondition of the struggle for self-determination typically involves a minority ethnic group's perception that its autonomy within the framework of a multinational state—or even its very existence—is endangered.

The next stage of self-determination conflicts involves spontaneous grassroots resistance movements and their local activists, who are soon recognized as national leaders. The central government typically characterizes these leaders as antiregime elements who could possibly direct a “fifth column” connected with a sympathetic third country.

Simultaneously, the self-determination struggle acquires its ideological base through the formulation of national goals and the identification of obstacles to their achievement. Both sides in the dispute produce evidence to prove their historical right to the ethnic territory in question.

Central government officials at the local level find themselves replaced by indigenous, charismatic leaders, sometimes through legitimate elections. Simultaneously, the group forms new political parties openly or underground. At first, these political organizations demonstrate a democratic orientation.

After the creation of state bodies, the group seeking self-determination develops contacts with foreign powers and tries to enter multilateral discussions to mobilize international support. Sometimes these institutions are created in exile and then transplanted to their own ethnic territory.

The next stage is the intensification of “the war of laws,” usually in the form of decrees and constitutions issued by the separatist group's representative body. The primacy of central or local laws in the disputed territory thus becomes the fundamental issue in the conflict.

Feeling pressure from its own nationalists and striving to preserve the integrity of the state, the central government disbands local bodies of self-governance, deprives them of autonomy, or introduces its own direct rule with heavy reliance on military force. The leaders of self-determination movements are forced into exile, underground, or to parts of the region inaccessible to the central government's control.

Spontaneous resistance movements prepare to resume the struggle through the use of force. The

region's political organizations are radicalized and nationalist movements in sympathetic “Big Brother” countries gain strength, making it increasingly difficult for these countries' government officials to maintain a neutral position.

Organized ethnic clashes and pogroms begin to plague the region and the surrounding area. Finally, war slogans fill the mass media on both sides of the struggle as the situation escalates to full-scale military conflict.

***Approaches of Decision Makers: Interviews.*** On the principle of nonintervention, Margaret Thatcher basically rejects—with one exception—the idea that intervention in a country's internal affairs could improve the situation. Sam Nunn takes a similarly pragmatic approach by suggesting that U.S. intervention should be avoided, since the country cannot act as a global policeman. Mikhail Gorbachev believes that a country that ignores norms of human rights also gives up its voice in the international system and thus loses its claim to sovereignty. Jack Matlock calls for the international community to take a proactive stance in settling conflicts.

Answering the question of judging self-determination claims, Thatcher says the nation-state must remain the decision-making unit of international society. Nunn contends that the size and “viability” of units seeking separate political and territorial status are important factors in determining nationhood. Matlock believes that the right to self-determination cannot be absolute, but that the international community must establish better human rights standards. Gorbachev argues that self-determination claims can best be addressed within the larger context of a more cooperative international environment.

***Criteria for Self-Determination.*** Using a set of universally recognized requirements would help avert both the chaos of changing borders in areas of conflict and the attempts to settle issues of self-determination by violence. Only the entire set of criteria together would likely pass a test of moral legitimacy, but rarely do all these criteria apply in any one situation.

***Intolerability.*** The legal formulation of a claim for self-determination should be based, first of all, on the “intolerability of existence” for a population of any territory, including those under the rule of a state with sovereignty over their territory.

***Historical Right.*** Another criterion should be based on the “historical right” to a territory—a right

that is the least capable of definition among all the criteria under consideration for assessing the legitimacy of self-determination movements.

*Ethnic Composition of the Population.* Unlike the multinational democracy of the United States, among the peoples of Europe, Asia, and Africa there are still seemingly insurmountable prejudices of “blood and belonging,” in spite of the spread of “global culture.”

*Expression of the People’s Will.* While criteria for assessing self-determination claims should take into account the territory’s ethnic composition, a certain priority must be accorded to the democratic principle of the expression of the entire population’s will.

*Responsibility for Consequences.* Under these criteria, self-determination movements will have more time to prepare themselves for assuming the burden of charting their own political and economic future.

## CONCLUSION

These criteria must be reconciled with the international legal principle of nonintervention. Post-Soviet self-determination movements that can no longer be called “internal matters” suggest a new class of political entities whose distinct features could allow the application of internationally accepted norms and procedures to satisfy their claims.

In these cases, intervention need not pose a threat to an existing state’s sovereignty. In fact, interventions by the United Nations and other international organizations are the most appropriate ways to settle, or at least effect a compromise over, the conflicting political and territorial claims of self-determination movements and the states that oppose them.

## FOREWORD

A major objective of the United States Institute of Peace is to host fellows in its Jennings Randolph Program who have the background and experience to help bridge the gap between the theory of change and conflict in the international realm and the demands of governmental policymaking. Galina Starovoitova, a fellow during 1993–94, certainly met this objective.

In this important work, Starovoitova, a trained ethnographer, examines the prominent self-determination movements in the former Soviet Union and arrives at some tentative criteria that could be used to assess their legitimacy. The need for such criteria, she argues, is apparent. In contrast to futurists' visions of the "global village," where national loyalties and borders erode under the forces of globalization and decentralization, Starovoitova points to the resurgence of nationalism in the post-Cold War era, particularly on the Eurasian continent.

Starovoitova came to the Institute soon after the dissolution of the Soviet Union, when serious challenges to the integrity of Soviet successor states seemed a daily occurrence. Her experience as a Soviet legislator and a Russian government official leads her to reflect on the criteria for assessing the claims of "identity" and other groups to the right of self-determination and to propose criteria cautiously, lest they promote a chaotic explosion of new micro-states.

Starovoitova claims for herself no moral authority in offering such a desideratum. Rather, she states quite clearly that international organizations alone are equipped to handle the claims of ethnic minorities and other identity groups that seek to determine their own course in the international community. Yet, despite a proliferation of international norms that touch on the notion of self-determination, the issue has never acquired the kind of normative precision that characterizes universally recognized (if not necessarily universally honored) international legal principles, such as the observance of human rights and nonintervention. Starovoitova attempts to fill this lacuna by isolating some of the criteria that self-determination movements in the former Soviet Union have relied on in their appeals to national governments and the international community for redress of their grievances.

The difficulty of applying such criteria is reflected in what is perhaps the most revealing and fascinating section of Starovoitova's study—her interviews with world leaders and major policy officials. Mikhail Gorbachev, Margaret Thatcher, Sam Nunn, and Jack Matlock all testify to the tension governments experience when they must weigh the dire conditions of many ethnic and other identity groups against the state's quest for stability.

Starovoitova reminds us that statehood for a territorial unit seeking self-determination and, ultimately, secession necessarily means a loss of territory for established states; and states inherently fight to retain their territorial integrity and sense of national purpose. Hence, she suggests that the criteria she offers should be considered in their entirety to avoid the kind of violent conflict that typically ensues when self-determination groups advance their specific grievances against central governments—grievances the international community may find less than compelling reasons for intervention. The threshold for a territorial unit's accession to international status is thus set high, but that does not mean that any one criterion among those Starovoitova presents is any less important or deserving of attention than the others.

The United States Institute of Peace has made the self-determination issue an important focus in its programs and publications, because so many disputes around the world arise from self-determination claims. During 1995–96, the Institute convened two roundtable discussions devoted solely to the myriad issues surrounding self-determination: The first addressed the theoretical nature of self-determination

claims and the notion of sovereignty; the second covered the political manifestation of such claims in various countries (Peaceworks 7 and 16, respectively). The Institute's Series on Religion, Nationalism, and Intolerance also explores particular countries' experiences with self-determination movements, among other issues. In addition, Ted Robert Gurr examines the subject thoroughly in his *Minorities at Risk: A Global View of Ethnopolitical Conflicts*, published by the Institute's Press; and Ruth Lapidoth's *Autonomy: Flexible Solutions to Ethnic Conflicts*, also published by the Institute's Press, suggests one promising approach to the dilemma of reconciling sovereignty with self-determination.

Indeed, Starovoitova's homeland is an extraordinary laboratory for isolating some or all of the criteria she proposes in the concluding section of this work. The political shock wave of the USSR's collapse still

reverberates with a special intensity across some areas of the former Soviet Union, including Chechnya, Nagorno-Karabakh, the Crimea, and Abkhazia. But the wave is not likely to stop there. "In the twenty-first century," Starovoitova warns, "we can expect even more claims for self-determination from the former Soviet Union, the African continent, China, and many other regions." The grand hope, of course, is that the international community will be equipped by then with some standards to settle these claims fairly and peacefully. Absent such standards, these regions will likely be the new sources of even more destructive political shocks.

RICHARD H. SOLOMON, PRESIDENT  
UNITED STATES INSTITUTE OF PEACE

# 1

## INTRODUCTION

This study is a modest contribution to the ongoing debate on the problem of group rights—primarily, the right of a people or “national group” to self-determination. That the problem has been with us for the past ninety years or so and has so far frustrated attempts to arrive at definitive answers is a testament to just how nettlesome a concept self-determination can be in contemporary international law and politics. Finding its advocates among such disparate political figures as Woodrow Wilson and Vladimir Lenin, this idea has developed into a norm of international law, mentioned in the United Nations Charter and enshrined in the 1966 International Covenant on Civil and Political Rights.

Nevertheless, the “right” to self-determination has recently emerged once again as the focus of much debate, as its fulfillment—or denial—quite often results in mass violence. Such conflicts are aggravated by the uncertain position of the international community, which cannot rely on precise guidelines for such situations. The right of a people to make a collective choice about its common destiny still awaits full recognition in international society. In fact, in the realm of international law, the collective right to self-determination is usually considered secondary or even tertiary to the rights of the individual or the state.

For diplomats, the rights of the state generally prevail over the rights of peoples living in that state, even

though the UN secretary general has stated that “The sovereignty, territorial integrity, and independence of states within the established international system, and the principle of self-determination for peoples, both of great value and importance, must not be permitted to work against each other.”<sup>1</sup>

From a liberal point of view, the protection of individual rights is paramount, while the rights of collectives—nationalities—are somehow considered an anachronism of tribal society. The UN Human Rights Committee has therefore declined to define the term “people,” arguing that self-determination is not an individual but a collective right; it is, therefore, beyond its jurisdiction to investigate any complaint regarding the violation of such a right.

Ethnicity is a collective characteristic, and there are examples of how collective rights do find advancement within nations, specifically in the equal opportunity and affirmative action programs that have existed in the United States for the past three decades and were created to compensate for the inequalities of an era of racial discrimination and segregation.

However, global society continues to display a stubborn resistance to such collective impulses. Indeed, world politics at the end of the twentieth century has come to be almost a fight for “separateness” among the many minority groups that have suddenly been released from their neo-imperial bonds. Is it possible to understand this phenomenon as an attempt to preserve global cultural variety and its multicolored mosaic, in preference to the gray uniformity of globalization and the increasing irrelevance of borders? What other explanation can be given for this process in light of increasing transnational forces, such as trade and finance, and the worldwide spread of new information and communications technology?

A few years ago, bewildered foreign commentators were hard pressed to appraise the situation after the “outburst of self-determination” in the former Soviet Union and other postcommunist countries. One well-known American journalist observed at the time, “The roll call of warring nationalities invokes some forgotten primer on the warring tribes of the Dark Ages—Ossetians, Georgians, Abkhazians, Daghestanis, Azeris, Armenians, Moldovans, Russians, Ukrainians, Gagauz, Tatars, Tajiks. They die for lands much of the world has never heard of—Nakhichevan, Nagorno-Karabakh, the Transdnestr republic, South Ossetia—or for causes lost in the fog of history.”<sup>2</sup> But these people died not so much for their land as for the preservation of their unique cultural identity. They

were ready to sacrifice not only their individual freedom, but even their lives to rescue their historic heritage and to preserve their ethnicity.

My ethnological field work, as well as my experience as a government official in charge of ethnic affairs during the period of turmoil in the former USSR, has presented me with striking evidence of the readiness of individuals to make sacrifices for the sake of something they themselves can call “national.” I have visited Abkhazia, South Ossetia, Nagorno-Karabakh, the Transdnestr region, Palestine, and Ulster. In each place, I witnessed the surprising solidarity of individuals endeavoring to defend their own nation in the face of tremendous adversity and hostility.

Years of living behind the Iron Curtain have given the many peoples of the former Soviet Union the hope—perhaps a naive one—that their aspirations for national identity will be acted on by the United Nations, the European Parliament, the International Court of Justice, and other international bodies, according to standards of justice in international society. The beginning of the drive for self-determination in colonies or in ethnic enclaves within multinational totalitarian empires has often been accompanied by the hope of swift intervention and help by the world community in the name of justice, which to many of these peoples transcends the more staid and established principles of international law. Creating their own state becomes the only hope of ethnic minorities struggling to preserve an identity. In many cases, these struggles mean secession and territorial disintegration; more important, they typically mean the threat of territorial losses for other states.

Some cases of self-determination have resulted in the creation of a new state or the restoration of an ancient one. Such a case arose in Palestine nearly half a century ago with the creation of the state of Israel. The Palestinians, on the other hand, gained the right to create their own autonomous territory in 1993 after many more years of conflict. For Chechens, Armenians in Nagorno-Karabakh, Kurds, and many others, however, the situation remains hopeless, owing to the refusal of powerful neighboring nations to relinquish their territory. The bid for self-determination as the realization of a collective right usually results in dashed hopes. Confronting an indifferent world community, self-determination movements often feel forced to take up arms. As one scholar succinctly puts it, “The violence we see around us is not generated by the drive for self-determination, but by its negation. The

denial of self-determination, not its pursuit, is what leads to upheavals and conflicts.”<sup>3</sup>

A sacrificial war for justice in one nation will inevitably grow into aggressive nationalism, accompanied by violent war and barbarian ethnic cleansings, unless the world community takes into account the primarily peaceful demands of national groups and until the great world powers learn to treat emerging nations on something other than strictly legalistic grounds. To prevent wars associated with self-determination, however, the world community will need to equip such organizations as the UN Security Council with a more sophisticated legal mechanism that would infringe upon the international legal principle of nonintervention—an issue that is still highly sensitive in some circles, despite such precedents as Bosnia, Somalia, and Rwanda.

I am aware that a discussion of group (as opposed to individual) rights, as well as arguments about the possibility of revising either existing national borders or the principle of nonintervention itself, all lie outside the mainstream of contemporary political thinking. Nevertheless, I present in part 3 of this study some examples of both successful and unsuccessful self-determination movements in the former Soviet Union. In part 4, I offer recollections and opinions on self-determination from some noteworthy political leaders—Mikhail Gorbachev, Ambassador Jack Matlock, Senator Sam Nunn, and Lady Margaret Thatcher—who had to address these problems on a daily basis at a time when the concept of self-determination seemed to be going through a historic political and philosophical upheaval. In gathering their opinions of the political dimensions of self-determination movements and nonintervention, I tried to use examples that were removed from the case studies in order to provide a basis for comparison and to draw on their personal experiences. Iraq and the former Yugoslavia were the two most cited examples these leaders referred to. Perhaps the consideration of different approaches to this difficult concept will help in the development of new criteria for legitimizing the right to self-determination. In part 5, I offer suggestions for such criteria based on the case studies and these leaders’ observations.

I conclude with some thoughts on how more clearly defined criteria for assessing the legitimacy of self-determination movements can help resolve the even more challenging principle of nonintervention when such claims are violently suppressed.

## 2 CONTEMPORARY NATIONALISM AND THE PROBLEM OF SELF- DETERMINATION

*History is littered with the wreck of states that tried to combine diverse ethnic or linguistic or religious groups within a single sovereignty.*

Arthur Schlesinger Jr.

The approach of this century's end has produced many surprises in the international system. The collapse (or temporary retreat) of communism in Eastern Europe and the Soviet Union led to the fall of the postwar bipolar system, apparently reducing the risk of a third world war. Nevertheless, new conflicts of a regional nature are drawing the international community into the process of resolving unexpected, unusual problems, whether in Bosnia, the Persian Gulf, or Chechnya. The collapse of the Soviet system meant less the "end of history" than the beginning of a new era in international politics—one whose unpredictability is attributable to the entry of many new players into the global arena.<sup>4</sup>

Many observers of international society were not too far off the mark in their visions of increased modernization and urbanization and rapid advances in technology and communications moving the world closer to the vision of a unified "global village," integrated by shared information and consumer preferences. Yet some observers went too far in postulating

that such integration would lead to the breakdown of ethnic and cultural attachments and that the ensuing cultural homogenization would make borders obsolete. Contrary to this scenario, nationalism has not weakened in this cosmopolitan pandemonium but has, in fact, gained strength.<sup>5</sup>

Ethnicity, one of contemporary nationalism's fundamental components, has not disappeared in much of the world's urban population. Quite the contrary, among an increasing number of urbanites, devotion to one's ethnic roots has taken on an almost ideological fervor.<sup>6</sup>

This development should come as no surprise to some of nationalism's more serious scholars, who see it as a consequence of modernity in international life. In fact, nationalism is organically connected to the industrial age. Nationalism is understood to be, in the words of Ernest Gellner, "a principle demanding that political and ethnic units come together, and also that those governed and those governing within a given political unit belong to one *ethnos*."<sup>7</sup>

Despite the divergence of their perspectives, both Marxist-Leninists and Western liberals underestimated the political and psychological strength of nationalism. For the Marxists, the triumph of proletarian internationalism meant the eventual emancipation of the peasantry from traditionalism and its associated prejudices. Proponents of laissez-faire economics assumed that the marketplace would overcome the atavistic peculiarities of ethnic culture.

National feelings are rooted in the idea of a linguistic, religious, and psychological community based on the ancient kinship of the members of a given ethnic group. Moreover, the subjective perception of this community turns out to be even more important than objective historic facts. Thus, Walker Connor, following Max Weber, defines a nation as a "grouping of people who *believe* they are ancestrally related. It is the largest grouping that shares that *belief*."<sup>8</sup>

Nations are defined by their territorial domain as well, and anthropology closely connects the examination of a people's ethnic identity not only with its culture but also with the physical environment in which it formed itself over the course of centuries or millennia. Recall for example Montesquieu's principle of geographic determinism. Geophysical conditions and climate largely determine the ethnic group's economy and way of life; these conditions also find their reflection in the folklore and psychology of the people. After the era of Eurasia's Great Migration in the early Middle Ages, ethnic settlements remained more or

less stable, and the people in these settlements did not even consider a “national” existence outside their ethnic territories.

The American experience in the administration of its territory gave no thought to ethnic factors when establishing internal administrative borders. Such divisions are hardly applicable to present-day Eurasia. The recognition of traditional ethnic territories is highly significant for the peoples of the former USSR, not only for rural dwellers who have lived in the same agrarian communities for generations, but also for relatively recent migrants whose worldview is inextricably linked with their immediate surroundings.<sup>9</sup>

Unlike the United States, the Soviet Union was a multinational state, despite its centralized, administrative facade of uniformity. Generally speaking, multinational states may be organized according to three basic patterns:

*Multinational Socialist Federation.* A system based on central planning’s enforced economic interdependence of regions, a totalitarian ideology, and an extensive security apparatus. The largest nation and its cultural attributes are typically dominant, while minorities are suppressed or restricted to a greater or lesser degree in their own cultural expressions. As the state’s economy and military weaken and as the ruling political party and its dominant ideology lose their hold over various ethnic groups, growing centrifugal forces may result in the disintegration of the state and the emergence of new nation-states. Examples of this type are the USSR, Yugoslavia, and the People’s Republic of China.

*Asymmetric Federation.* A union of peoples and/or regions enjoying broad self-government, control over their natural resources, and such rights as the pursuit of their own educational and cultural policies and the imposition of local taxes, regulations, etc. Some of these peoples and/or regions may enjoy the privilege of home rule, while others may have joined or renegotiated their membership in the federation as associated members according to special conditions stipulated in bilateral treaties (e.g., the status of Scotland’s home rule within the United Kingdom, Canada’s province of Quebec, the U.S. territories of Puerto Rico and the Virgin Islands, and Tatarstan in the Russian Federation). There are reasons to believe that flexible membership conditions tend to make multinational federations more viable and help to achieve more uniformity in economic and political development.

*Symmetric Federation or Confederation.* This arrangement does not offer any special status even to regions with strong ethnocultural characteristics, but it does grant broad autonomy to various constitutive units within the multinational state. The best examples of this type are Switzerland and Spain.

The first two types of multinational states are usually associated with various stages of a colonial system’s development and eventual collapse. As an example, we can recall various aspects of this type of system in the history of the Russian empire, which passed on to its successor, the Soviet Union, many imperial methods of direct or indirect rule over its colonial acquisitions. During the communist era, the arsenal of such methods was expanded as follows:

- Mass deportations of peoples from their ethnic territories, mostly during World War II, on the pretext of their cooperation with the Nazis.
- Subordination of various peoples within a multi-tiered, hierarchical state structure. In addition to the fifteen union republics that had a right to secession officially confirmed in the USSR constitution, autonomous republics with fewer rights were subordinated to the union republics. Autonomous *oblasts* (provinces) and *okrugs* (districts) were created in the 1920s and 1930s to give political recognition to most important ethnic minority groups.
- Mass relocations of the population between republics under the pretense of achieving grandiose economic projects. These relocations fundamentally altered the ethnic makeup of various republics, such as Abkhazia, Latvia, and Estonia. As a result, current divisions between majority and minority groups in Soviet successor states are in many cases quite arbitrary.
- Arbitrary changes in republican borders, with no attempt to assess their impact on the population on either side of the border. After the deportation of the Balkars, the Ingush, the Chechens, and other North Caucasian peoples, for example, Stalin apportioned part of the North Caucasian lands to Georgia for many years. He also decided to transfer Nagorno-Karabakh, populated by Armenians, from Armenia to Azerbaijan in 1921. In 1954, Khrushchev transferred the Crimean peninsula from Russia to Ukraine and later apportioned a few Siberian oblasts to Kazakhstan.

The Soviet regime's powerful internal security apparatus maintained this unjust system under the communist doctrine of "proletarian internationalism," so it is not surprising that the empire disintegrated with communism's discreditation. The Soviet republics exercised their right to secede soon after the August 1991 putsch; the first were the three Baltic republics, and others followed. The autonomous territories, however, were not so privileged. Holding a status below the union republics in the Soviet hierarchical system, the autonomous territories had a relatively limited set of rights that constrained their freedom of action, especially since they found themselves under the control of another ethnic group, despite a long struggle for a change in their status.

Profound cultural and religious differences between minority and predominant majority ethnic groups contributed to a long history of hostility in the USSR, which could be diminished to some extent by decrees from the central government. The current political milieu has left these ethnic minorities confronting the ruling majority nationalities of yet untested, mostly uncontrolled Soviet successor states, a phenomenon that is not confined to the post-Soviet realm. Yet in the territory under direct Soviet rule (i.e., within the former Soviet republics), the fall of the USSR brought a mobilization of national movements under the slogan of the right to self-determination.

The *peaceful* achievement of national self-determination in post-totalitarian countries is possible only under the institutions of democratic rule. Among the examples of such civilized self-determination movements are the "amicable divorce" of the Czech Republic and Slovakia, and Russia's voluntary recognition of the results of Ukraine's December 1991 independence referendum as the lawful basis for the creation of a sovereign Ukrainian state. Moscow similarly recognized declarations of sovereignty from other republics of the former USSR. Russia, the core of the Soviet empire, voluntarily refused the role of "Big

Brother," and monumental changes in the political status of these republics occurred over the course of a relatively short democratic period after the August 1991 putsch and the collapse of communism. It is doubtful such changes would have taken place as painlessly three or four years later.

The Soviet decolonization process is still far from complete, however. Difficulties in Russia's economic and political reform have made the country's current political spectrum much more contradictory and complex than it was in 1991. Right-wing nationalists and advocates of a return to a centralized economy are quickly acquiring much more influence in Russia's grand debate over its future.

Yet many ethnic groups that have emerged from under Soviet totalitarianism have embraced the right to national self-determination as an inherent part of their regions' political and economic reform. In addition, the destruction of communism's

supranational ideology forces these peoples to search for new sources of identity, the most natural of which is ethnicity, based on a community of shared history, culture, and language.

Such an *ethnos*, to a greater or lesser extent, serves as the foundation for civil society. Both were repressed by the Soviet regime, which recognized only those hierarchical political and economic relations controlled from above; it did not take historical memory and cultural uniqueness into account. In an ethno-nation, in contrast to a state, horizontal connections are widely developed, a clear understanding of common core values exists, and public opinion has a significant influence on self-governance. These factors allow one to see in an ethno-nation the natural embryo of a future civil society. In some cases, only the achievement of actual statehood can save ethno-national attributes, such as history, culture, and language, from oblivion. Only the institutions of the state can resist cultural entropy and the sometimes violence-prone intermingling of distinct traditions.<sup>10</sup> These are the principal reasons

**U**nlike the United States, the Soviet Union was a multinational state, despite its centralized, administrative facade of uniformity.

behind the growing significance of nationalism in post-totalitarian countries.

## THE UNATTAINABLE RIGHT TO SELF-DETERMINATION

At a time when ethnic groups are striving to affirm their nationhood—and their *statehood* in the international arena—more established states react to the principle of self-determination with extreme suspicion. The leaders of many of these states seem to have forgotten that their own countries realized self-determination through secession from past empires. Some seem to believe that today’s political map of the world constitutes an ideal and final global configuration.

The history of self-determination began around the time of the French Revolution, when the concept was considered the democratic ideal, applicable to all humankind. In the political thought of the Enlightenment, governments should be based on the will of the people, not the monarch. People not content with their government should be able to secede and organize themselves as they wish. This radical strain of political thought meant that “the territorial element in a political unit lost its feudal predominance in favor of the personal element; people were not to be any more a mere appurtenance of the land.”<sup>11</sup> From its inception, the concept of self-determination was a threat to the legitimacy of the established order. Moreover, this principle offered a method of settling conflicts through mass rather than solely elite solutions.

After the Napoleonic Wars, Poles, Italians, Magyars, and Germans—as well as the ethnic minorities living among them—all advanced claims to self-determination. The Congress of Vienna in 1815 did not accept self-determination as a basis for reshaping the map of Europe, but similar demands from the oppressed peoples of the Austro-Hungarian and Russian empires later received more favorable treatment.<sup>12</sup> After the revolutions of 1848, national movements led to the formation of two new unified states, Germany and Italy.

It should be noted at the outset that the process of ethnic groups’ constituting themselves as newly independent states is more complicated from the international legal standpoint than the self-determination of national or territorial units that already have some degree of autonomy or, in more advanced cases, some attributes of statehood.<sup>13</sup> In the latter case, peoples within more or less definite borders can either vote by plebiscite or express their will through a representative

assembly. Such democratic expressions may serve as a basis for the legitimate development of the self-determination process. To create a new entity, however, the territory’s borders must be determined before its inhabitants can initiate a change in their status. Despite all the ambiguity and controversy surrounding this process, the development of criteria that can support a legal mechanism for such a determination of borders is indeed possible, as we shall see in the concluding section of this study.

Only after World War I, when the former European system began to disintegrate, did the principle of self-determination acquire principled advocacy through international figures as ideologically diverse as Vladimir Lenin and President Woodrow Wilson.<sup>14</sup> Despite Wilson’s goal of enshrining the principle of self-determination within the League of Nations’ Covenant, the practical difficulties of realizing the principle prevented its inclusion in the document’s final text. Self-determination was only indirectly recognized as applicable to those territories placed under the League’s mandate and to those colonies that succeeded their ruling powers after World War I. In fact, the League’s covenant essentially established the inequality of peoples. Under Article 22, lands that received the status of mandated territories were to be guided by the “advanced nations.” This arrangement essentially legitimized the colonial system.

World War II once again changed the political landscape of the world, but the principle of self-determination affected these changes in the immediate postwar era only to a slight degree. Significant difficulties arose during work on the United Nations Charter—specifically, differences of opinion over the use of the words “people,” “nation,” and “state.” The final judgment was the following: “‘Nations’ is used in the sense of all political entities, states and non-states, whereas ‘peoples’ refers to groups of human beings who may, or may not, comprise states or nations.”<sup>15</sup> The right to self-determination in the charter is associated only with the notion of “peoples,” but the notion of “non-self-determined peoples” corresponds to what was traditionally described as a colony.

Determining exactly who (or what) the right of self-determination applies to remains its most disputed aspect. President Wilson and Lenin considered “peoples and nations” to possess this right, but they did not specify these terms, whose meanings contain important nuances in different languages. In the post-World War II era, it has been more or less commonly accepted that the right to self-determination

applies only to colonies, which filled the ranks of the United Nations as full-fledged states during the wave of decolonization in the 1950s and 1960s.

The injustice of the colonial system led the UN General Assembly on December 14, 1960, to adopt the Declaration on the Granting of Independence to Colonial Countries and Peoples, whose preamble emphasizes that the refusal or obstruction of freedom brings about the intensification of conflicts. Article 2 states, “All peoples have the right to self-determination; by virtue of that right they freely determine their political status and freely pursue their economic, social, and cultural development.” Furthermore, Article 3 states, “Inadequacy of political, economic, social, or educational preparedness should never serve as a pretext for delaying independence.”<sup>16</sup>

Despite these developments, the debate over self-determination was by no means concluded. There were as many opinions informing the Declaration on Decolonization as there were new countries it applied to. The UN Commission on Human

Rights has still declined to define the word “people,” and the term acquires little more precision in the UN charter itself. Consider the United Kingdom’s suggestion during the preparation of the charter: It might mean “a group of individuals with special ties which singled them out from the surrounding population, the whole population within the frontiers of a particular State, the inhabitants of a particular piece of territory, or even a group who did not inhabit an identifiable piece of territory but considered themselves a people.”<sup>17</sup> This definition is sufficiently comprehensive to describe any ethnic group or nation-state, but it is far too broad to identify who has the right to self-determination. The first part of the definition singles out an ethnic group, which could be a dispersed minority living among a hostile majority. These circumstances are not always insurmountable barriers to ultimate unification in a more densely

populated community or to political self-determination (e.g., Jews gradually united in Israel, Palestinians have gained self-rule in the West Bank and Gaza Strip, and Crimean Tatars are returning to their homeland decades after Stalin’s forced relocations).

The entire population within the borders of a particular state can sometimes realize its right to self-determination without taking its ethnic composition into account. Governments themselves can attempt to unify multinational states under a supranational ideology, attempting to serve an *ethnos*-forming role.

The population of a territory that is not defined by borders within another state usually has the most difficulty achieving international recognition under the

banner of self-determination. One example is the Kurds, who are densely settled at the junction of three states (Iran, Iraq, and Turkey), not one of which is prepared to offer them territorial autonomy. In contrast, the Gagauz (Turkish-speaking Christians) were recently fortunate enough to acquire an autonomous district within the Moldovan state.

**In the post–World War II era, it has been more or less commonly accepted that the right to self-determination applies only to colonies, which filled the ranks of the United Nations as full-fledged states during the wave of decolonization in the 1950s and 1960s.**

Even if this aspect of the self-determination debate were settled, established principles of international law pose a much more fundamental problem in the realization of the concept: the contradiction between the principle of self-determination and the principle of inviolable borders of sovereign states (i.e., the maintenance of a state’s territorial integrity).

The two most important international legal documents of the post-colonial period in this regard are the International Covenant on Economic, Social, and Cultural Rights and the International Covenant on Civil and Political Rights, both adopted by the UN General Assembly in 1966.<sup>18</sup> Article 1, identical in both documents, repeats a basic idea of the 1960 Declaration on Decolonization: “All peoples have the right to self-determination. By virtue of that right they freely determine their political status and freely pursue their economic, social, and cultural development.”<sup>19</sup> The

third paragraph of Article 1, again identical in both documents, lays out the obligations in these covenants: “The States Parties to the present Covenant, including those having responsibility for the administration of Non-Self-Governing and Trust Territories, shall promote the realization of the right of self-determination, and shall respect that right, in conformity with the provisions of the Charter of the United Nations.”<sup>20</sup>

In 1970, the UN General Assembly adopted yet another nonbinding document, Resolution 2625 (XXV): the Declaration of Principles of International Law Concerning Friendly Relations and Cooperation Among States in Accordance with the UN Charter. This declaration reveals the contradiction between self-determination movements and the territorial integrity of existing states. Furthermore, in contrast to the covenants of 1966, the 1970 declaration gives precedence to the principle of territorial integrity. Compare the fifth and eighth paragraphs of the declaration:

The establishment of a sovereign and independent State, the free association or integration with an independent State, or the emergence into any other political status freely determined by a people constitute modes of implementing the right of self-determination by that people.

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Nothing in the foregoing paragraphs shall be construed as authorizing or encouraging any action which 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 principle of

equal rights and self-determination of peoples as described above and thus possessed of a government representing the whole people belonging to the territory without distinction as to race, creed, or color.<sup>21</sup>

Similarly, the Final Act of the Conference on (now Organization for) Security and Cooperation in Europe (CSCE, now OSCE), adopted in Helsinki in 1975, did not resolve the contradiction between these two approaches.<sup>22</sup> Both views are expressed in the Final Act, which stipulates that all its sections carry equal force.

There exists yet another legal approach to the self-determination dilemma.<sup>23</sup> The right to self-determination can be interpreted as a proposition that follows from the fundamental principles of democracy and human rights; that is, as an imperative or peremptory norm, applicable to any state (i.e., *jus cogens*). External assaults on the integrity of a state threaten its sovereignty and are, therefore, unacceptable by international legal standards. But the right of a people within an existing state to achieve its own sovereignty has no basis for similar condemnation. In practice, the United Nations usually decides when self-determination is applicable and when it is not, even though clear guidelines for making such decisions have still not been proposed. The decisions are therefore often influenced by arbitrary factors, or even the personal preferences of politicians.<sup>24</sup>

It is obvious that the existing approaches to making decisions that will determine peoples' futures are inadequate. In the twenty-first century, we can expect even more claims for self-determination from the former Soviet Union, the African continent, China, and many other regions. International institutions must be prepared to address these claims adequately. The failure to do so will surely transform a promising era

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of independence and international diversity into one of unbridled chaos and mass violence.

## HOPES AND DISAPPOINTMENTS

### Case Studies

#### THE RUSSIAN FEDERATION

After the fall of the Soviet Union, the Russian Federation achieved its independence, as did the other union republics of the former USSR. As the core of the union, Russia assumed most of its responsibilities. But the breakup of the USSR released Russia from two significant legacies: the maintenance of the totalitarian state and the necessity to support the other former Soviet republics.

Russia, by far the largest of the former Soviet republics in terms of territory, population, and economic potential, did not face the danger of being torn apart by violent ethno-political conflicts during its first years of independence, unlike some of the other newly independent states. Yet from the very beginning of the post-Soviet period, problems arising from Russia's ethnic and regional diversity have influenced the country's course of economic and political reform. Its most challenging problem is trying to find a type of federation that will enable its many ethnic groups to pursue their goal of self-determination while preserving its integrity and viability as a multinational state.

Throughout most of its millennium-long history, Russia has been a highly centralized and unified state, its enormous size and diversity notwithstanding. In the nineteenth and early twentieth centuries, only a few regions of the Russian empire had a degree of territorial autonomy, most notably Poland (1815–1831) and Finland. While the Bolsheviks held an equivocal position on the principle of self-determination, they nevertheless created autonomous territories for Russia's nationalities after the 1917 revolution. This process transformed the country into a federation constituted along ethnic lines—not a common practice in the history of federalism. Russia first emerged as a federated state in 1918, when the first constitution of the Russian Soviet Federated Socialist Republic (RSFSR) was adopted. After the formation of the USSR in 1922, Russia became, so to speak, a federation within a federation. While other Soviet republics (e.g., Georgia, Azerbaijan, Uzbekistan, and Tajikistan) also had ethnically defined autonomous territories, Russia was the only federation in the Soviet Union with a three-tiered hierarchy of ethnically defined autonomous formations: autonomous republics, regions, and districts, each having a different share of the indigenous population and a different degree of autonomy from the central government.

In reality, however, this complicated system did little to guarantee minority rights, let alone the right to self-determination; Soviet totalitarianism was fundamentally incompatible with genuine region-based federalism and ethnic autonomy. This fact became particularly obvious during the late 1920s and early 1930s, when centralism and uniformity clearly emerged as the regime's basic political goals. Most of the decision making in all fields was concentrated in the center, leaving virtually nothing within the competence of regional authorities.

The centralization drive implied a change in Soviet nationality policy as well. The condition of non-Russian minorities in Russia and throughout the USSR as a whole, which was relatively favorable in the early period of communist rule, quickly changed for the worse as central authorities employed political terror against so-called local nationalism. This policy change, however, did not necessarily redound to the benefit of ethnic Russians, the most numerous and economically powerful nationality. Although from the mid-1930s on (particularly during and after World War II), the communist regime increasingly relied on Russian nationalism for support, the status of the Russian nation in the multinational Soviet empire was rather controversial. Both the USSR and the Russian Federation had a certain "asymmetry" in their national-political structure: Unlike the titular nationalities in the non-Russian union republics, ethnic Russians in the Russian Federation lacked basic national and cultural institutions. Russian national development was totally dependent on the central government, which was largely committed to its own political and ideological goals rather than to the salient interests of ethnic Russians. Nevertheless, Russia and the Russians were the power base of the Soviet regime, and it is only natural that in non-Russian Soviet republics and in the West, the regime was commonly perceived as essentially Russian. The difference between "Russian" and "Soviet" became obvious only in the late 1980s and early 1990s; the political divergence between Russia and the union center was a crucial factor in the disintegration of the USSR. One might say that in 1991, the Russians joined with non-Russian peoples in claiming self-determination, thus sealing the fate of the multinational Soviet empire.<sup>25</sup>

To be sure, Russia's citizens were starting to realize that they had their own political interests, separate from those of the USSR. This process paralleled the

emergence of the new Russian democratic elite. In 1990 and 1991, Russia's citizens witnessed some important steps in their country's self-determination and nation building: competitive elections for the Russian Congress of People's Deputies; the formation of Democratic Russia\* and more than two hundred other popular movements and their factions in the new parliament; the country's Declaration of Sovereignty (while it was still within the USSR), adopted by the Congress of People's Deputies on June 12, 1990; the emergence of the independent Russian Communist Party, modeled after Communist parties in other Soviet republics; and the popular election of Russia's first president.

All these signs of Russia's push for more independence and less control from the union center could only raise concern among the Soviet leadership. Indeed, there was an objective historical basis for the conflict—the clash of two opposing tendencies: Russia's drive to establish its sovereignty and the empire's drive to preserve its might.

Officials in the central government naturally sought to obstruct the growing "sovereignization" of the republics, and during the last years of the Soviet Union they tried to keep the rebellious republics together by force. Armored units and special forces of the USSR Interior Ministry were periodically dispatched to the capitals of disobedient republics: Armenia, Azerbaijan, Byelorussia (Belarus), Georgia, Latvia, Lithuania, Kazakstan, and Tajikistan. Needless to say, Moscow was not immune to the wave of demonstrations.

One bold attempt to prevent the growing sovereignization of the republics was the abortive Communist coup of August 1991. Besides the collapse of Communist power, the most important result of the coup attempt was a rise in centrifugal forces, resulting in numerous proclamations of self-determination across the rapidly disintegrating Soviet Union. Six union republics declared their refusal to sign the new Union Treaty that Gorbachev and other Soviet leaders had crafted to hold the USSR together; in fact, the Baltic republics had already declared their independence. The Ukrainian referendum on independence, conducted on December 1, 1991, played a decisive role in the final disintegration of the USSR. One week after the referendum, the Soviet Union ceased to exist.

With their sudden independence, Russia and the other republics faced a number of economic and political problems. Serious concerns emerged for the first time in the political arena about the political and

\*The author co-founded Democratic Russia.

territorial integrity of Russia, Ukraine, Azerbaijan, Georgia, and other newly independent states. These concerns manifested themselves in an entirely different way among the former Soviet republics' more prominent minorities, which—to varying degrees—refused to recognize the legitimacy of new inter- and intrastate borders (old administrative borders of the Soviet republics assumed by the newly independent states). Among the minorities that posed the strongest challenges to the new border regimes were Abkhazians and Ossetians in Georgia and Gagauz and the Transdnestr region's ethnic Russians in Moldova. Quite apart from their status as *primus inter pares* among ethnic groups in the non-Russian republics, ethnic Russians in the immediate post-Soviet period quickly found themselves in the position of a minority—in every respect—outside their homeland.

In the final years of the USSR, problems within the Russian Federation were, of course, far less important than the mounting tensions within the union as a whole. But it was not long after the union republics started moving away from Moscow that Russia's autonomous regions began to demand higher status and greater rights. During 1990 and 1991, all autonomous republics unilaterally declared themselves sovereign states, deleting the word "autonomous" from their official names, while autonomous regions (except for the Jewish Autonomous Region) upgraded themselves to republics. Paradoxically, the concept of sovereignty in the Russian political lexicon at the time did not imply independence or the possibility of secession. It simply suggested more freedom for the territories to dispose of their natural resources as they saw fit, to conduct their own foreign trade relations, and to negotiate the percentage of taxes owed to the Russian government. These freedoms were encouraged by President Gorbachev, who not long before the August coup invited leaders of some the Russian republic's autonomous territories to help develop and

sign a draft of the new Union Treaty, thereby ascribing to them virtually the same status the fifteen union republics enjoyed. This invitation simultaneously encouraged the impulse toward separatism on the part of Russia's autonomous territories and weakened the Russian republic's territorial integrity. The Russian leadership wisely refrained from pressuring the unruly regions into submission. Nevertheless, Russia's national cohesion was now open to question.

In the summer of 1991, the newly elected Russian president Boris Yeltsin told the regions to take "as much sovereignty as you can swallow," implying that the federal government was ready to devolve many of its powers to regional authorities. In saying this, he

did not distinguish between former autonomous ethnic territories and Russian-populated regions, the latter of which account for the bulk of Russia's territory, population, and economic potential. Russia's central leadership was wise enough at the time not to heed the call of the regions to downgrade the republics, and

the problem of eliminating differences in status among constituent parts of the Russian Federation has been an extremely painful and contentious issue ever since.

The first serious ethno-political crisis in the Russian Federation occurred when the Chechen republic in the North Caucasus proclaimed itself independent from Russia soon after the August 1991 coup, following the example of the union republics. Chechnya's president, Dzhokhar Dudaev, was elected in October 1991 on a platform of sovereignty for the Chechen republic. The Russian government's attempt to resolve the conflict by sending troops to the rebellious republic the following month seemed unwise from the start, especially since the Russian parliament voted against the decision. The troops were withdrawn within two days without having entered combat. Despite economic hardships and internal conflict, the Chechens seemed to remain committed to the ideal of sovereign nationhood, consistently declining all Russian offers

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aimed at keeping Chechnya in the federation. The Russian government's brutal and protracted intervention three years later is a testament to its utter rejection of Chechnya's independence, sparked by fear that such a move could trigger a chain reaction of secession across the federation.

Russia's federal authorities also had serious problems with the republic of Tatarstan in the country's Volga region. While Tatars constitute less than half of the republic's population, Tatar nationalism has always been strong, reinforced by memories of the Kazan khanate that Russia conquered in the sixteenth century. In spite of Moscow's strongly worded admonishments, Tatarstan held a March 1992 referendum in which most voters supported the idea of the republic's becoming a sovereign state in loose association with Russia. Citizens in the neighboring republic of Bashkortostan also voiced similar demands.

Tensions within the Russian Federation were alleviated to some extent by the so-called Federation Treaty that was signed on February 29, 1992 by all members of the federation except Chechnya and Tatarstan. The treaty, regarded as an integral element of the constitution then in force, stipulated that the republics accept their status within the Russian Federation. In return, they would be granted more political and economic autonomy, especially in comparison with the Russian Federation's regions. Such provisions mainly recognize the republics' desires for independent management of their own natural resources and direct foreign trade relations, raising the official status of the native language, and preservation of their unique national cultures. For instance, the Sakha republic (Yakutiia) has less than 1 percent of the Russian Federation's total population, and only one-third of this number are Yakuts, but it contains more than 90 percent of the Russian Federation's entire diamond supply and more than 25 percent of its gold. Accordingly, under a special treaty, Sakha received permission to conduct its own foreign trade relations, with the condition that about one-third of the revenues from diamond sales and nearly 12 percent of gold export receipts be reserved for the republic itself.

In contrast, Russian-populated regions (oblasts) rich in energy resources, particularly gas and oil, have no such privileges. Their grievances could be viewed as a reaction to ethnic minorities' national movements and are reflected in their own legislation, taxation, and customs rules at their borders. Several regions (Uralskaia, Volgogradskaia, and Vologodskaia among them) attempted to upgrade their status

to the republic level, and St. Petersburg successfully conducted a referendum to be a full-fledged member of the Russian Federation with the same federal relationship as that between the center and the republics.

A much more important guarantee of the federation's stability, at least until the end of 1994, was not legal or political, but economic. In January 1992, the Russian government embarked on a comprehensive program aimed at achieving a market economy, first liberalizing prices and then privatizing state property. The scarcity of goods typical of the Soviet period soon disappeared, but during the first year of "shock therapy," inflation stood at around 2,500 percent. During 1992–1993, separatist attitudes in most Russian republics were clearly on the wane. Economic reform, albeit slow and inconsistent, did much to build an all-Russian market that provided powerful incentives for interregional integration. Republican elites were now less concerned with political powers or symbolic attributes of nationhood than with economic advantages and preferences gained through ongoing negotiations with federal authorities. The problem of separatism among Russia's regions and republics thus receded into the background for a while.

Prior to fall 1992, Russia had been free of the ethnic violence that was prevalent in many states of the "Near Abroad" during the immediate post-Soviet period. The first bloody ethnic conflict on Russia's territory erupted in late October, the result of a long territorial dispute between two North Caucasian ethnic groups, Ossetians and Ingush. The clashes led to a virtual "ethnic cleansing" as Ingush were forcibly expelled from the Prigorodnyi district, a part of their historic homeland that now belongs to North Ossetia. Not only did Moscow fail to prevent violence, but Russian troops sent to restore order in fact took sides in the conflict, helping the mostly Orthodox Christian Ossetians against the Muslim Ingush. This incident greatly undermined the Russian government's prestige in the region. While the Ossetian-Ingush conflict remains suppressed rather than resolved for the time being, the Russian government's handling of the affair had profound implications that continue to the present. For the first time, Moscow demonstrated the lack of determination and competence necessary to settle ethnic disputes and safeguard the human rights of minorities.

Throughout most of 1993, the political scene in Russia was dominated by increasing conflict between the reform-oriented executive branch and the more conservative legislature. This conflict had a clear im-

pact on the development of Russian federalism, since republican and regional elites emerged as powerful political actors who could determine the balance between the two opposing forces. Both the president and the parliament vied for their support by allocating subsidies and other economic privileges, to the detriment of the nation's financial stability. Under these circumstances, the problem of equality between republics and regions largely lost its importance as both republican and regional leaders, recruited mostly from the old Communist Party *nomenklatura*, asserted themselves as the federation's supreme political arbiters.

This situation, fraught with grave implications for Russia's unity and stability, changed radically with the dissolution of the Russian legislature and the suppression of the September–October 1993 coup in Moscow. Yeltsin admitted that he had overstepped the bounds of the constitution then in force, because it was adopted in the Soviet period and did not allow him to implement further political and economic reforms. The parliament, elected in spring 1990 under the conditions of the Soviet single-party system, did not garner as much trust among the Russian populace as the executive branch did, as indicated by the referendum of April 25, 1993. The center was now more politically powerful, while the influence of regional elites shrank dramatically.

The new Russian constitution, adopted by popular vote on December 12, 1993, does not contain the Federation Treaty (although it has not been annulled) but stipulates equality among all members of the federation, a provision that in fact limits the powers of the republics and the influence of their leaders. This concession was made under pressure from the country's large, industrially developed urban areas, St. Petersburg and Ekaterinburg (whose regional leader attempted to create a Urals republic) among them. This constitutional component can be considered an attempt to create a symmetrical federation that equalizes the rights of its constituent members regardless of ethnic composition.

According to the new constitution, each republic could have its own national flag and national anthem. More important, each signatory party of the Federation Treaty received the right to form its own legislative and executive bodies in accordance with its local traditions, a first in Russia's history. But the provision granting republics sovereign status was dropped from the final version of the constitution. In this context, it is clear why Russia's republics reacted to the

new constitution far less favorably than the federation's regions. Besides, some of the republics had already elected their own presidents and had adopted their own constitutions even before the new Russian constitution was adopted. Moreover, some of these constitutions clearly contradicted the fundamental law of the federation by defining the republics as sovereign states.

Article 72 of the Soviet constitution guaranteed union republics the right to "freely secede," even though other articles largely contravened this right. However, in 1990 a law was passed codifying the procedure for secession, which stipulated that a referendum be held six months after the initiation of the process. The Russian constitution, like those of the United States, Germany, and other federal states, does not contain the right of secession. However, the constitution of the Russian Federation's Tuva republic (a territory in south Siberia with a Turkic-speaking Buddhist majority) stipulates the republic's right to secede from Russia. The republic of Chechnya refused outright to hold the December 1993 referendum on the constitution. In Tatarstan, Komi, Udmurtia, and Khakasia, the referendum was not certified, as less than half the eligible voters in the republics went to the polls, while the republics of Adygeya, Bashkortostan, Chuvashia, Dagestan, Mordovia, and Tuva voted against the constitution. Thus, twelve of twenty-one Russian republics failed to approve the federation's new constitution, a situation that may portend new political tensions within Russia. Yet it is encouraging that both the federal center and the republics (at least some of them) have indicated a readiness for compromise. On February 15, 1994, Russia and Tatarstan signed a Treaty on Delimitation of Authority and Mutual Delegation of Powers, in which Tatarstan receives more political and economic autonomy than stipulated under the constitution. On the other hand, the treaty makes no mention of Tatarstan's controversial "sovereignty," which indicates that the republic has accepted its status within Russia. Pro-reform forces in the Russian government hoped for the signing of a similar special treaty with Chechnya, but negotiations with the republic's leaders did not begin within the required time frame.

Instead of negotiating a settlement of the Chechen problem, Russian government officials, particularly those in the president's Security Council, relied on military force and the well-known principle of "divide and rule." In fall 1994, the government secretly supported the leaders of two northern Chechen regions

who opposed President Dudaev. Toward the end of November, however, hopes for the opposition's influence were starting to fade. The "power ministries" in the Russian government (Defense, Interior, and the Federal Security Service) began to insist on more decisive measures to maintain the integrity of Russia and to stress the role of the military in resolving the issue. The results of the Budapest Summit at the end of November, where the decision to extend the North Atlantic Treaty Organization (NATO) eastward was announced with little attention paid to Russia's negative reaction, apparently had an influence on the Russian president as well. This rebuff also strengthened the position of the nationalists in the Russian leadership and led to the ill-prepared military invasion of the Chechen republic. As the military launched its assault, the Russian government declined to declare a state of emergency—a constitutional requirement under such circumstances—in which the upper chamber of the parliament must approve such an action, approval that the government knew would be difficult to obtain. The case drew protests from both chambers of the Federal Assembly (the Federation Council and the State Duma) and appeals to the Russian Constitutional Court to settle the matter.

After seven months of undeclared war, whose victims numbered in the tens of thousands, the Constitutional Court finally accepted arguments for consideration. In July 1995, the court concluded that the integrity of Russia is within the domain of state security and that its defense is fully within the authority of the president.

The surprise counterassault of Chechen guerrillas on adjoining Russian territory in June 1995 forced the federal government to announce a cease-fire and begin peaceful negotiations on the prospects for reconstructing the Chechen republic, elections for new republican organs of power, and the determination of the republic's status within the Russian Federation. However, it was not until the last stages of Russia's hotly contested presidential campaign and the death of Dudaev that the Russian government made a concerted effort to at least appear committed to settling the dispute during May 1996.

Nevertheless, hostilities in Chechnya continued through the summer of 1996, and it was only after the Chechen fighters demonstrated their military superiority by recapturing Grozny in early August that the war was brought to a close. On August 31, 1996, Russia's and Chechnya's representatives signed a peace

agreement in the Dagestani town of Khasavyurt stipulating, among other things, that the problem of Chechnya's status vis-à-vis Russia be postponed until 2001, to be resolved during the interim through bilateral negotiations.

The idea of "delayed status" clearly helped stop the bloodshed; however, as of this writing, neither of the parties to the conflict seems to take this idea seriously enough. While the Chechens (both the political elite and society at large) predictably insist on sovereignty, especially after Chechnya held its presidential and parliamentary elections in January 1997, Russia's government continues to regard Chechnya as a member of the Russian Federation, limiting its possible concession to granting the breakaway republic a special status within its legal framework. Russia's Foreign Ministry even went so far as to warn that Russia would break diplomatic relations with any nation that recognized Chechnya's sovereignty. The prospect, however, seems remote, since few if any countries are likely to offer Chechnya diplomatic recognition in the near future.

The harsh measures against the Chechens evoked a sharp negative reaction abroad as well as among many Russian citizens, especially in the federation's republics. It is quite possible that the government's handling of its first secession crisis will revive other separatist movements that have been dormant so far, adding another perilous dimension to the country's potential for economic and political destabilization.

Apart from the republics' and regions' claims to self-determination or more autonomy, extreme nationalist perceptions inform other views of Russia's eroding territorial integrity: Japan's claims to the Kurile Islands; Finnish politicians' claims to the Karelian isthmus and portions of the Kola peninsula; and the enclave status of the Kaliningrad region, which is separated from Russia by Belarus and Lithuania.

In quite an opposite fashion, the legacy of Soviet territory remains a complicating factor in Russia's attempts to solidify its territorial integrity, as some regions in the "Near Abroad" of the former USSR seek to forge ties with Russia that somehow go beyond the sphere of transnational political and economic relations. Many of these connections run counter—or are in outright opposition—to the policies of central leaders in the newly independent states. Among them are the Transdnestr region in Moldova, the Crimea in Ukraine, the northeastern part of Estonia, and Abkhazia and South Ossetia in Georgia. The first three cases involve large communities of diaspora ethnic

Russians, some even holding pro-Russian referendums aimed at changing post-Soviet international borders. Russia has so far refrained from issuing official reactions to these claims, since a positive response to, say, the Crimea's or South Ossetia's demand to join the Russian Federation would be a flagrant breach of international legal norms. On the other hand, ignoring these appeals, particularly those coming from diaspora Russian communities, clearly complicates the domestic political situation in Russia and enhances the influence of the country's nationalists.

Preserving the integrity of the enormous Russian state poses a unique challenge, especially considering the painful transitions it is now experiencing—from an empire to a federal state, from a centrally planned to a market economy, and from totalitarianism to democracy.

John Stuart Mill once observed that a country's ethnic diversity impedes its progress toward democracy. According to 1989 census figures, 126 nationalities inhabit the Russian Federation (about the same number as in the former USSR, although in different proportions), divided along various racial and linguistic groups as well as religious traditions. Apart from Christians of several denominations and some small ethnic groups faithful to their unique traditional beliefs (some relatively smaller nationalities of the north still profess pagan beliefs), Russia is home to millions of Muslims (among them the Tatars, Bashkirs, and most northern Caucasian peoples), hundreds of thousands of Buddhists (the Buryats, Kalmyks, and Tuvins), and Jews (some Ashkenazi Jews, the highland Jews in the Caucasus, and small communities of ethnic Russians who converted to Judaism several centuries ago).

Despite mass migrations caused by urbanization, wartime evacuations, and Stalin's forced deportation of various ethnic groups, most peoples of Russia are deeply rooted in and intrinsically tied to their ethnic territories and natural environments and contribute to great cultural diversity, which is reflected in the na-

tional-administrative structure of Russia. The major peoples of Russia already possess the attributes of statehood: twenty-two national republics and ten other state-like formations. At the same time, ethnic Russians in the Russian Federation today make up more than 83 percent of the population, and together with naturally assimilated Byelorussians and Ukrainians, the Slavic share of the population is around 87 percent. In other words, the federation, despite the variety noted above, is more or less ethnically homogeneous. This circumstance served as the basis for the Russian right's nationalist sloganeering during the campaign for the parliamentary elections in December 1995 and its reprise during the 1996 presidential cam-

paign. As a consequence, we will undoubtedly see a rise in the use of nationalist slogans on the part of ethnic minorities.

## GEORGIA

The case of Georgia, the newly independent Transcaucasian republic that was engulfed for years in a bloody civil war, exemplifies

the problems that arise in an emerging sovereign country trying to assert its territorial integrity in the face of ethnic minorities' self-determination claims.

Georgia's population, currently estimated at 5.5 million, is rather ethnically heterogeneous, with the titular nation, the Georgians, constituting just over 70 percent of the total. The most numerous ethnic minorities are Armenians (8.1 percent), Russians (6.3 percent), and Azeris (5.7 percent). In recent years, however, serious challenges to Georgia's incipient nationhood have come from smaller ethnic groups: the Ossetians, comprising 3 percent of the total population, and the Abkhaz, comprising less than 2 percent.

Unlike some other newly independent states of the former Soviet Union, Georgia has a history of independent statehood dating back to antiquity. Only in the late eighteenth century did the Georgian kingdom, under strong pressure from Persia and Turkey, lose its independence to its northern neighbor, Russia; Georgia's monarchy formally ended in 1801.

***The turning point came in April 1989, when Soviet troops brutally suppressed a peaceful demonstration in Georgia's capital, Tbilisi. Mass indignation over the violence triggered a sharp rise in both anticommunist sentiment and secessionist attitudes.***

While official Soviet history interpreted the incorporation as voluntary, a majority of Georgian historians have treated this event as an annexation of their homeland by the Russian empire. Throughout the nineteenth and early twentieth centuries, however, the mostly Orthodox Georgians were treated relatively favorably by the tsarist regime.

Before 1917, Georgian nationalists generally limited themselves to one demand: autonomy within Russia. In the immediate aftermath of the 1917 revolution, however, Georgia declared independence and was recognized by the international community as well as by Russia's Bolshevik rulers. This second era of Georgian independence lasted for only three years, ending in 1921 with the Red Army's invasion. Popular resistance notwithstanding, Georgia was incorporated into the USSR.

While not formally a federation, Georgia had a complex national-administrative structure under the Soviet regime. The relatively small Georgian Soviet Socialist Republic also included two autonomous republics, Abkhazia and Adzharia, and an autonomous region, South Ossetia. The Adzharian autonomous oblast was an unusual Soviet formation, since it was based on religion rather than ethnicity (its population consists mostly of Georgian-speaking Muslims), while Abkhazia and South Ossetia were established along ethnic lines. With hindsight, we can see how this ethno-territorial arrangement was characteristic of the Communist regime's efforts to create artificial sources of interethnic tension that it could exploit in classic "divide and conquer" fashion. Throughout most of the Soviet period, this ethnic-based autonomy in no way insulated the respective minorities from oppression and attempts at assimilation. Georgian Communist authorities pursued, more or less vigorously, a policy of "Georgianization."

On the other hand, these autonomous territories encompassed sizable portions of historically Georgian lands, and nationally conscious Georgians viewed them as a threat to the nation's survival. It seemed clear that from the end of the 1980s, Georgia, while seeking its own sovereignty, would deny a similar right to its distinct regions and ethnic republics. Andrei Sakharov, the Nobel Prize winner and human rights advocate, observed that Georgia could be considered a "small empire," emulating the larger Soviet empire in its unequal treatment of national groups.

The Georgian national idea, based on memories of sovereign independence, never lost its popular appeal, even though before the late 1980s only a small

group of dissident intellectuals openly expressed Georgia's claims to national self-determination and secession from the Soviet Union. Their appeals were addressed to fellow dissidents in other parts of the USSR and, of course, to worldwide public opinion. The international response, however, was minimal. Soviet dissidents, while supporting the right of Georgia to self-determination, also took up the cause of some of Georgia's minorities who suffered human rights violations, particularly the Meskhetian Turks, who were forcibly expelled from southern Georgia to Central Asia in 1944. Needless to say, not all members of the Georgian national movement could support the demand of this "punished people" to be allowed to return to its homeland.

In 1987 and 1988, with the winds of secession already sweeping across the Baltic republics and a few other regions of the Soviet Union, the situation in Georgia remained relatively calm. The turning point came in April 1989, when Soviet troops brutally suppressed a peaceful demonstration in Georgia's capital, Tbilisi. Mass indignation over the violence triggered a sharp rise in both anticommunist sentiment and secessionist attitudes. Meanwhile, Moscow's ability to control the situation in Georgia (and elsewhere in the multinational empire) rapidly deteriorated. In October 1990, Georgia took the first crucial step toward exiting the Soviet domain by holding open parliamentary elections that brought to power former dissident Zviad Gamsakhurdia and his secessionist Round Table/Free Georgia bloc. In April 1991, two months after Soviet troops were deployed to restore order in the Lithuanian capital of Vilnius, the Georgian parliament, chaired by Gamsakhurdia, proclaimed Georgia's independence from the USSR. One month later, Gamsakhurdia was elected president by popular vote.

His charismatic qualities and popularity notwithstanding, Gamsakhurdia had many influential enemies inside and outside Georgia. After the presidential elections, a long and bitter power struggle ensued, culminating in the military coup of December 1991–January 1992 and Gamsakhurdia's eventual ouster. Eduard Shevardnadze, the former Soviet foreign minister under Gorbachev and general secretary of the Georgian Communist Party from 1972 to 1985, assumed power.

It was not until new parliamentary elections in October 1992 that Shevardnadze's rule acquired a degree of legitimacy. Most Western governments and the international community in general, having

shown no inclination to recognize Georgia's sovereignty under Gamsakhurdia, accepted it almost immediately after Shevardnadze came to power. During Gamsakhurdia's tenure, Georgia was perceived as lacking the political stability for diplomatic recognition. However, Georgia hardly became more stable and democratic after Shevardnadze's accession.

Georgia's struggle for nationhood and the accompanying political strife, which has not subsided since the overthrow of Gamsakhurdia (who died under mysterious circumstances in early 1993), proceed against a background of violent ethno-political conflicts in which the Georgian ethnic majority has had to address claims to self-determination from the territorially autonomous ethnic minorities, the Ossetians and the Abkhaz.

### **South Ossetia**

According to the last Soviet census of 1989, Georgia's Ossetians numbered about 164,000, with 65,000 living in the South Ossetian Autonomous Region, where they constitute about two-thirds of the total population; the rest are mostly ethnic Georgians. Historically, Georgian settlement of the area antedates the influx of Ossetians. (Many Georgians now reject the very notion of "South Ossetia," referring instead to "Shida Kartli" or "Samachablo," the Georgian names for these lands.) Yet Ossetians can hardly be treated as recent arrivals, having lived in the area for several hundred years.

Under the Soviet regime, Ossetians in Georgia, particularly those living outside the autonomous region, were subject to Tbilisi's assimilationist policies. Tensions grew in the late 1980s as the South Ossetians attempted to pursue their right to self-determination and a change in territorial status. The self-determination movement, while initiated and led by the region's representative soviet (council) that was dominated by old Communist Party elites, had mass support among all segments of the region's society. In fall 1990, South Ossetia declared itself a sovereign republic within the Soviet Union, apparently aiming at eventual unification with the Russian Federation's North Ossetian Autonomous Republic. The two territories are separated by the Caucasus mountain range but are connected by a tunnel and an overland pass. South Ossetia's claims met little if any support from Moscow, fearful of bowing to pressure "from below" to make any border or status changes within the multinational state.

In December 1990, Georgia's newly elected parliament abolished South Ossetian territorial autonomy and introduced a state of emergency in the region's capital, Tskhinvali. Torez Kulumbegov, the speaker of the newly established South Ossetian legislative body, was arrested in Tbilisi during negotiations and was imprisoned for more than a year until Russian and Ossetian human rights workers won his release. The imposition of martial law brought two and a half years of guerrilla-type warfare, with both Georgians and Ossetians involved in killing civilians, imposing blockades, and ethnic cleansing. Moscow initially tried to curb the violence by sending in special Interior Ministry troops, but they were unable to restore order.

After the collapse of the Soviet Union, South Ossetia actively sought support from Russia, but the Russian government, despite strong pressures from nationalist political forces and North Ossetian authorities, refrained from recognizing South Ossetia's secession from Georgia. Such a move would have been tantamount to a Russian *Anschluss* of a portion of Georgia's territory and could have provoked demands on the part of other minorities for a similar *Anschluss*, for example, on Russians in the Crimea or the northeastern part of Estonia or the Lezgins in the northern Caucasus, who are divided between Russia's Dagestan republic and Azerbaijan. The results of a plebiscite held in South Ossetia, in which a majority of participants favored unification with the Russian Federation, were ignored by Russian authorities. It was only in June 1992 that a viable cease-fire in the region was achieved, thanks mainly to Russian mediation. Russia also sent a small peacekeeping force to the region, which was reinforced by troops from North Ossetia and Georgia; an OSCE mission currently observes the actions of this peacekeeping force. Georgian refugees still cannot return to the region, however.

Violence has not erupted in South Ossetia since, but because no permanent political solution to the problem has yet been reached, a new outbreak of hostilities is certainly possible.

### **Abkhazia**

The situation in Abkhazia presents an even more serious challenge to Georgia's territorial integrity and internal stability. The Georgian-Abkhazian conflict also has far-reaching international implications.

The Abkhaz, a small ethnic group clearly distinct from the Georgians, are linguistically and culturally

related to highland peoples of the North Caucasus and are among the oldest inhabitants of western Transcaucasia. The Abkhazian kingdom co-existed with the Georgian kingdom in the early Middle Ages. In the 1860s, Abkhazia was incorporated into the Russian empire. At the time of the conquest and shortly thereafter, much of the Abkhaz population (which professes Islamic and Christian over traditional beliefs) was either expelled or migrated to neighboring Turkey. Nonetheless, by the early twentieth century, the Abkhaz were still a majority in their historic homeland. After the 1917 revolution, Abkhazia entered the Soviet Union as a sovereign republic within the so-called Transcaucasian Federation, and in 1925 this status was fixed in the newly adopted Abkhazian constitution. In 1931 its status was downgraded to that of an autonomous republic within Georgia.

Throughout most of the Soviet period, particularly under Stalin, Abkhazia was subjected to extensive Georgianization. The Abkhaz suffered discrimination in many fields, and Georgian immigration was actively encouraged. Lavrentii Beria, Georgia's Communist Party boss in the 1930s, played a very active role in pursuing this policy. As a result, the ethno-demographic profile of Abkhazia has changed dramatically over the course of two generations. By 1989, the Abkhaz numbered about 93,000 and constituted just 18 percent of the republic's population, while the share of Georgians reached 240,000, or 45 percent. The numbers of Armenians (15 percent of the total) and Russians (14 percent) also increased considerably.

The Abkhaz national movement emerged in 1978, when mass rallies were held to support a plan to secede from Georgia and join the Russian Federation. These open expressions of discontent arose over a draft of the new Abkhazian constitution. Not only was the draft constitution prepared by Georgian officials, but it recognized Georgian as the official language in Abkhazia. The movement, led by Abkhaz intellectuals and tacitly supported by influential regional clans and by the local Communist Party elite, enjoyed widespread support throughout the autonomous republic and from other ethnic minorities as well. Georgian authorities were not only forced to change the constitutional draft to recognize three official languages (Abkhaz, Georgian, and Russian), but had to nominate new political leadership for Abkhazia and provide economic aid to the autonomous republic as well.

In the late 1980s, the Abkhaz national movement resurfaced, this time with renewed demands for

union republic status. Although Georgians and Abkhaz clashed over the issue in 1989, the violence was sporadic. Abkhaz leaders concentrated their efforts on lobbying Moscow for support, trying to project an image of loyal Soviet citizens resisting anticommunist Georgian nationalism. Unlike the rest of Georgia, Abkhazia participated in the March 1991 referendum on maintaining the Soviet Union as a unified state. President Gamsakhurdia pursued a rather conciliatory policy toward the Abkhaz, since the latter (unlike the Ossetians) were officially treated as one of Georgia's "indigenous peoples." Even though one concession allotted a disproportionately greater number of seats in Abkhazia's Supreme Soviet (the Soviet-era republican legislature) for the titular ethnic group, the issue of Georgia's constitution continued to inflame Abkhaz national passions. At the time, the Georgian Supreme Soviet adhered to the 1921 constitution of independent Georgia, which did not recognize Abkhazia as a republic with its own statehood inside Georgia. In July 1992, Abkhazia's Supreme Soviet decreed that Abkhazia's 1925 constitution, under which Abkhazia was deemed independent within a Georgian confederation, should remain in force until the passage of a new constitution.

The following month, Georgian troops invaded Abkhazia and captured its capital, Sukhumi. Abkhaz leaders, including President Vladislav Ardzinba, fled to Gudauta in the northern part of the republic to organize armed resistance. Hostilities lasted for about a year, with the Abkhaz directly supported not only by their northern Caucasian ethnic brethren (including a Chechen military battalion) but by Russian military units stationed in the area as well. In summer and fall 1993, the Abkhaz launched a counteroffensive. Eduard Shevardnadze, who had replaced President Gamsakhurdia, soon arrived in Sukhumi to lead Georgia's defense.<sup>26</sup> However, Abkhaz forces, backed by the Russian military, recaptured the entire territory of the autonomous republic. Most of Abkhazia's Georgians were forced to flee, creating a severe refugee problem. Eager to enlist Russia's support on the Georgian side, Shevardnadze finally signed a 1994 agreement for Georgia's membership in the Russian-dominated Commonwealth of Independent States, a subtle yet serious blow to Georgian nationalism. The two countries also concluded an agreement to allow Russian military bases in Georgia and to share responsibility for patrolling the Georgian-Turkish border.

Russia, suspected of a pro-Abkhaz bias, is now pursuing a more balanced policy. Additionally, Presidents Yeltsin and Shevardnadze signed a treaty stipulating mutual recognition of existing borders. But the leaders of the various factions in the Russian State Duma have warned President Yeltsin that they will not approve the bilateral treaty until Georgian authorities have proposed a draft of a new federal constitution. In March 1994, President Shevardnadze signed an agreement with U.S. President Clinton that contained a statement on the territorial integrity of Georgia. Both leaders discussed the issue of introducing international peacekeeping troops on the border between Georgia and Russia, an unrealistic proposal in light of Russia's interests in the region. In the meantime, UN observers and representatives of the UN High Commissioner for Refugees have taken up positions on the border between Abkhazia and Georgia.

To date, there have been no other outbreaks of mass violence in Abkhazia, but the conflict is far from being resolved, despite ongoing negotiations and mediation provided by the United Nations. The main problem underlying the conflict is, of course, Abkhazia's status. While Abkhaz leaders have so far refrained from declaring outright secession from Georgia, it does not seem likely that they would be content with the mere restoration of Abkhazian autonomy within Georgia. On the other hand, it seems equally unlikely that Georgians could reconcile themselves to Abkhazia's complete independence. Moreover, secession would likely encounter international condemnation as violating Georgia's territorial integrity, especially since ethnic Abkhaz constitute less than one-fifth of Abkhazia's population.

In summer 1995, the Abkhazian leadership, under the supervision of peacekeeping forces and UN High Commissioner for Refugees representatives, allowed approximately 100,000 Georgian refugees to return to the southernmost district of Abkhazia, where they once constituted a sizable majority. Not long before that, the Georgian leadership, despite strong legislative opposition, offered a draft of a new Georgian constitution, which proposes establishing a federal state

with a specified level of self-rule in Abkhazia, Adzharia, and South Ossetia.

In fall 1996, Abkhazia held presidential and parliamentary elections whose legitimacy was widely questioned, since many refugees who had not returned to the republic (mostly ethnic Georgians) were excluded from the vote. Georgia's government sponsored a simultaneous referendum among Abkhazian refugees in Georgia, in which most voters predictably supported the idea of Abkhazia's status within Georgia.

Future negotiations should focus on elaborating Abkhazia's status as a sovereign state within a Georgian federation or confederation. Equally important is Abkhazia's guarantee of equal treatment for all ethnic groups, including Georgians.

***The image of Crimea as historically Russian territory is deeply rooted in the Russian national consciousness.***

## THE CRIMEA

While the Crimea still cannot be listed among the numerous areas of violent ethno-political conflict in the Soviet

successor states, it has recently become a focus of domestic and international tension, with conflicting self-determination claims voiced against a background of interstate territorial disputes and an unsettled legacy of military-political issues from the Soviet period.

The Crimean peninsula is situated on the northern coast of the Black Sea, covering a territory of approximately 270,000 square kilometers. The largest ethnic groups among its 2.7 million people are Russians (1.7 million, or some 63 percent of the total), Ukrainians (650,000, or about 24 percent), and Crimean Tatars (250,000 to 300,000, or about 10 percent).

From the fifteenth through the eighteenth centuries, the peninsula was ruled by the Crimean khanate, dependent on the Ottoman Empire. Numerically and politically dominant in the khanate was a Turkic-speaking people who evolved into a distinct ethnic group, the Crimean Tatars. In the course of the Russo-Turkish wars, the Crimean khanate was incorporated into the Russian Empire in 1783. This move was sealed by a peace treaty between Russia and Turkey in 1791.

Throughout the nineteenth and early twentieth centuries, the Crimea's ethno-demographic structure underwent significant changes. Russia's tsarist regime pursued a decidedly anti-Tatar policy, encouraging

Russian (and Ukrainian) settlement in the area and forcing many Crimean Tatars to flee to Turkey. As a result, by the early twentieth century the Crimean Tatars constituted just about one-third of the region's population, while the proportion of eastern Slavs reached 50 percent.

The collapse of the Russian Empire in 1917 led to a brief period of Crimean semi-independence, with Tatar political organizations playing an important role in the region. As early as November 1917, the Crimean Tatar *kurultai* (national congress) was convened, adopting the first Crimean constitution. Today, leaders of the Crimean Tatar national movement often invoke the experience of 1917–1920 to substantiate their claims to national statehood.

In 1921, just a year after the Crimea was recaptured by Bolshevik Russia, the region was granted territorial autonomy within the Russian Federation. Bolshevik leaders established the Crimean Autonomous Soviet Socialist Republic (ASSR) in the context of their so-called nativization policy, characteristic of the Communist regime's early nationalities policy. In general, this policy encouraged the expression of minority languages and cultures as well as a sort of "affirmative action" for non-Russian nationalities, while minimizing any challenge to centralized Communist rule. To be sure, Crimean Tatars enjoyed preferential treatment in the fields of culture and administration in the Crimean ASSR. In retrospect, however, the Crimean autonomy of the 1920s–1930s seems not to have been as clearly ethnicity-based as most other Soviet autonomies of the period. Presently, Crimean Tatar activists regard the Crimean ASSR as a recognition of Crimean Tatar statehood, while their opponents in the Crimea and beyond are convinced that the autonomous formation was purely administrative. This historical controversy is, of course, highly relevant to the present situation in the Crimea.

The situation of the Crimean Tatars, as well as most other Soviet ethnic minorities, sharply deteriorated during the 1930s, as Stalin waged a brutal campaign of terror against so-called local nationalism. In 1944, the Crimean Tatars, along with various other nationalities (Chechens, Balkars, etc.), were targeted for forced expulsion from their native land to remote areas of the Soviet Union (mostly to Central Asia). Conducted on the pretext of alleged collaboration with the enemy during the German occupation of the Crimea during 1941–1944, the mass relocation was extremely brutal and resulted in a substantial death toll. By some estimates, nearly half the 240,000 Crimean Tatars who

were selected for resettlement died in the process or shortly thereafter.

After 1956, the Crimean Tatars were no longer treated as virtual labor camp inmates ("special settlers" in Soviet parlance at the time), but not before the Gorbachev era were they allowed to return to their homeland. For over forty years, Crimean Tatars were denied basic cultural rights and even an ethnic identity; until the late 1980s, Crimean Tatars never appeared in Soviet population statistics.

In 1945, Soviet authorities formally abolished the Crimean ASSR and renamed the territory the Crimean province within the Russian republic. Strictly speaking, its territory remained as before—an exclave separated from the rest of Russia by Ukrainian territory. Apparently for economic and administrative reasons, the Soviet leadership decided to transfer the Crimea's jurisdiction from Russia to Ukraine, a move legally finalized by the Presidium of the USSR Supreme Soviet in 1954, a date that coincided with the 300th anniversary of Ukraine's acceptance of Russian authority.

At the time, Soviet leaders in Moscow were not overly concerned with the constitutional procedure of republican border changes; the Crimea remained within the USSR, and interrepublican boundaries were of no real importance. The political implications of the 1954 act became painfully clear only in the late 1980s, as the empire was facing collapse.

The early 1960s witnessed the emergence of the Crimean Tatar national movement, whose leaders and followers came from practically every social stratum of the "punished people." The movement's initial demands were confined to freedom of return to the Crimea and restoration of the Crimean ASSR. Peaceful and democratic in character, the Crimean Tatar national movement endeavored to make its slogans acceptable to Soviet authorities; its numerous petitions and appeals were addressed mostly to Soviet leaders, calling on them to repudiate Stalin's legacy and to restore "Lenin's principles of nationality politics" with regard to the Crimean Tatars. Nevertheless, many leaders and activists of the movement encountered harsh treatment from Soviet officials. The clearest example of Soviet human and minority rights violations, the plight of the Crimean Tatars evoked sympathy and concern among democratically minded Soviet intellectuals and in the West as well, especially since the Crimean Tatar movement tried to enlist support from international human rights organizations.

With the easing of political controls under Gorbachev, many Crimean Tatars returned to the Crimea.

The process started in 1987, as Soviet authorities, after some vacillation, acknowledged the existence of the Crimean Tatar issue. The 1989 Soviet census showed the number of Crimean Tatars in the Crimea at 38,000. It has steadily increased since then, now estimated at between 250,000 and 300,000, while the total number of Crimean Tatars in the Soviet successor states has been estimated at between 360,000 and 410,000. Their return is likely to be completed in the next few years.

As the Crimean Tatars made their way back to their homeland, the ideology of the Crimean Tatar movement shifted toward more radical demands, despite noticeable tensions between the “new” settlers and the local population. No longer content with mere ethnic minority status, the more radical Crimean Tatars now claimed the right to national self-determination with the Crimea as their ancestral homeland. In June 1991, a kurultai was convened in Simferopol proclaiming Crimean Tatar sovereignty and electing a representative legislative body (*majlis*), which approved a draft constitution of the Crimean republic in December 1991. The document strongly emphasizes the idea of ethnic self-determination and is clearly aimed at creating a Crimean Tatar nation-state, despite the fact that the proportion of Crimean Tatars in the peninsula’s total population does not now, nor is ever likely to, exceed 10 to 15 percent.

Meanwhile, as the Soviet Union was moving toward disintegration, new factors impinged on the Crimean political scene. During 1990–91, with Ukraine actively asserting its sovereignty and working to secede from the USSR, the ethnic Russian majority in the Crimea became increasingly concerned about its future, fearing that an independent Ukraine would pursue assimilationist policies in the Russian-speaking Crimea. These fears, exacerbated by Ukrainian nationalist groups’ anti-Russian propaganda, proved largely unfounded. In March 1991, the Ukrainian parliament granted the Crimea the status of an autonomous republic within Ukraine. In the December 1, 1991, national referendum, Crimeans voted by a slim margin to support Ukraine’s independence, indicating that the idea of secession had no overwhelming support at the time.

However, while most Russian-speaking Crimeans did not seem to be particularly unhappy about living within an independent Ukraine, many Russians, including quite a few influential politicians, could not accept the idea of the Crimea’s belonging to a neighboring state. The image of the Crimea as historically

Russian territory is deeply rooted in the Russian national consciousness. Although as early as November 1990 Russia and Ukraine concluded a treaty that stipulated mutual recognition of each other’s territorial integrity, Russia began to lay claims to the Crimea soon after the collapse of the USSR. In May 1992, Russia’s Supreme Soviet declared the 1954 act awarding the Crimea to Ukraine null and void. In July 1993, another parliamentary resolution proclaimed the Crimean city of Sevastopol part of Russian territory.

These irredentist claims came mostly from the now-dissolved Supreme Soviet, dominated by so-called national patriots, while Russia’s president and executive branch officials have repeatedly reiterated their commitment to treaty obligations concerning Ukraine’s territorial integrity. Nevertheless, the Crimea remains a potential source of Russo-Ukrainian territorial disputes, particularly in the context of the lasting controversy between the two nations over the status of the former Soviet Navy’s Black Sea Fleet, stationed in the Crimean port city of Sevastopol. In late 1996 and early 1997, influential politicians in Russia—most notable among them, Moscow mayor Yuri Luzhkov—voiced renewed claims to Sevastopol. As nationalist groups and their leaders continue to rise in popularity on Russia’s political scene, the dispute over the Crimea may result in a serious international conflict.

However, political developments in the Crimea have been shaped more by internal factors than by the international environment. Throughout 1992 and 1993, Russia supported separatist movements of Crimean Russians even though leaders of the Crimean parliament restrained their push for secession while they bargained with Kiev for more autonomy and economic privileges following a failed attempt to declare independence from Ukraine in May 1992. Having won considerable concessions from the Ukrainian government, Crimean authorities indefinitely postponed a planned referendum on Crimea’s status. By late 1992, the issue of Crimea’s self-determination seemed to have receded into the background.

The problem soon reemerged as Ukraine’s economy rapidly deteriorated relative to Russia’s, which was in better shape owing to a sustained period of more consistent reform policies. The obvious gap in living standards between Ukraine and Russia made most Crimeans (practically all Russian-speakers and, apparently, even some Ukrainians) much more responsive to calls for seceding from Ukraine and join-

ing the Russian Federation. The only segment of the Crimea's population that has remained strongly opposed to the idea is the Crimean Tatars, who continue to view the Ukrainian government as the guarantor of their political and cultural rights. Since they regard the peninsula as their historic homeland, endowing them with special rights and privileges, the Crimean Tatars are not willing to accept the notion that self-determination applies to, and ultimately will be implemented by, the entire population of the Crimea, particularly its Russian and Ukrainian segments. More important, they have valid reasons to fear that secession from Ukraine would leave them at the mercy of local authorities, who have so far proved unresponsive to their legitimate rights and grievances.

The Crimea's secessionist mood permeated its 1994 presidential election. The former leader of the Crimean republic, Supreme Soviet chairman Nikolai Bagrov, who advocated compromise with Kiev, was easily defeated by political novice Yuri Meshkov, who promised to hold a referendum on the Crimea's independence as a means to "break free from under the ruins of the Ukrainian economy." While Meshkov became somewhat more cautious in his political oratory after his inauguration, he and the deputies of the Crimean Supreme Soviet faction *Rossiya* remained committed to the idea of a referendum on the status of the peninsula—an idea hardly acceptable to Ukrainian leaders.

The mood of Ukrainian society also began changing in mid-1994, yielding to some extent under the pressure of the Crimea's grassroots movement and to its ethnic Russians, most of whom are concentrated in the country's industrially developed eastern regions; the rapid progress of Russia's market economy had an influence as well. Ukrainian president Leonid Kravchuk was defeated in elections by the more pro-Russian Leonid Kuchma on July 10, 1994. The change initially gave some hope for a more peaceful resolution of the Crimean problem and a more satisfactory response from Kiev to the needs of the Crimea's Russians. But at the end of 1994, the Russian government launched its full-scale assault on the breakaway republic of Chechnya, an action that simultaneously undermined confidence in the Russian leadership's goodwill and increased the pressure from Ukrainian nationalists who insisted that Kiev also solve the Crimean problem by force. The Ukrainian leadership, concerned with Russia's military actions and fearing the development of secessionism

among ethnic Russians in the country's east, attempted to deny the Crimea its autonomous status.

On March 30, 1995, the Ukrainian parliament demanded that several articles in the Crimea's constitution establishing the region's autonomy be brought into precise accordance with Ukraine's constitution; the interim constitution, with its institution of the presidency, was abandoned. The Russian consulate, established by the Russian Ministry of Foreign Affairs and charged with accepting applications for Russian citizenship from interested residents, was ordered to vacate the peninsula.<sup>27</sup> The Crimean legislature scheduled a referendum for the end of June 1995, contrary to the decisions of Ukraine's parliament, but the subsequent discord in the Crimean government precluded carrying out that decision. In addition, the debates among the president, the government, and the parliament of the Crimea led to Meshkov's dismissal in spring 1995 and to the *de facto* suspension of the presidency.

The summer meeting of Presidents Yeltsin and Kuchma expedited the settlement of questions over the division of the Black Sea Fleet and the status of Sevastopol as a base for the Russian portion of the fleet, but the status of the Crimean peninsula was not on the meeting's agenda. Following parliamentary elections in early June, the legislative faction *Rossiya*, whose members now dominated the Crimean parliament, selected a replacement for the parliamentary speaker on the grounds that he did not consistently pursue items on *Rossiya's* legislative program.

Because the tensions surrounding the Crimea's status have not yet resulted in violent conflict, the international community has not felt compelled to respond. Although many international conferences on the Crimean problem have been convened, influential regional organizations and the United Nations have not been thoroughly involved in the dispute. One notable exception is the May 1995 OSCE roundtable in Locarno, Switzerland, which was dedicated to the problems of delimiting powers between the Ukrainian and Crimean governments.

A more effective response on the part of the international community may be imperative in the near future. Russia's acting on its territorial claims to the Crimea would be the target of international opprobrium as a flagrant violation of Ukraine's territorial integrity, regardless of whatever historical substantiation it cites for such claims. Within the context of international law, changing the Crimea's status can be supported only by the principle of self-determination.

At present, the Crimea's case for self-determination, involving secession from Ukraine, would attract little international support, since most observers concur that contemporary secessionist claims are basically motivated by economic considerations, and the Crimea's Russian-speaking majority has not suffered any civil or human rights violations under Ukrainian rule.

The optimal solution to the Crimean case may lie in consolidating the Crimea's autonomous status within Ukraine, possibly involving a sort of "special relationship" with Russia (dual nationality for Crimeans, tighter economic integration, etc.), without challenging Ukraine's sovereignty. Mediation from international human rights organizations could be useful in helping to resolve ethno-political tensions within the Crimea by guaranteeing the Crimean Tatars an extensive set of minority rights as well as more opportunities to be actively involved in the ongoing process of the Crimea's self-determination.

## NAGORNO-KARABAKH

The name of this small region, little known outside Soviet Transcaucasia as recently as nine years ago, has epitomized the bitter ethno-political disputes that have characterized the aftermath of the Soviet Union's collapse. The battle between Armenia and Azerbaijan over Nagorno-Karabakh has been the longest and bloodiest conflict among those in the Soviet successor states. According to the most recent estimates, its death toll has reached 15,000, while the total number of refugees exceeds one million.

During its nearly seven decades of existence as an autonomous region within Azerbaijan, Nagorno-Karabakh was populated mostly by Armenians, though the region has no common border with the Armenian republic, being separated from it by a narrow strip of Azeri land (the so-called Lachin corridor). The region consists of five districts, only one of which, the Shusha district, is predominantly Azeri. Two Azeri districts bordering Nagorno-Karabakh (the

Shaumyan and Khanlar districts) have an ethnic Armenian majority.

The latest official accurate demographic data on the region, in the 1979 Soviet population census, show the total population of the Nagorno-Karabakh Autonomous Region numbering 162,200, with 123,100 Armenians (75.9 percent) and 37,300 Azeris (22.9 percent). As a result of hostilities, ethnic cleansing, and emigration in recent years, the population of the area has decreased and has become even more ethnically homogeneous; almost 100 percent of the approximately 150,000 inhabitants are ethnic Armenians.

The ethno-demographic evolution of what is now called Nagorno-Karabakh has long been the subject of bitter controversy between Armenian and Azeri scholars, with each camp trying to uncover historical evidence to support its claim to the disputed area. Without going too far into the region's ancient and me-

dieval history, it should nevertheless be noted that the Armenian side can produce an impressive number of objective sources suggesting that it has dominated the region for over a millennium. The Karabakh khanate, incorporated into the Russian Empire in 1813, brought a Turkic population to the region no earlier than the beginning of the eighteenth century, eventually establishing its rule over the Armenian majority. As in tsarist Russia, administrative boundaries were not drawn along ethnic lines during this period in the region's history.

Nagorno-Karabakh first emerged as a disputed territory between Armenia and Azerbaijan when both states became independent in 1918. The dispute was not resolved until 1920, when both young nation-states lost their independence to Bolshevik Russia. In December 1920, the Azeri Communist government renounced former claims to Nagorno-Karabakh and several other Armenian-populated territories, recognizing them as parts of Soviet Armenia. Eventually, however, the Azeri leadership revived these claims, lobbying Moscow for support. On July 4, 1921, the so-called Caucasian Bureau (Kavburo) of the Russian

***T*** ***he Soviet leadership was by no means willing to accept within the multinational empire any border or territorial status changes initiated "from below."***

Communist Party's Central Committee voted to include Nagorno-Karabakh in Armenia. But on the next day, a new session of the Kavburo convened and revised the decision, demanding that the disputed area be incorporated into Azerbaijan. It also decreed that Nagorno-Karabakh be granted territorial autonomy within the Azeri republic; this part of the Kavburo resolution was implemented in 1923 with the creation of the Nagorno-Karabakh Autonomous Region (NKAO).

Advocates of the Armenian position in the Nagorno-Karabakh dispute have often pointed out that the Kavburo resolution of July 5, 1921, apparently adopted under pressure from Stalin, clearly contradicts the principle of self-determination and, in any case, cannot be regarded as legally valid. The dispute should have been resolved by the states directly involved, they argue, not by an ad hoc committee established within the ruling party of a third state.

Throughout the nearly seven decades of its existence, the NKAO did little to preserve and promote the rights, culture, and identity of the Armenian minority in Azerbaijan. Lack of investment destined the autonomous region to remain a backward agrarian area. Limited employment opportunities and discrimination against Armenians contributed to the gradual emigration of the Armenian population from the region, while republican authorities encouraged the inflow of Azeris from outside Nagorno-Karabakh. As a result, between 1926 and 1979 the proportion of Armenians in the region dropped from 95 to 76 percent while that of Azeris increased from 10 to 23 percent. Cultural rights of the Armenian minority were also violated (for example, teaching Armenian history in local schools was banned), and cultural links between Nagorno-Karabakh and Armenia were virtually severed. It is not easy to determine, however, whether the Azeri leadership pursued this assimilationist policy on its own or at the behest of central officials in Moscow, who by no means considered the protection of minority rights a priority.

The idea of reuniting Nagorno-Karabakh with Armenia had been popular among Armenians long before the late 1980s, but the few intellectuals who dared to voice it openly under the Khrushchev and Brezhnev regimes met with harsh treatment from Soviet republican leaders in Armenia as well as in Azerbaijan. The situation began to change two years after Mikhail Gorbachev came to power and launched his *glasnost* and *perestroika* campaigns. Encouraged by the general easing of political restrictions, Nagorno-

Karabakh's Armenians now resolved to present their case to the court of world opinion and, of course, to the Soviet leadership. In January 1988, all the district soviets (councils) of the Nagorno-Karabakh region, except for the Azeri-populated Shusha district, adopted resolutions calling for the transfer of the region from Azerbaijan to Armenia. On February 20, 1988, the Nagorno-Karabakh regional soviet petitioned the Supreme Soviets of Armenia, Azerbaijan, and the Soviet Union for the region to join Armenia (the Azeri minority in the soviet did not take part in the vote). This move prompted mass rallies in the Armenian capital of Yerevan that quickly spread throughout the republic, led by the newly formed "Karabakh Committee," a group of democratically minded intellectuals. While the incipient national movement had mass support in both Nagorno-Karabakh and Armenia, it was initially suppressed in Nagorno-Karabakh by the region's Soviet officials; whereas in Armenia, a new leadership emerged, clearly opposed to the local *nomenklatura* and the ruling Communist regime in general.

Of course, Nagorno-Karabakh's petition met a fierce negative reaction in Azerbaijan. Tensions reached a critical stage after an anti-Armenian pogrom in the Azeri city of Sumgait in February 1988, the first outburst of ethnic violence in late Soviet history. Episodes of violence in the dispute over Nagorno-Karabakh have escalated ever since.

Although many analysts believed then and even now that Gorbachev and his fellow reformers in Moscow would sympathize with the Armenian position, the opposite was the case. The Soviet leadership was by no means willing to accept within the multinational empire any border or territorial status changes initiated "from below." Not without reason, it feared that approving such a change might trigger the uncontrolled disintegration of the Soviet state. In addition, the national-democratic movement in Armenia had clear anticommunist overtones, which hardly made Moscow more inclined to meet its demands. Thus it was only natural that in July 1988, the Presidium of the USSR Supreme Soviet unequivocally rejected the appeal of Nagorno-Karabakh to join Armenia. (The month before, the appeal had been upheld by the Armenian parliament under strong public pressure; the Azeri parliament, of course, dismissed the appeal.) Meanwhile, the Armenian movement was wholeheartedly supported by reform-minded intellectuals in Moscow and other large Russian cities, who

welcomed its peaceful and democratic character. The international response to the Armenian claim to self-determination was, at best, cautious. Western governments and publics in particular viewed the Nagorno-Karabakh crisis as a mere complication that threatened to impede Gorbachev's reform program.

During the early stages of the conflict, both sides rarely invoked international legal principles, relying mostly on the still prevailing Marxist-Leninist ideology and the Soviet constitution. While the Armenian side emphasized the concept of self-determination—vaguely mentioned in the constitution, though once vigorously championed by Lenin—the Azeri side stressed the constitutional prohibition against changing republican borders without the approval of the republic(s) affected by the change. Besides, Azeri (and Soviet) propaganda often referred to the time-honored Communist slogan of “friendship between peoples” and tried to portray the Armenian national movement as inspired by “evil, mafia-like forces.”

As violence mounted against ethnic Armenians in Azerbaijan, the number of Armenian refugees flowing into Armenia and other Soviet republics steadily rose. Still, Soviet authorities refrained from using force to restore law and order in Azerbaijan, while in Armenia force was brutally unleashed more than once to suppress peaceful demonstrations. However, by late 1988, the cycle of violence and retaliation in the Armenian-Azeri conflict was complete, as thousands of Azeris were forced to flee from Armenia and Nagorno-Karabakh. The policy of ethnic cleansing had become “bilateral.”

In January 1989, the Soviet central government tried to curb the violence by placing Nagorno-Karabakh under the direct rule of Moscow. A state of emergency was also introduced in parts of Armenia (but not in Azerbaijan) and members of the Karabakh Committee, including future Armenian president Levon Ter-Petrosian, were jailed, only to be released six months later without trial. The change in Nagorno-Karabakh's status did not imply that Moscow was taking a more balanced approach to the issue; Azeri domination over the area was never really questioned. Moreover, the central government failed to prevent or stop the Azeri blockade imposed on Nagorno-Karabakh and Armenia during summer 1989. In November of that year, Moscow abandoned its “special form of administration” and Nagorno-Karabakh was returned to Azeri jurisdiction. Armenia's Supreme Soviet reacted the following month by

passing a resolution on the unification of Nagorno-Karabakh and Armenia.

Moscow's unsuccessful experiment with the “special form of administration” in Nagorno-Karabakh indicated that the central government was concerned not so much with resolving the conflict as with strengthening its tenuous hold on power in the region. This fact was demonstrated once again in January 1990, when Soviet troops were sent to Baku to prevent the seizure of power by the anticommunist Popular Front. This brutal action resulted in many deaths, mostly among innocent civilians, and did much to turn Azeri attitudes against Moscow, further limiting its opportunities to influence the situation constructively. Meanwhile, the conflict over Nagorno-Karabakh was gradually transforming into a full-scale war between Azeri and Karabakh irregulars, the latter receiving support from Armenia.

In May 1990, Armenia held open parliamentary elections, signaling the end of Communist rule in the country. In August the new parliament, chaired by Levon Ter-Petrosian, issued a declaration of independence. In early 1991 it was clear that Armenia was attempting to leave the Soviet Union without paying much heed to Gorbachev's idea of a new Union Treaty, while Azerbaijan's Communist leaders showed no inclination to secede. This situation apparently forced Moscow to revert to an openly anti-Armenian stance in the Nagorno-Karabakh conflict. In spring and summer 1991, Soviet military units, supported by Azeri Interior Ministry forces and popular militias, waged a campaign of ethnic cleansing against Armenian villages adjacent to Nagorno-Karabakh; the operation was abandoned only after the failure of the August coup in Moscow.

This military action proved to be the last use of force by the already moribund central government; the Soviet Union was rapidly moving toward its ultimate collapse. One month after the Moscow putsch, Armenia held a referendum on secession from the USSR; on September 23 it declared itself independent. By this time, the political situation in Nagorno-Karabakh had changed significantly. The local political elite differed from the Armenian leadership in its political orientation. No longer insisting on unification with Armenia, Nagorno-Karabakh's leaders now clearly preferred independence. On September 2, a session of the regional legislature proclaimed the former Soviet autonomous region the Republic of Nagorno-Karabakh (RNK), including also the Armenian-populated Shaumyan district of Azerbaijan. On November 26, Azerbaijan

responded by annulling the autonomous status of Nagorno-Karabakh. The self-proclaimed republic held an independence referendum on December 10; after parliamentary elections in late December, it declared its independence on January 6, 1992.

The RNK has not been recognized by any member of the international community—not even by Armenia—and its government joins those of other unrecognized nations of the former Soviet Union (Abkhazia, the Crimea, and the Transdnestr region) in resenting the fact that they were not included in the Commonwealth of Independent States (CIS) treaty, so much so that they created their own “CIS-2” treaty.

The hostilities between Nagorno-Karabakh and Azerbaijan intensified as the combatants received (usually illegally) heavy weaponry from former Soviet military units. Turkey also supplied weapons to the Azeri side and dispatched a small number of military instructors to train Azeri draftees. The Azeri army also supplemented its ranks for the war effort with mercenaries, including about two thousand Afghan *muja-hideen*; both sides have used Russian and Ukrainian mercenaries as well. Azerbaijan’s objective advantage in terms of human and economic potential has so far been offset by the superior fighting skills and discipline of Nagorno-Karabakh’s forces. After a series of offensives, retreats, and counteroffensives, Nagorno-Karabakh now controls a sizable portion of Azerbaijan proper (about 20 percent of the whole territory), including the Lachin corridor. Despite these victories, both Nagorno-Karabakh and Armenia have endured tremendous hardships imposed by Azerbaijan’s blockade, and the current instability in Georgia makes the blockade even more effective. The danger continues to loom large that the conflict will become internationalized with the involvement of neighboring states—most notably Turkey and Iran.<sup>28</sup>

While the prospects for peaceful settlement of the conflict seem increasingly remote, since late 1991 mediation efforts have been undertaken by Russia, Kazakhstan, Iran, Turkey, and France, and also by the CIS and the OSCE.

On May 12, 1994, after several failed attempts, what appears to be a permanent cease-fire was finally established, and while it has held for almost three years, the conflict’s lull appears tenuous. Meanwhile, diplomatic efforts continue in the framework of the so-called Minsk Group, under the aegis of the OSCE. Finnish, Swedish, Russian, and U.S. diplomats and experts are taking active roles in the process, but a

resolution of the conflict ultimately rests on the plan for the future status of the RNK.

From the very beginning of the conflict, various proposals emerged for its resolution. For example, one proposal would have raised the status of the RNK from that of an oblast to an autonomous republic within Azerbaijan, but with its own constitution and a significant degree of self-governance. Another proposal would have introduced certain special forms of governance to Nagorno-Karabakh, akin to the dual Anglo-Egyptian administration of Sudan or the Anglo-French condominium in the New Hebrides. The possibility of Karabakh’s direct subordination to Moscow was once again considered.

Another set of proposals concerned the exchange of territories between Armenia and Azerbaijan. The following concessions were typical:

- Ceding part of the RNK to Armenia, with the area controlling the headwaters of the Kura River (flowing to Baku) and areas of Azeri population remaining in Azerbaijan’s hands.
- Transferring the Armenian-controlled land bridge between Azerbaijan and Nakhichevan (an Azeri province in Armenia) to Azeri control.<sup>29</sup>

While such an exchange would have severed Armenia’s direct access to Iran, an important economic partner, Azerbaijan ultimately rejected the plan. From the legal point of view, the plan’s approval would have shifted the conflict’s focus from the problem of the RNK’s self-determination to a mere territorial dispute between Armenia and Azerbaijan.

U.S. Ambassador John Maresca, who was involved in the lengthy negotiation process within the framework of the CSCE’s Minsk Group, offered a proposal that would have granted the RNK the status of a self-governing legal entity within and freely associated with Azerbaijan, while preserving the pre-1988 borders.<sup>30</sup> Armenia and Azerbaijan would sign a treaty on mutual transit across each other’s territory (between Armenia and the RNK and between Azerbaijan and Nakhichevan). These transit zones and the task of refugee resettlement would be internationally monitored. All of Armenia and Azerbaijan, including the RNK, would become a free-trade area. The provisions of the treaties signed at the Minsk Conference would be guaranteed by the OSCE and the UN Security Council, which would also maintain representatives in the area.

This type of plan is good in theory, but unfortunately the two sides involved in the conflict never seriously considered adopting it. For one thing, it is impossible to guarantee the safe return of more than a million refugees from both sides. The RNK leadership deemed the plan unacceptable, since it removed the Lachin corridor from Armenian control; the corridor, which is maintained by Nagorno-Karabakh, has served as a “road of life” for the blockaded district over the past eight years.

The so-called Russian plan of regulation, proposed by Ambassador S. Kazimirov, a participant in the Minsk group of the CSCE, consists of the following:

- a cease-fire, which is already in place;
- the introduction along the front lines of peacekeeping forces, including troops from Russia and other CIS countries; or, instead, the withdrawal of Karabakh forces from at least six of the eight occupied regions of Azerbaijan and the deployment of a multinational peacekeeping force on the frontiers of the RNK;
- a zone of at least ten kilometers separating opposing forces; and
- negotiations on the region’s status.

Negotiations are essentially ongoing, but they are sometimes complicated by Azerbaijan’s demand that RNK leaders be excluded from the ranks of full-fledged participants in the process (and Armenia’s response of withdrawing from the negotiations). In the past several years, a new economic factor has entered into this process—the creation of a consortium for the construction of oil pipelines that would connect the oil-bearing Caspian Sea shelf with Turkey and Europe. The optimal geographic route for this pipeline would run through the RNK and the southern part of Armenia (Zangezur), but the instability of the political situation compels international participants to search for other, more expensive routes through Georgia, Russia, or elsewhere.

In international legal terms, the problem of Nagorno-Karabakh should be addressed not as a territorial dispute, but as a case of self-determination. From such a perspective, Armenia should be advised to be more forthright in renouncing its territorial claims to Nagorno-Karabakh. Although the Armenian government has already done so, the parliament has

not yet abandoned its December 1989 resolution on unification of Nagorno-Karabakh and Armenia, which arouses legitimate suspicion on the Azeri side. Meanwhile, there are strong reasons to suggest that the predominantly Armenian population of Nagorno-Karabakh may—and indeed should—be regarded as a people entitled to the right to self-determination.

Three major reasons substantiate Nagorno-Karabakh’s claim to self-determination: 1) as an autonomous region, Nagorno-Karabakh had long been a constitutive unit within both Azerbaijan and the former USSR; 2) the very subordination of Karabakh to Azerbaijan was arbitrary and is now a remnant of the Soviet empire’s colonial system; and 3) Azeri rule in Nagorno-Karabakh led to massive human and minority rights violations, and after several years of bloody conflict, restoring the status quo does not guarantee the physical safety, let alone the civil and political rights, of Nagorno-Karabakh’s Armenians. Moreover, Nagorno-Karabakh had actually seceded from Azerbaijan before the latter became an independent state and a member of the United Nations.

However, in the case of Nagorno-Karabakh, the possibility of reconciling the right of a people to self-determination and the principle of a state’s territorial integrity is remote. Such a reconciliation may occur if both Nagorno-Karabakh and Azerbaijan voluntarily accept a solution based on granting Nagorno-Karabakh comprehensive territorial autonomy within Azerbaijan. This solution would require a readiness for both concessions and compromise from the parties to the conflict. So far, Azerbaijan has offered only “cultural autonomy” for Nagorno-Karabakh’s Armenians, a concept hardly meaningful for the population of the self-proclaimed republic. More important, Azerbaijan’s offer would force Nagorno-Karabakh to renounce its claim to statehood, a position that would be possible only if the autonomous territory received solid international guarantees.

## SELF-DETERMINATION THROUGH SECESSION: *Typical Stages of Conflict*

The examination of conflicts associated with the attempt to achieve self-determination through secession that have plagued the former Soviet Union allows us to isolate several typical stages. The stages outlined below are not necessarily sequential or identical in every conflict over self-determination. Some of these stages occur simultaneously; some never happen at all. The purpose here is to provide a broad

overview of how these conflicts typically evolve, particularly in the former Soviet Union.

1. A precondition of the struggle for self-determination typically involves a minority ethnic group's perception that its autonomy within the framework of a multinational state—or even its very existence—is endangered. In totalitarian states, this perceived threat is usually based on mass deportations, ethnic cleansings, and even genocide facilitated by central authorities.

Even when multinational states' central authorities employ less brutal policies to dilute ethnic minority groups' claims for autonomy or self-determination, the groups affected by these policies still view them as a threat. Such moves may include forced assimilation; the influx of an alien labor force that dramatically changes the balance of nationalities in a region; the adoption of a law declaring the primacy of a majority ethnic group's language (for example, the enforcement of statutes declaring that primary and secondary education be conducted in the official national language); the exclusion of minority groups' histories and culture from school curricula; and the restriction of mass media in the language of minority groups.

Employment policy typically follows such exclusionary and discriminatory practices as limitations on social mobility based on nationality, restrictions in the pursuit of some professions, and educational levels according to quotas. (Usually these limitations are sanctioned not by law but by semiofficial instructions from central authorities.)

Minorities that are separated from their ethnic "homeland" either historically or by recent changes in political or territorial jurisdictions are especially keenly aware of threats to their well-being. The situation of ethnic Russians in Estonia and Latvia is a typical example.

2. The next stage involves the emergence of spontaneous grassroots resistance movements and their local activists, who are soon recognized as national leaders. The central government typically characterizes these leaders as antiregime elements who could possibly direct a "fifth column" connected with a sympathetic third country. Azerbaijan's official mass media, for example, proclaimed the Armenian leaders of Nagorno-Karabakh to be agents of the Armenian diaspora in the United States. Similarly, Ukrainian politicians proclaimed the leaders of the Crimean grassroots movement to be agents of Moscow.

3. Simultaneously, the self-determination struggle acquires its ideological base by forming national goals and identifying obstacles to their achievement. Both sides in the dispute produce evidence of their historical right to the ethnic territory in question. At this stage, other countries consider the struggle to be a dispute over land, misinterpreting the minority group's claims to self-determination as a mere territorial squabble, when the real issue is the future of the ethnic community living on its territory, not merely the territory itself.

Another misconception about these movements stems from the characterization of their leaders as troublemakers with their own personal agendas. Soviet officials developed such conspiracy theories to explain the motives of leaders in the Baltic, Nagorno-Karabakh, and Chechen independence movements, the latter two of which were denounced as "mafia operations" aimed at deflecting public attention away from their members' "underhanded" activities.

Central authorities also typically advance a theory of economic determinism to explain such movements, ignoring the historical and cultural claims of minority groups. The government focuses on the low standards of living in the region and directs aid and subsidies to its inhabitants as a way of dampening the conflict, but these efforts largely fail to assuage the ethnic group's principal concerns.

Both parties in the conflict propagate negative images of the other side and thus reinforce widely held prejudices and stereotypes. Mass media reinforce and disseminate these stereotypes.

4. At this stage, the group seeking self-determination tries to achieve autonomy or increase the degree of autonomy it already has. Central government officials at the local level find themselves replaced by indigenous, charismatic leaders, sometimes through legitimate elections. Simultaneously, the group forms new political parties openly or underground. At first, these political organizations demonstrate a democratic orientation common among the political aims of liberation and decolonization movements, but they frequently transform into nationalist movements and advocate the use of force to achieve their goals.

5. After the creation of "state" bodies, the group seeking self-determination develops contacts with foreign powers and tries to enter multilateral discussions to mobilize international support. Sometimes these organizations are created in exile (e.g., the Palestine Liberation Organization's congress), but they are then transplanted to their own ethnic territory. The

minority group's push for statehood and separate political institutions further aggravates the central government.

6. The next stage is the intensification of "the war of laws," usually in the form of decrees and constitutions issued by the separatist group's representative body. The primacy of central or local laws in the disputed territory thus becomes the fundamental issue in the conflict. As such, it becomes more difficult to keep "disobedient" regions within the jurisdiction of the central government.

During this phase, the self-determination movement attempts to minimize its connections with the central government. In particular, it seeks to boycott elections to the supreme organs of state power on its territory and to ignore any statutes passed by the ruling legislative body. Examples include Abkhazia, the Transdnestr republic, Nagorno-Karabakh, and Chechnya, the latter two of which recalled their representatives from the central legislative body and refused to participate in its next elections.

At the same time, efforts are made to secure economic and political contacts with third countries and international organizations. If it does not already have one, the self-determination group searches for a "Big Brother," whose policy can range from neutrality to economic and military assistance, provided either openly or clandestinely.

7. Feeling pressure from its own nationalists and striving to preserve the integrity of the state, the central government disbands local bodies of self-governance, deprives them of autonomy, or introduces its own direct rule with heavy reliance on military force. The central government's dispatch of troops to the breakaway region may find support among political forces and ethnic groups in the region that are still loyal to the central government, usually members of the state's predominant ethnic group. Many Russians in Latvia and Lithuania supported the arrival of Soviet troops in the Baltic states' capitals in January 1991. Similarly, ethnic Georgians in South Ossetia and Abk-

hazia supported Tbilisi's military attempts to restore the power of the Georgian central government in these regions.

8. Fearing persecution, arrest, or assassination, the leaders of self-determination movements are forced into exile, underground, or to parts of the region inaccessible to the central government's control (as is the case of the Abkhazian separatist leader Vladislav Ardzinba, who fled to Gudauta, a remote district of Abkhazia not under the direct control of the Georgian government). The dispersal of the movement's leadership typically marks an interruption in its period of lawful struggle, as local leaders lose control over the situation. Spontaneous resistance movements prepare to resume the struggle through the use of force. The region's political organizations are radicalized and nationalist movements in sympathetic "Big Brother" countries gain strength, making it increasingly difficult for these countries' government officials to maintain a neutral position. For example, the Russian government is under constant pressure from Russian nationalist groups, including Vladimir Zhirinovskiy's Liberal Democratic Party, to protect Russian minorities in the newly independent states of the former Soviet Union.

9. The central government may attempt to organize an economic blockade to force the separatist region to submit to its authority, targeting fuel shipments at first, but encompassing other vital supplies—such as food—over time. Central government troops may also interdict humanitarian aid shipments from abroad. At the same time, a total embargo on weapons shipments to the region is announced (as was the case in Armenia, South Ossetia, Nagorno-Karabakh, and the former Yugoslavia).

10. Some extremist leaders of the besieged region call upon members of the ethnic group to accept the use of force as a way to end the hardships imposed by the sanctions. Nationalist parties from both sides insist on an end to conflict they blame the other side for

starting. Local authorities advocate a forceful response to the economic and military pressure.

11. Organized ethnic clashes and pogroms begin to plague the region and the surrounding area. Examples abound in the Soviet successor states: Askeran and Sumgait in Azerbaijan, the Prigorodnyi district in North Ossetia (populated by Ingush and Ossetians), Bendery in the Transdnestr republic, etc.

12. Finally, war slogans fill the mass media on both sides of the self-determination struggle as the situation gets out of control and escalates to full-scale military conflict.

At this stage of the conflict, the intervention of the international community is usually required to limit its duration and spread and eventually achieve a peaceful resolution. However, international institutions are not always capable of effectively resolving such complex national problems. The bloody war that raged in the former Yugoslavia for so many years best illustrates the im-

potence of international organizations in responding to the myriad issues surrounding self-determination struggles. Moreover, members of the international community who seek an end to the conflict are constrained by the principle of nonintervention in the internal affairs of sovereign states. As noted at the beginning of this study, the right to self-determination, even though it is recognized in key international documents, is still an immature legal norm. As such, it cannot yet offer any internationally acceptable guidelines for responding to a growing number of these complex situations.

## APPROACHES OF DECISION MAKERS

The author conducted the following interviews in 1994. The questions revolved around two central issues in this study: the conditions under which the principle of nonintervention in internal affairs could be violated for the prevention of wider conflict, and the acceptable criteria for peoples to claim the right to self-determination.

The following prominent decision makers kindly agreed to participate in these interviews:

Mikhail Gorbachev, former general secretary of the Communist Party of the USSR (1985–1991) and president of the USSR (1990–1991). He now serves as president of the Gorbachev Foundation and president of the International Green Cross.

Jack Matlock, a fellow at Princeton University's Institute for Advanced Studies. He has twice served as the U.S. Ambassador to the USSR, finishing his last posting in 1991.

Sam Nunn, the former senior senator from the state of Georgia in the U.S. Senate, who served as chairman of the Senate Armed Services Committee.

Lady Margaret Thatcher, a Conservative member of the House of Lords in the British Parliament, who served as prime minister from 1979 to 1990.

### QUESTION 1: The Principle of Nonintervention

*Is it necessary, from your point of view, to reconsider the internationally recognized principle of “nonintervention,” given existing threats to international peace? Can you conceive of any situation that would increase the likelihood of action by the international community?*

The respondents' opinions on this topic range from complete acceptance to complete rejection of the notion of nonintervention. Their opinions depend to a large extent on their perspective on national sovereignty, as can be expected, but they also depend significantly on their assessment of practical political questions. For example, “Will this intervention work?” seems to be at least as important a consideration as “Is this intervention justified?” Perhaps such a perspective is to be expected from this group, all of whom are distinguished as pragmatic politicians, but perhaps it also reflects the difficulty of imposing a comprehensive theoretical framework on the wide range of political scenarios in the world today.

Margaret Thatcher basically rejects the idea that intervention in a country's internal affairs could improve the situation. Yet she argues that the

intervention in Iraq on behalf of the Kurdish minority, made possible by the United Nations' sanction and the immediate presence of UN troops, was justified by Iraq's overt flouting of the Universal Declaration of Human Rights. Sam Nunn takes a similarly pragmatic approach when he suggests that intervention should be avoided because the United States cannot handle the task of policing the entire globe. He also suggests that the U.S. government work toward avoiding the need for intervention in the future through more active diplomacy.

Mikhail Gorbachev agrees with the proposition that national sovereignty makes sense only within an international system, so that a country that ignores norms of human rights also gives up its voice in the international system and thus loses its claim to sovereignty. He also argues that the idea of absolute sovereignty never existed in the first place.

Jack Matlock would like to see the international community take a proactive stance in settling conflicts, but he puts great responsibility on the intellectuals within countries and the political mood they create.

**MARGARET THATCHER:** Well now, point number one: We have all signed the [Universal Declaration of Human Rights]. I say we should all uphold the [Declaration]. It was never upheld in Stalin's day, in Brezhnev's day, it is not upheld in Iraq, it may not be upheld in other countries. Why we were able to do something about the Kurds was because Saddam Hussein had flouted every principle by marching into another country, and the whole United Nations [had] the right to put sanctions upon [Iraq]. And they then started to treat their Kurds badly, but [the allied coalition forces] were still really under the auspices of the United Nations because we hadn't [yet] gotten a peace settlement at all; so we were able to do something because we had our troops there. . . .

And [the UN] therefore gave us the authority to do something about that, because there was the [Iraqi] army which we had [allowed to withdraw and which turned around and] attack[ed] their own people. . . . We put total sanctions, although they don't always work. But that was the reason we were able to do it there. But I'm afraid there are terrible things we weren't able to do anything about. For example, in Cambodia, where Pol Pot just virtually murdered quite a lot of people, as indeed [also] happened in the collectivization in Russia. . . .

But, so far, there is no way in which we can go in with an army and say, "You're ignoring human

rights!" But what you can do is [impose] sanctions. . . . So I think that will continue, but we do give much more publicity to it now. You see, you can tell what's going on much more from satellites now. And so, it is the publicity and trading arrangements which become the important thing, although if you want to make a people more prosperous you don't want to put constraints on trade, usually because that's a way to help them out of their difficulties.

**SAM NUNN:** [The UN and U.S. intervention in Iraq] was a new precedent in terms of protecting the Kurds, but it also grew out of a direct international action to make sure that Iraq was forced to leave Kuwait. That was a unique set of circumstances and I don't think that precedent is going to hold in terms of many interventions around the world in what [are] primarily civil wars and wars between ethnic groups. It is extremely difficult to deal with, and we've seen that from Bosnia, we've seen that from the UN intervention in Somalia, [and] there are probably fifteen to twenty other inner-country conflicts going on around the world now, and frankly world resources are not sufficient to deal with those problems; the United Nations is not sufficient. I think we're going to have to be much more active in diplomacy, and not use the military in areas that do not lend themselves to military solutions.

**MIKHAIL GORBACHEV:** As for today's global realities, the more for future realities, the existence of states, their security, and even their survival depend upon the world situation in general. Now it is impossible to separate the existence and development of any state from that of the whole world.

In such a situation, we should also revise the principles of sovereignty; obviously a substantial part of sovereignty should be addressed to the world community. Strictly speaking, a number of steps in this direction were already made; it is enough [to mention] a general recognition of human rights, which should be collectively protected, a recognition of a necessity of unified ecological norms.

It would be of great importance to strengthen the international jurisdictional basis for the solution of local conflicts. In particular, the notion of sovereignty should be revised. There never was such a thing as absolute sovereignty, all the more in our time of growing interactions between the states.

Of course, we don't recommend full refusal of sovereignty or its limitations, which could damage the natural aspirations of each people to keep and defend its identity. However, we should take into account our accumulated experience and devise a system that could deal with gross violations of human rights, including rights of national minorities and ethnic groups.

The basis of human rights is a ubiquitous sovereignty which, according to [UN Secretary-General] Boutros-Ghali, belongs to the whole of humanity and allows everybody to participate in the solution of problems that are of interest to the whole world. The concept of such ubiquitous sovereignty becomes more and more popular, but it still lacks a juridical basis and of course the recognition and support of the world community.

**JACK MATLOCK:** I think it would be desirable for the international community to develop further international law and international practice in this regard. I believe that it is dangerous to continue to rely on individual countries, or even groups of countries, to intervene in situations of this sort.

I would say, first of all, that military intervention should be absolutely the last resort and normally should not be employed by outsiders; it is a very dangerous instrument. It's also one very difficult for a democratic country to apply, because no country wants its soldiers exposed to danger in places that are distant and are not directly related to that country's own life and interest. So this is a difficult question.

The problem now, as I see it, is that we do not have a sufficient structure of international law, and we do not have a consensus on what grounds intervention would be possible. I would like to see us develop procedures whereby the world community can influence a situation early on by matters less than military intervention, by giving encouragement to the right behavior, discouragement to the other.

A lot of this has to be done unofficially, not by governments. And I would say that the intellectuals in every country have a very great responsibility. Those that teach exclusive nationalism of their groups—even worse, hatred of others—are betraying that responsibility. And I think this has happened, clearly, in a number of cases. And even though they may be themselves nonviolent and may not preach violence, they are creating conditions that demagogues can use with the people. So it seems to me, we have to deal with that problem, and many others.

## QUESTION 2: Judging Self-Determination

*The persistent will to achieve self-determination, expressed through referenda or the decisions of local representative bodies, cannot be ignored by the international community; to do so only increases the probability of violence being used as an instrument to express discontent. What kind of criteria should be considered as the international community weighs its options for preventing violence in the name of self-determination?*

More so than with the first question, the respondents were unable to give a clear answer to this question. This fact alone indicates that the issue of self-determination is particularly thorny; the numerous examples that the respondents refer to in discussing the topic demonstrate this complexity still further. Each example comes from a unique historical situation and casts its own perspective on the entire subject, but even the same example can be used to support two opposite conclusions. The discussions below do not suggest any clear answers, but they do raise many other equally profound questions.

Margaret Thatcher declares that the nation-state must remain the unit of international society in which all decisions are made. While she admits the possibility of changing borders, she insists that such changes should occur only through a careful process of negotiation and mutual agreement. For her, the preservation of world order is paramount. Sam Nunn addresses the issue of what size units should be considered separate political and territorial entities, suggesting that ethnic groups must learn to work together within a larger political entity.

Jack Matlock believes that the right to self-determination cannot be absolute, but he also contends that the international community needs to establish better standards for human rights around the world. If such rigorous standards can be established, groups will have less need to fight for their ethnic self-determination. He believes that the standards worked out by the OSCE provide a good framework for establishing the right to self-determination, but, like Margaret Thatcher, he advises extreme caution when considering changing existing borders.

Mikhail Gorbachev believes that the issue of self-determination can best be addressed within the larger context of a more cooperative international environment. He suggests that the general democratization of international relations and the denial of undue influ-

ence to any one group will contribute to the easing of ethnic tensions, but he warns against allowing “hyper-ethnism” to threaten the stability of existing borders and states.

**MARGARET THATCHER:** Let’s start with Yugoslavia. Yugoslavia was put together by international treaty after World War I. When the big empires, the German Empire and the Austro-Hungarian Empire, broke up, you were left with a lot of units, and they took those units and out of about seven of them they made Yugoslavia—the Southern Slavs—but they were very, very different people, although they were all Southern Slavs. They were different, so they had different religions, they had different histories, some of them had been natural enemies, and I’m afraid the Serbs always were expansionists. And so when [Yugoslavia] was put together there was a right to secede for those nations that formed a part of the big Yugoslavia. And so when Croatia said it wanted to secede, Slovenia did, and then Bosnia did. Yes, they had a right to secede . . . and therefore the United Nations recognized them.

After the failed coup in the Soviet Union . . . we saw what we could not have foreseen, that the fifteen republics wanted their own independence. Now of course the Baltic states were entitled to it; the others wanted their own independence. But each of them, you know, has considerable minorities in them. Now you cannot take each little minority and say, “Right, you could be independent,” because we would have so many small states, and each within its minority would have some more minorities.

So [we must always keep] to the actual nation-state, as drawn, and if there are any changes they could only be by discussion and negotiation. We do that because the moment we change that, we shall all be in very considerable difficulty. I think Stalin made about a hundred changes in the borders of the Soviet Union.

But you take the existing [borders]. If there is to be any change, then it would have to be by agreement between the adjacent states. But in [the former Soviet Union], in particular, you take Kazakstan: You are very, very mixed [in terms of population], but they are all now citizens of Kazakstan. And don’t forget, most of them will live happily together.

It’s only when you get troublemakers, real troublemakers who are out for their own power, who’ll rouse people [by saying] “We want to go elsewhere,” or when you get another nation-state say[ing], “We would like to have that minority attached to us,” like

[Nazi] Germany, like Serbia. But you see, once you start to do that, there’s no order left in the world. . . .

**GS:** When Germany reunified it was another case of self-determination, from my point of view. What kind of moral legitimacy, or criteria for moral legitimacy, can be accepted?

**MT:** The whole of the country of East Germany voted to unify with West Germany. . . . It was the whole country voting for that. I think it would be very, very difficult if without negotiation you suddenly had a minority saying we want to go and belong to another country. There wouldn’t be any order left in it. . . . Where would we all be? And you really must keep world order.

**GS:** Do you accept this final decision about the future of Ulster?

**MT:** Ulster voted to stay with the United Kingdom. When it became Home Rule for Ireland, the six counties in the north refused to go into the new Republic of Ireland. . . . They’re actually people with a very different background. And we said so long as those six counties . . . vote to stay with the United Kingdom they will have the right to do that; [they will] have that constitutional guarantee. They are part of the United Kingdom. . . . This is part of the constitutional settlement when Ireland got Home Rule: . . . so long as the majority of voters stay with the United Kingdom, and it’s an absolute secret ballot, . . . we will respect that and uphold it. And let me say, in the last war we should all have been in much more difficulty if we hadn’t had the ports from Northern Ireland. You see southern Ireland was neutral; the Republic of Ireland was neutral. . . .

**SAM NUNN:** Well, self-determination grew out of the original aspirations and hopes of Woodrow Wilson way back after World War I, and there is much to commend that general philosophy. Certainly, we want people to be able to vote and exercise their own choice of leadership and their own direction. The question is what size units. I think you have to have a certain viability or promise or potential of viability as a nation, both in terms of a nation that can protect its own borders, a nation that can be able to maintain some viable economy, a nation that has at least got the potential of being strong enough to accord minorities within its borders basic human rights. I think all of

those things go into self-determination, and I do not believe there's one formula that tells us how to determine whether a country should be recognized.

Frankly, I think there was too quick a recognition of the former republics of Yugoslavia before we had set down any criteria. That wasn't the cause perhaps of the breakup and the war, but it certainly was a contributing factor. So I think we have to use what I would call a common-sense judgment of when a group of people band together and claim to be a nation, whether that really is something the international [community] wants to recognize.

If you take it to its own conclusion, which would be an absurd conclusion, any three or four people could declare themselves a nation. You could get down to families thinking they're nations, and ethnic groups who could think they're nations. With all the ethnic groups in the world, it seems to me that if we divide nations simply on [the basis of] ethnic groups, the conflicts we have now are going to be only the tip of the iceberg.

We've got to have nations where ethnic groups work together. The United States faces that; we've got to work together with ethnic groups. We're probably one of the most diverse countries in the world, [and] Russia is a very diverse country. But all of us have to use basic courtesy, common sense, and sensitivity in dealing with ethnic differences. I think the world is going to be more diverse, countries are going to be more diverse, and solutions are going to be more complex.

**JACK MATLOCK:** One has to understand that self-determination, while it is an important principle, is not an exclusive principle. It is like majority rule, which is an essential part of democracy, but is not an absolute principle. In a developed democracy, as I would define it, a majority does not have the right to trample on the rights of a minority. It's not a democracy if that can happen—it becomes a tyranny; and you can have a tyranny of the majority.

So, there are many principles that have to be qualified, and self-determination is one of these. Now, for example, I think one of the reasons the international community is very cautious is that there are times in history when clearly it was against the interests of all groups, all countries, for certain areas to practice self-determination in the literal sense.

I am sure the Sudeten Germans in Czechoslovakia wanted to be part of Nazi Germany in 1938. They were mistaken to do so, but that gave Hitler the opportunity to extinguish Czechoslovakia as a state. . . . The end result was not only the defeat of Nazi Germany, but the fact that none of the Germans who lived in the Sudetenland live there now. They were expelled by the Czechs, who said . . . they cannot be loyal members of the Czech state.

. . . Another problem is the Palestinians and Israel. Because there, the Palestinian leadership for many [years] had as its aim the extinguishing of the Israeli state. No state can make a compromise with someone who wants to destroy it. You make compromises with people when you can compromise. If the position is uncompromising, you cannot. And this, I think, was the main thing blocking self-determination of Palestinians before the Oslo agreements.

I think the answer, if there's going to be one, is that we have to develop better international standards for respect for human rights. If a state respects the full human and civil rights of the people in that state, there will be, in the long run, no good excuse to pull away from that state. A state should not be based exclusively on a nationality. It needs a civil society, which is based on something else. It may well be predominantly of a given language group, or nationality, but it should protect everybody in its midst. And if it does that, the chances are we won't have people trying to pull away. I believe you cannot have a principle that simply says that wherever there's a majority of people, they can under all conditions decide to create a state for their group alone.

It's physically impossible, too, in many areas of the world. [In] most areas of the world, people are mixed. You can't draw lines between them. And so, we really have to develop societies where people can live together, and in mutual respect. You don't have to love each other, but you have to respect each other and respect the rights of the other people.

Now, in the immediate term, when countries begin to fall apart, I think a lot of the outside world tends to stand aside until they are faced with a *fait accompli*. And if a group has really pulled apart, really is independent, then they recognize it. Until it has, there is a tendency not to.

And I think that the [Organization for] Security and Cooperation in Europe has developed general princi-

ples... which are valid. They may be incomplete. Perhaps they need further elaboration. But basically, the principle is that borders should not be changed except by peaceful means and mutual agreement.

Yes. Borders can be changed. They are at times... In our own United States history, the Philippines did not like their status. They were given independence. Then they decided they didn't want our bases. So, we left.

Some of these things were not easy to do... There was territory with Mexico along the border at [one] time that Mexico thought was theirs. And we negotiated and were willing to give up some. We didn't consider every inch sort of sacred ground.

Of course, if people are living there on disputed territory, then their opinion matters a great deal. We generally applauded Great Britain's defense of the Falkland Islands because it was clear that the people living there did not want to be

part of Argentina, even though it was close to Argentina.

What the people who live in an area predominantly want is a very important factor. But it is sometimes not the decisive factor. And if there is an answer, it is that fully democratic states usually don't face this problem in extreme form.

Now, we'll have to see what happens in Canada. If French Canada decides to separate, I'm sure there will be no bloodshed. And then it will happen. It will be unfortunate, as when a couple divorces. But they will decide that. My guess is they will decide to stay as part of Canada, because they do have full rights.

In the final analysis, a state makes a mistake if, over the long run, it persists in trying to hold territory where residents don't want to be part of it. This becomes a problem for that state. But in the short run, people need to be very cautious about trying to change borders. It is wrong to try to change them by violence or by intimidation, because this creates much more dangerous problems.

**GS:** I predict great tensions in the situation connected with the Crimean problem, especially after the recent elections. If Ukraine will start some embargo actions—or even violent actions, which is very improbable—against Crimea, what could be the reaction of the West? Will it be considered only as an internal affair

of Ukraine? Or mutual relations between Russia and Ukraine? Or an international issue?

**JM:** Whether it's an international issue will depend on what happens precisely. If Ukrainian policy is viewed by the world community as grossly coercive, it could become an international issue.

... My guess is that most foreign countries initially would have some difficulty speaking about it publicly. My guess is that most with relations with Ukraine would strongly urge them not to react in that fashion. That would clearly, in my opinion, be counterproductive.

... Now that Ukraine has granted autonomy, if it is respected, I would certainly advise the Crimeans to try to make it work. Certainly, they should assert their rights peacefully. Why change administrations now?

I understand all of the historical factors. But the fact is, the most serious thing you can get yourself in is trying to change jurisdiction, change territory between states. This too often leads to wars, and sometimes serious ones. This is not something to do lightly.

At the moment, my judgment—from a distance, of course—is that the Ukrainian government has been willing to allow a great measure of autonomy in Crimea. And I just wonder what would be gained by challenging the current status. But I certainly agree that the Kiev authorities should not react to the local political process in ways that are coercive.

**MIKHAIL GORBACHEV:** We should also find a new way to understand and formulate the rights of nations for self-determination. An unrestrained breakdown of the states according to the ethnic principles, supported by aspirations for so-called "ethnic purity," would lead to a remaking of borders of various states and regions on such a scale that it would give birth to [innumerable] conflicts and would make a united world policy practically impossible.

Some people may be tempted by international and ethnic conflicts to reconsider the existing spheres of influence. The tragic breakdown of the former Yugoslavia can serve as an example. Similar processes can also be seen in the former Soviet Union.

As an antidote for such developments we can recommend further democratization of international relations and a very simple rule: to refuse any attempts to build a new world order according to interests of

any single state or a group of states. Unfortunately there is no shortage of such ideas. We hear and see them now everywhere.

- - -

What shall we expect considering our experience of solving international conflicts during the last few years?

As for the states where tensions of a national-ethnic nature already exist or may appear, the political and religious leaders of these are mainly responsible for a peaceful solution to the tension. In no case may the leaders be too late, fall behind the progress of the situation. Here a large part should be played by national laws, which should exclude any violation of human rights, including rights of national minorities and ethnic groups. However, the corresponding norms of international law also play no less a part. There is a shortage of such norms. The [OSCE] has started but not finished their elaboration.

Clearly, the recognition and guarantee of all rights of national minorities should in no case provoke disintegration of existing states and the remaking of state borders on a large scale.

Such a phenomenon as “hyperethnism” now becomes more and more popular. Under hyperethnism we understand the aspirations of certain ethnic groups to guarantee their rights by means of creating their own independent states. I think that this problem could be solved with the aid of principles of federalization in their broadest sense and of national-cultural autonomy.

## CRITERIA FOR SELF- DETERMINATION

As we have seen in the previous section's interviews, the respondents had a difficult time answering the question on self-determination, despite their years of experience with the complexities of international politics. This is not surprising. The documents of the United Nations and other instruments of international law pertaining to self-determination do not offer definitive guidelines that describe the procedures, criteria, and conditions for possible outside interventions to implement the right to self-determination.

This fact alone suggests the need for further discussion of the conditions for self-determination, at least at the level of a common understanding among decision makers. The formulation and acceptance of a basis for recognizing a self-determination movement's "moral legitimacy" would certainly constitute a new foundation for constructing future principles of international law that reflect a much broader range of interests. While the following does not attempt to present a complete list of possible criteria for advancing this case, let us at least try to isolate and define

some of the more important among them, keeping in mind that merely one or two conditions arbitrarily culled from this list would most likely fail the test for moral legitimacy. Only the entire set of criteria together would be likely to pass such hypothetical standards; even then, all of these criteria rarely apply in any one situation.

Using such a set of universally recognized requirements would help avoid both the chaos of changing borders in areas of conflict and the attempts to settle issues of self-determination by violent means. The existence of clear international standards for the resolution of self-determination conflicts would give peoples the world over the hope that their aspirations for national identity can at least be addressed without threatening their own existence or damaging the sovereignty of their neighbors.

## INTOLERABILITY

The legal formulation of a claim for self-determination should be based, first of all, on the “intolerability of existence” for a population of any territory, including those under the rule of a state with sovereignty over their territory. Of course, intolerability is a subjective notion, and its assessment can be more or less arbitrary. However, even the subjective claim of the further intolerability of central rule, independent of its objective character, must be taken into account when expressed in the decisions of a representative body or in a referendum by those who consider themselves to be persecuted. The majority of such documents issued during the period of decolonization express this spirit of defense, and the collapse of the USSR can be likened to a more recent period of decolonization.

## HISTORICAL RIGHT

Another criterion should be based on the “historical right” to a territory—a right that is the least capable of definition among all the criteria under consideration for assessing the legitimacy of self-determination movements. Determining the earliest inhabitants of a region (at least in Europe and Asia) often requires the expert opinion of area specialists, historians, anthropologists, and linguists, among others, whose findings are almost always hotly contested. Determining the boundaries of a territory that contains a self-deter-

mination movement is also frequently problematic. Sometimes the territory is an autonomous region with administrative borders (typically characterized as “unjust” by the movement’s leaders), and at other times the territory in question was once home to a diaspora ethnic group.

Despite its vulnerability, the principle of historical right cannot be ignored completely in deciding self-determination claims. We have one noteworthy example of reestablishing national sovereignty on the same historical territory after the almost two-thousand-year absence of a sizable ethnic group: namely, the creation of the state of Israel in Palestine through a 1948 UN resolution. The creation of a Palestinian state on the basis of the same historic right entailed forty-five more years of struggle by Palestinians.

In Latvia and Estonia, the presence of large ethnic Russian communities, which make up more than one-third of the population in both countries, is a pressing problem. Although Russians have lived there for two to three generations, they are not considered members of the indigenous population that has historical rights, a situation that makes it difficult for them to receive citizenship.

## ETHNIC COMPOSITION OF THE POPULATION

In principle, it is possible for multiethnic democracies to exist; yet scholars searching for concrete examples usually can go no further than the United States. While this particular country has its share of national and ethnic problems that constitute potential sources of domestic instability, differences among ethnic groups have played, and continue to play, a dynamic role in the country’s political evolution nonetheless.

Among the peoples of Europe, Asia, and Africa, there are still seemingly insurmountable prejudices of “blood and belonging,” in spite of the global mixing of cultures brought about by waves of migration, urbanization, and the spread of new communications technologies and “global culture.”

In Europe, to a higher degree than in other parts of the world, the principle of nationalism, “demanding that the political and ethnic boundaries should be congruent and also that the governed and the governing in a given political unit belong to one *ethnos*,”<sup>31</sup> came to be embodied in the continent’s politics. Accordingly, those states that are relatively more ethnically homogeneous, such as France, Austria, and

Hungary, are regarded as having a higher degree of political stability.

Obviously, the importance of a population's ethnic composition was taken into account in the various plans for settling the crisis in Bosnia-Herzegovina, which have all proposed—in a variety of frameworks—the creation of small, relatively ethnically homogeneous states (initially up to ten and currently three) as a solution to the ethnic and political strife that has plagued the former Yugoslavia since its disintegration.

Taking into account the ethnic composition of a population, however, may contradict the principle of

historical right, inasmuch as the contemporary ethnic composition of a country's population is almost always markedly different than it was one hundred, two hundred, or five hundred years ago. In the former USSR, this situation holds not only in the Baltics, but also in Nakhichevan, the Crimea, Abkhazia, South Ossetia, and other territories. Indeed, under certain political conditions, an ethnic majority within any of the former USSR's regions might suddenly become an ethnic minority, and vice-versa.

## EXPRESSION OF THE PEOPLE'S WILL

While criteria for assessing self-determination claims should take into account the territory's ethnic composition, a certain priority must be accorded to the democratic principle of the expression of the *entire* population's will. This can be done most clearly through a general referendum on the disputed territory's future status; or, if a

referendum cannot be held, by the decision of democratically elected representatives.

Such an expression of will should be confirmed after a certain period to ensure that it is not a fleeting reaction to some event, grievance, or advantageous proposal on the part of some third party. For this reason, the voting procedure, at least in the local legislative body, should be repeated not less than three to six months after the first decision has been registered. In addition, voting for the adoption of such weighty decisions cannot depend on a simple majority, especially in ethnically mixed communities. The poll's ground rules should stipulate that not less than two-thirds of the eligible voters of different nationalities should agree on one proposal concerning the future status of their territory or country, and not less than two-thirds of the elected representatives should subsequently ratify this decision.

## RESPONSIBILITY FOR CONSEQUENCES

Under these conditions, self-determination movements will have more time to prepare themselves to assume the burden of charting their own political and economic future.

The transitional period that is built into these criteria can be used to address possible contingencies that may arise prior to the transfer of authority. For example, in summer 1994, the very leaders of the Palestinian movement that had secured its future statehood requested the Israeli leadership to postpone temporarily the withdrawal of its armies from the Gaza Strip and Jericho, since the Palestinian Authority's police forces were not yet ready to assume the responsibility for maintaining order in these zones. Several years after obtaining its independence, Ukraine requested oil from Russia at the old Soviet discount prices because it was not yet ready to begin its own economic reform program.

For an example of what can happen without established criteria for an orderly transition, one has to look no further than the British withdrawal from

Palestine and the Indian subcontinent. In both cases, interethnic conflicts were inadequately addressed and were allowed to simmer for decades. Simply put, British officials did not allow sufficient time for the formation of stable statehood in these territories, although they did leave behind an important legacy, the civil service system.

The same can be said of the Soviet Union's hasty and unorganized retreat from Transcaucasia and other troubled states around its southern rim plagued with their own internal secessionist movements and ethnic conflicts. Shortly thereafter, responding to requests from these newly independent states' leaders (i.e., in Armenia, Georgia, Moldova, and Tajikistan), the Russian Federation, acting as the legal successor to the USSR, was forced to introduce peacekeeping forces in an effort to safeguard the borders of these Soviet successor states. These moves were quickly interpreted in the West as Russia's quest to restore imperial rule, a step that would have brought neither economic nor political advantages.

The ability to create a viable and vital economy and the ability to control a new sovereign territory and defend its borders must be evaluated in advance by the people who genuinely seek their own sovereignty. Otherwise, instead of a stable, independent state, there will arise only a new hotbed of tension. Standards for evaluating "responsibility for consequences" need to be worked out. Outside experts are not always capable of assessing the readiness of freedom-seeking peoples to undertake massive economic and political changes.

## CONCLUSION

The case studies presented in this work are more than a catalog of the many grievances ethnic minorities have brought—and continue to bring—against central governments in Moscow and other capitals of the Soviet successor states. All these self-determination movements share many distinct elements, which can be used to construct a list of criteria the international community could rely on to judge the legitimacy of such movements and, even more, a way to crystallize the vague principle of self-determination in the corpus of international law.

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