Self-Determination in Post-Communist Era

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The paper is analysing self-determination, along with sovereignty, as main characteristics of the current international order. Self-determination, as a political concept, played a historical role in the clash of the big multinational states in Europe, but the idea itself is ambiguous, thus it was frequently misused and differently interpreted. The most recent aspects of the meaning of self-determination include the inability of the traditional definitions to account for new challenges and needs of national and other groups such as environmental issues. Further problems arise when the concept of self-determination is taken from its political origins and placed within the international-law framework where its potential ambiguities and different interpretations can cause considerable problems. The self-determination principle should be reformulated in light of its practical application, relative to newly emerging international conflict management mechanism, where the principle itself should be encompassed within a more comprehensive human rights philosophy.

KW: Self determination, sovereignity, international order, nation state

1. Introduction

Self-determination is one of the two core principles of the existing international order. The first of these principles is sovereignty; self-determination is not as venerable as sovereignty, that emerged as a principle and a basic concept of international law within the state-system in Europe, but it is linked with a more progressive stage of development of the world community. It is associated with the rise of democracy and the national idea.

Yet, from the times of Wilson, who was the first to formulate this basic concept, it has been burdened with ambiguities and vagueness. It was Wilson's Secretary of State Lansing who anticipated the consequences of such ambiguities at the Paris Peace Conference of 1919: "The phrase is simply loaded with dynamite. It will raise hopes that can never be realised. It will, I fear, cost thousands of lives... what a calamity that the phrase was ever uttered, what misery it will cause..." (Hutchings, 1997).

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Yet, in that context, the idea of self-determination contributed to the collapse of the Habsburg and the Ottoman Empires and it marked a step forward, despite the contradictions in the application of this principle: e.g., Czechoslovakia and Yugoslavia, that emerged from the Versailles Treaty, are now largely viewed by nationalists as "prisons of peoples" after the break-up of the federalist states - exactly as the Austro-Hungarian and Ottoman Empires were perceived in their time. Even at that time, however, neither president Wilson nor the other allied leaders believed that this guiding principle of the first post-war period was absolute or universal. The syntagm "self-determination" is conspicuous by its absence in Wilson's celebrated "Fourteen points" speech to the U.S. Congress in January 1918; The phrase appeared a month later: "National aspirations must be respected; peoples may be now dominated and governed only by their own consent. 'Self-determination' is not a mere phrase. It is an imperative principle of action, which statesmen will henceforth ignore at their peril". Yet the ambiguity of self-determination, as well as the ambiguity of the concept

of sovereignty, often turned into its opposite: wars were fought in the name of self-determination, with enormous human losses, and communities were destroyed because of differences in the interpretation of this principle (Howard, 1993).

The international community was taken aback by this latest development in the evolution of the concept of "self-determination": it failed to react consistently and did not succeed in providing guidance to those seeking to implement the principle in life, thus reacting ambivalently. In the case of the post-Communist collapse of the so-called "Communist federations" (Czechoslovakia, the Soviet Union and Yugoslavia), different criteria were applied to similar situations. E.g., the international community recognised the right of self-determination to Slovenians, Croats and Muslims, but at the same time it was ambiguous on the question of the Chechen self-determination, or on the possibility of self-determination in Bosnia - for the other two ethnic groups there, besides the dominant Muslims, or "Bosniaks".

2. Self-Determination between Law and Politics

Another contradiction arises from the literal application of the right to self-determination by indigenous populations and other communities in many parts of the world. In these cases, self-determination involves a complex chain of historical and other issues that go far beyond the establishment of a new state on the basis of a pre-existing territorial entity, as was also stated by the Commission on Global Governance, which stressed the necessity to reinterpret the problem of self-determinism in a new key. New challenges arise also from the necessity to expand the principle to questions such as the degradation of the environment and global neighbourhood, not only to the question of separate nationhood for individual claimants.

The resurgence of nationalism on a global scale has made the situation even more complicated. In 1994, UN Secretary General Boutros-Ghali warned about the perils of "radical self-determination": "The U.N. has not closed its door. Yet if every ethnic, religious or linguistic group claimed statehood, there would be no limit to fragmentation, and peace and security and economic well being for all would become ever more difficult to achieve. 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 in the period ahead" (Bretherton, 1996).

Boutros-Ghali was right in assessing the possible development of the situation and its implications for the international organisation now numbering 185 member states, the recognition of the right of self-determination solely on the basis of ethnic identity would lead to general fragmentation and raise this number - 185 member states - to almost 2000 states. In many cases today, the viability of many of these states is highly questionable. First, their economic self-sufficiency is under question, and, second - the governability of the society is emerging as another serious problem: many cases of political instability caused by populist and nationalist governments, producing insecurity and threats to the general stability of the international system, speak evidently about the problem. No need to mention the erosion of the state in many post-Communist countries, such as those that emerged after the collapse of the Soviet Union, in which state authority matches a Mafia-like structure, or complete chaos on the other side, and the question of governability of such societies is the first concern.

Self-determination today provides a powerful political motive in modern Africa, where tribal affinities make a pre-political background to its emergence, and in post-Communist Europe as well, where this "pre-political background" is provided by a sense of national identity. Thus a problem is posed also by the "self" which is to "determine", and also in the ways how this self is determined: by violence or by peaceful dialogue. The break-up of Czechoslovakia raised no doubts because it was arranged by peaceful negotiations, albeit opposed by the representatives of the Czech people as unnecessary, since no aspirations of domination toward the Slovak nation were manifest. Yet in this case nationalism prevailed - the general feeling by the Slovaks of being threatened by a larger ethnic group, the Czechs, which led to the establishment of an authoritarian state led by Mecziar's nationalists, although in this case the preservation of a federation with a higher degree of democracy could have been expected. The same cannot be said of Yugoslavia, considering the drive of the undemocratic lust for power of Slobodan Milošević: but in this case, too, peaceful transition could have pre-

vailed, or had the alternative offered by Prime Minister Marković- the last Yugoslav reformist - been a viable one, significant losses in human lives might have been avoided.

Therefore, the concept of "self-determination" as an international legal concept, extracted from the nature of political relations in one society, might be easily a misguiding principle in international relations, as it proved to be in the present nationalistic wave, fomented in great part by the opposition to the Communist regimes in Europe that brought about its collapse. It can be easily concluded that in its fervour to bring down Communism, the international community, led by Western democracies, forgot to pay attention to the quality of the alternative: not all the opposition to Communism was "democratic" by nature. Nationalism was one of the major opponents to Communism, but clearly it did not generate only democratic values and political practices but a contradictory conception of different trends and tendencies and political values - the authoritarian alternative of populist and nationalist regimes. In such context, Adam Michnik's witty conclusion that nationalism is "the last phase of Communism" seems very apt.

3. Evolution of the Doctrine of Self-Determination

Self-determination, thus, appeared to be a principle, or rather, a political concept, used in many different cases and applied to different situations, loosing its initial significance: this can be shown in three exemplary cases. These cases can be also called three distinct phases in the evolution of the "doctrine" of self-determination. In the first phase, as Wilson conceived it, it was a quintessentially American concept, that the United states had invoked regularly, and that embodied the "torch of liberty" brought by the United States to the suffering nations of Europe who emerged from World War I. In this phase, self-determination had a distinct moral drive - it was linked with the advancement of democracy and liberation of the "enslaved nations" of Central and East Europe.

In the second phase, as this doctrine became universal through the mechanism of the universal international organisation - the United Nations - it was applied exclusively to cases of decolonization, i.e. the pursuit of independence by European colonies, mostly in Africa and Asia.

In this phase the scope and application of the political concept was extended to become a right of "all peoples", not only those who were liberated from the oppression of multi-national empires, as stated in the 1960 Colonial Declaration, the 1970 Declaration of Principles of International Law and the 1966 International Covenants on Human Rights. Applied strictly, this principle would mean that all peoples would become to some extent subjects of international law, as the direct repositories of internationally endorsed human rights, and, as M. Shaw argues, if the definition of "people" used was the normal political-sociological one, a major rearrangement of perceptions about international relations would have been created. In reality this has not occurred, and an international relations concept of what constitutes a people in this sense has been evolved, so that the "self" in question had to be determined within the accepted colonial territorial framework. Attempts to broaden this have not been successful and the United Nations has always strenuously opposed any attempt at the partial or total disruption of the national unity and territorial integrity of a country. A similar classic unresolved dilemma facing international organisations is illustrated by the principles of the Helsinki Final Act of 1975: principle 8 of the Final Act requires participating states to respect the equal rights of "peoples", including the right to self-determination in relation to their internal and external political status. Principle 6, however, reaffirms the traditional proposition that participating states must refrain from intervention "direct or indirect, individual or collective", in matters falling within the domestic jurisdiction of another participating state. Here we have the fact that internationally recognised norms asserting the human rights of individuals and the collective rights of peoples stand in contradiction to the sovereign immunity of states from external intervention on matters falling within their "domestic jurisdiction" (Tomuschat, 1993).

During the Cold War - and here we come to phase three - the United States started to use this term with reference, mostly, to the Baltic States and other countries of Central and Eastern Europe, but with a different meaning. As R. Hutchings states, when successive U.S. administrations said "self-determination", they really meant "independence" or "liberation" from Soviet domination of countries in Central and Eastern Europe whose existence was already recognised. Terms like "captive nations" and "rollback" sounded too provocative and retrograde,

so the U.S. invoked the more high-sounding principle of self-determination - imbuing it with a status which they would shortly have reason to regret (Hutchings, 1993). For understandable tactical reasons, the United States allowed itself to be identified as the champion of a principle of dubious legality or practicability. The question that arose in the previous phase - the question of what a people is, re-emerged in full majesty.

What is a people? Is it a nation, a state, a constituent republic - as in the Yugoslav case - or a federal state, or a community of people, however constituted? In a multinational federal state, who has the right to self determination - the totality of the federation, the federal units, or the nationalities dispersed among those units, as K. Shehadi put it? These were concrete dilemmas, to which previous experience and the history of international relations did not give an answer: in the process of decolonization these details were overlooked - with the tragic consequence of inter-ethnic wars that burst out, not during the period of decolonisation but rather after the end of the Cold War and the global confrontation - i.e., in the nineties (Shehadi,, 1993).

4. Self-Determination and the Disintegration of Yugoslavia

During the disintegration of Yugoslavia - at its very beginning - it became clear that the principle of "self-determination" was contradictory, and that the term seemed to refer to a process rather than to an outcome: the principle was invoked as a vehicle by which statehood was to be achieved. This contradiction in terms was manifested in the inherent contradiction between the invoked principle of self-determination and the principle of the sanctity of existing borders. Yet both the United Nations and CSCE documents - the Helsinki Final Act - only opposed the violent change of existing borders, but also allowed for the possibility of borders changes so long as they were accomplished peacefully and consensually.   This seemed to imply that the concept of self-determination conflicted with the term of sovereignty - or at least sovereignty as it was found, i.e. the existing territorial arrangement. Tensions between sovereignty and self-determination - both obsolete political concepts - mounted and could not be resolved to mutual satisfaction. The questions raised were: what if border changes are neither peaceful nor consensual? What if independence declarations are contested?

Since the beginning of the Yugoslav crises the international community has been trying to resolve this dilemma, but with no great success. If we only look at the Political Declaration of the G-7 Summit in London in July 1991, we shall see a weak attempt to harmonise the two principles: The G-7 countries expressed their wish to encourage and support the process of dialogue and negotiation in accordance with the principles enshrined in the Helsinki Final Act and the Paris Charter for a New Europe. In doing so, these countries stressed the "particular respect for human rights, including rights of minorities and the right of people to self-determination in conformity with the Charter of the UN" - and with the "relevant norms of international law - including those relating to the territorial integrity of states." (Kirgis, 1994).

Self-determination seemed to clash with the principle of territorial integrity of states. Yet, naturally, as events evolved, the principle of territorial integrity was subordinated to the principle of self-determination. The process of achieving self-determination in the case of former Yugoslavia was not a "pure process" - it was intertwined with a bloody war that burst out in the form of an open aggression and defence against aggression, which in many cases assumed the form of an excessive self-defence. In such a mess, made possible also by ambiguous interpretations of the principle of self-determination and sovereignty, and especially of their mutual relationship, as the U.S.A. and the European Community did, the result was that the "self" entitled to claim the right of self-determination was limited to territorial entities, and no other "self" was recognised as a potentially legitimate claimant. When Croatia declared its independence, this was done by and on behalf of Croats within that republic, yet this territory was under the jurisdiction of the Republic of Croatia as a whole, and the vehicle for seeking recognition was the government of that republic. Thus in Croatia, Bosnia, Ukraine and elsewhere - as R. Hutchings puts it, the international community was obliged to deal with claimants who spoke for only part of the "peoples" within their borders (Hutchings, 1993).

For these reasons, the international community had to set down an interpretation of the situation in which self-determination is applied, in which the result of the "process" of self-determination is to be rec-

ognised internationally. In December 1991 the European Community issued these guidelines, which were amplified in the work of the Badinter Commission.

These guidelines set up five main points that would guide the policy of the European Community toward recognition of new states emerging from Yugoslavia as the result of the process of self-determination: the first point was the respect for the provisions of the Charter of the United Nations and the commitments subscribed to in the Helsinki Final Act and in the Charter of Paris, especially with regard to the rule of law, democracy and human rights; the second point speaks of guarantees for the rights of ethnic and national groups and minorities in accordance with the CSCE; the third point requests respect for the inviolability of all frontiers, which can be only changed by peaceful means and by common agreement; the fourth point relates to the acceptance of all relevant commitments with regard to disarmament and nuclear non-proliferation as well as to security and regional stability; the fifth point deals with the commitment to settle by agreement, including, where appropriate, by recourse to arbitration, all questions concerning state succession and regional disputes.

As it can be seen, these stipulations presented a further conceptual difficulty, one which arose both in Yugoslavia and in the Soviet Union: namely, that the "self" invoking self-determination was not always the same "self" that sought recognition - exactly for the reasons explained above.

The implications of this process are truly disturbing: self-determination was granted to peoples, who already had their territorial extension: Slovenia was granted the right of self-determination and recognition, and it is the only "pure" example in which it was possible to apply the principle of self-determination without ambiguities. In all other cases, because of the ethnic configuration - "leopard spots", or ethnic enclaves disseminated throughout the country - this principle was obfuscated by compromises, as in the case of Bosnia.

Thirdly, the right to self-determination was not even considered, as in the case of the Albanians in Kosovo. Dogmatists and purists could easily argue that the application of the principle should extend also to the minorities within states - i.e. Croats in Bosnia and Herzegovina, Serbs in Croatia, Serbs in Bosnia, Albanians in Kosovo, etc. Yet this is not the problem. The problem lies in the very substance of the concept of self-determination, its relativity and limitations. The radical application of this principle would have caused even more troubles, than were caused by its half-application. Therefore, the logical conclusion is that this political concept is itself burdened with contradictions, and therefore cannot be the only and exclusive criterion for the behaviour of states and the international community in international relations. The indiscriminate invocation of the rights of self-determination immediately poses the question of the other "self" - minority groups and other parts of the same "self" under the sovereignty of other nations. This is evident in the case of Kosovo - the Albanian minority in Yugoslavia and in the Former Yugoslav Republic of Macedonia, in the case of the Hungarian minorities in Romania and Slovakia, in the case of the Russian minority in the Baltic states. It can be applied to almost all East-European countries. Here the sacred principle of self-determination cannot be the dominant criterion for the recognition of statehood. Instead, other concerns and principles should be developed, and these principles should imply and reflect at the same time the interdependence of the modern world and the process of the transformation of the nation-state. Yet this is very difficult to achieve in situations in which nationalisms use the vehicle of self-determination for their own ends, and almost without exception every process of self-determination tends to end up in a "greater-state" project: a Greater Croatia, a Greater Serbia, a Greater Albania... etc.

Self-determination has achieved legitimisation as one of the basic human rights, albeit as a collective right. But in many cases, this specific human right collides and clashes with the human rights of the individual. The international community and policy-makers in individual states that form the international community have the task to avoid collision between the human rights of self-determination and other inalienable human rights. This is not an easy task, and is long overdue.

5. Contradictions in the Term: From External to Internal Self-Determination

Where do we stand now, after the shocking bloodshed and the discouraging experience of the "Yugoslav wars", as well as of other ethnic conflicts, especially in the Caucasus and in the territories of the former Soviet Union?

Many nationalities which embraced the cause of self-determination achieved it by obtaining the

internationally recognised right to statehood. However, in many cases - and Slovakia and Croatia are not isolated examples - the new states did not add very much to the panopticum of newly emerged democracies: instead of becoming democratic, these states became authoritarian, and the specter of secession and proliferating self-determination triggered a whole series of international as well as internal conflicts, which continue to multiply. The challenge to international security is not global - the global threat posed by the Soviet Empire has been replaced by a whole network of micro-threats, causing a lot of trouble, since the existing mechanisms of international security are not adapted to deal with micro-threats, and producing a whole series of internal instabilities that may grow and take the form of unmanageable conflict spreading throughout whole regions. Conflicts within states, often triggered by ethnic or cultural differences, will continue to proliferate. Ethnic conflicts and micro-conflicts, caused by the ingovernability of such societies emerging after the collapse of Communism, in which nationalists and authoritarian populists prevailed, pose substantial threats to international peace and human life. Coherent responses to such conflicts have not yet been found, and another global alliance - NATO - has been humiliated by being forced to deal with such conflicts, not worthy of such mighty assembled nuclear striking force based on strategic offensive doctrines, where the quest is for a powerful enemy and not the micro-protagonists of ethnic conflicts. The international community has not yet adapted and has not yet created mechanisms to deal with such crises provoked by ethnic conflicts and fragmented war dangers, such as in Kosovo, Bosnia, the Caucasus, and the Middle East (Fox, 1995).

Military force can strike even aggressors in small ethnic conflicts, and military force can establish control over a particular territory, but it cannot create international legitimacy. A NATO strike against Yugoslavia because of the fight of the Kosovo's Albanians for self-determination - in the ultimate form of secession and then, by spilling over the boundaries, of re-uniting with Albanians in Albania and Albanians in Macedonia to create a "Greater Albania" - can subdue the use of violence by Milošević's regime, but cannot give full legitimation to the aspirations of the Kosovo Albanians to create an independent state. The use of the doctrine of national self-determination by ethnic separatists to justify their demands for secession is espe-cially damaging as far as the integrity and security of Third World countries are concerned, argues Mohammed Ayoob. This is because it directly counters the imperatives of state-making and effective statehood in multiethnic polities. And another reason that supports this thesis is the fact that, since boundaries of almost all Third World states encompass more than one ethnic group, the legitimation of ethno-national self-determination in any part of the globe can have demonstrative effects that could be catastrophic for several Third World states. The same applies to the example quoted above, i.e. Kosovo. Lloyd Cutler states that this assertion is validated by the fact that, under the banner of self-determination there are active movements in more than sixty countries - one third of the total roster of nations - to achieve full sovereignty or some lesser degree of "minority" rights; and, moreover, a number of these movements have developed into ongoing civil wars (Ayoob, 1995).

As Hannum argues, if the international community feels compelled to become involved in the extraordinarily difficult process through which people accept or reject national identity and fight for it, it must agree on criteria for intervention that go beyond a simple political preference for one side or another. We are faced, here, with the task of defining the appropriate degree of foreign interest in the face of an almost infinite variety of demands for self-determination (Hannun, 1993).

Therefore, the solution should not be sought only in the superficial intervention by force on external manifestations of self-determination. The full extent of the political concept of self-determination should be identified, and that is not only "external" self-determination, but also "internal" self-determination. The latter, sometimes referred to by Woodrow Wilson and others, implies finding appropriate levels of democratic self-government to guarantee effective participation by all in the economic and political life of the country. Therefore, the international community cannot avoid any more the question of the very essence of self-determination, it being a problem with two faces: its external face leads to the establishment of national sovereignty, of the collective sovereignty of one nation over its territory. But the other face implies that self-determination does not stop with the nation, or with the dominant ethnic group, or whatever collective entity is concerned: radically conceived (and applied) self-determination means also the quality of government, i.e.

the right to self-determination of the individual within the political boundaries, which means, in fact, that self-determination brought to its radical consequence is nothing else but the application of inalienable human rights to the political life of every single country, irrespective of the degree of "external" self-determination achieved (Hannum, 1998).

Therefore, when responding to claims of self-determination, the protection of basic human rights should be the policymakers' foremost goal; thus, a basic consideration in formulating responses to self-determination claims should be whether or not a particular action is likely to promote the rights of all the people concerned. In such "new thinking" human rights become the main concern, and the policy of human rights in an interdependent world becomes the ultimate criterion for international politics and international action.

There is nothing more dangerous than a principle that is only half-applied. As an external right, self-determination is, like sovereignty, an ambiguous political concept that permits secession, the achievement of statehood, and the creation of a new state entity. But it leaves the question of internal self-determination intact: is this new state, which is the embodiment of the principle of self-determination, a democratic or an authoritarian state? What is the relationship between the collective right of, let me say, secession under the aegis of self-determination, and the right of ethnic or cultural minorities within this entity? What are the political rights of the people, their freedom of expression, freedom of political assembly, right to chose and to be chosen in a democratic, undiscriminatory election? What is the substance of social and economic rights to which the citizens are entitled to? Are people citizens in this new polity, or are they only subjects? If all these problems are taken into consideration, and if our concern is with peoples rather than territories or collectives, there is no reason to regard self-determination, and especially its "external" form, as a sacrosanct principle that should be applied in all cases. On the contrary, if we care about the advancement of democracy, then "internal" self-determination must be our ultimate goal, and the ultimate goal of the international community. Self-determination should not be used as a tool suitable for "real-politik", for maintaining the balance of power and fear - it should be applied thoroughly, including interference by the international community in purely "internal" affairs, if the situation is such that human rights standard are violated, irrespective of the motive and explanation or justification for such violations.

Emboldened by the international community's acceptance of the dissolution of Yugoslavia, dissatisfied groups in all parts of the world have decided that wars of liberation are more likely to obtain meaningful outside support than lower-keyed appeals for minority rights or autonomy, as Hannum reflects on the dilemmas caused by the "spectre of secession". He demands a more clearly formulated set of international norms that may discourage at least some questionable claims and the ready resort to violence that often accompanies them. The implication of such thinking is that the ultimate goal of such policy is the consistent fight for the achievement of basic human rights. And, therefore, whether self-determination as a process will conclude with the creation of a new state is not the main point. The main point is whether "internal" self-determination is achieved, or applied to its last consequence (Hannum, 1998).

But, in order to come to this stage, the international community needs to undergo a process in which interdependence and globalisation will determine the fate of the whole planet, and local conflicts - ethnic, political, civil wars, internal battles for the democratisation of the society - will not be dismissed by the international community as purely internal questions; instead, these questions should become the concern of the whole community. In this respect, a new thinking is needed, as well as new mechanisms of intervention and regulation of such processes, in order not to let them run out of control.

The violence we see around us is not generated by the drive for full self-determination, but by its negation, or rather by the use and manipulation of self-determination only to achieve statehood and to affirm sovereignty of one ethnic group. The denial of full self-determination, not its pursuit, is what leads to upheavals and conflicts. This has not been made quite distinct even by Stavenhagen, who rightly advocates the pursuit of self-determination, but omits to identify the kind of self-determination we have to consider. (Stavenhagen, 1992). He is right in assessing that the denial of self-determination is essentially incompatible with true democracy. Only if the peoples' right to self-determination is fully respected can a democratic society flourish, and only within a truly democratic framework, in which all other human rights are given due recognition, will the right to self-determination be freed from the "demons", real or putative, which now plague it. The challenge

is how to transform these basic principles into effective political and legal institutions, especially in the face of the situation, that the right of self-determination of one group, however well defined, may conflict with an equally valid right of another group. The presence in the international community of so many authoritarian, not to say despotic, states, in which the rights of ethnic and other minorities have been constantly violated, even in the situation when that majority achieved self-determination in a difficult set of circumstances - see the example of Croatia - has, however, prevented full acceptance of the principle as a criterion for the democratic legitimation of governments. Trends are slowly emerging that might lead to such acceptance, particularly the steadily increasing spread of norms and institutions relating to human rights. On the other hand, there is little chance of the legal acceptance of this principle as implying a right of independence for ethnic groups or religious minorities: the multiethnic composition of many states, or the presence in them of large minorities, have induced the international community to exclude the right of secession in many cases, as Cassese argues. Apart from legal affirmations by international bodies, the principle of self-determination frequently remains unapplied, either for geopolitical reasons, reflecting the position of one or more great powers, or because of intrinsic difficulties in resolving the contradictory claims of states (Cassese, 1993).

The struggles for self-determination around the world will probably increase before they diminish in the years to come. The emerging international mechanisms that deal with ethnic and civil conflicts will have to be formulated and reformulated and freed from old and obsolete doctrines, prejudices and principles, like the concept of national sovereignty, for instance. The right of peoples to self-determination, not only as set out in the UN human rights covenants, but also in a more advanced human rights philosophy, has yet to receive full recognition in theory as well as in practice. ∎

LITERATURE:

Yasushi Akashi, "Self-Determination, Autonomy and Interdependence", in: Peace and the Sciences, Vol. XXVI, March 1995.

Mohammed Ayoob, "The New Disorder in the third World", in: Thomas G. Weiss (ed.), The United Nations and Civil Wars, Lynne Rienner, Boulder, 1995.

Allen Buchanan, "Self-Determination and the Right to Secede", in: Journal of International Affairs, No. 2, Vol. 45, 1992.

Antonio Cassese, "Self-Determination", in: The Oxford Companion to Politics of the World (ed. by J. Krieger), Oxford University Press, New York - Oxford, 1993.

Milton J. Esman and Shibley Telhami, International Organizations and Ethnic Conflict, Cornell University Press, Ithaca and London, 1995.

Gregory Fox, "Self-Determination in the Post-Cold War Era: A New Internal Focus?", in: Michigan Journal of International Law, 733, 1995

Ljubomir Frčkovski, "Minorities and Self-Determination", in: Balkan Forum, No. 4 (13), Vol. 4, 1995.

Francis Fukuyama, "The Beginning of Foreign Policy: America Confronts the Post-Cold War World", in: The New Republic, August 17, 1992

Guidelines on the Recognition of New states in Eastern Europe and in the Soviet Union - Declaration of the European Community, Brussels and The Hague, December 16, 1991

Morton H. Halperin, David J. Scheffer and Patricia L. Small, Self-Determination in the New World Order, Carnegie Endowment for International Peace, Washington, 1992.

Horst Hannum, Autonomy, Sovereignty and Self-Determination, University of Pennsylvania Press. 1991

Horst Hannum, "Rethinking Self-Determination", in: Journal of International Law, 1/1993

Horst Hannum, "The Specter of Secession: Responding to Claims for Ethnic Self-Determination", in: Foreign Affairs 77, No. 2

Michael Howard, "The Springtime of Nations", in: Foreign Affairs, 69, No. 4

Robert L. Hutchings, American Diplomacy and the End of the Cold War, The Woodrow Wilson Center Press and The John Hopkins University Press, Washington, Baltimore and London, 1997

Frederic Kirgis, Jr., "The Degrees of Self-Determination in the United Nations Era", American Journal of International Law, 304, 1994

Martti Koskenniemi, "National Self-Determination Today: Problems of Legal Theory and Practice", in: Henry J. Steiner and Philip Alston, International Human Rights in Context: Law, Politics, Morals, Clarendon Press, Oxford, 1996

Kamal S. Shehadi, Ethnic Self-Determination and the Break-Up of States, Adelphi paper 283, International Institute of Strategic Studies, London, 1993

Rodolfo Stavenhagen, Ethnic Conflict and the Nation State, Macmillan Press, London, 1996.

Rodolfo Stavenhagen, "Self-Determination, Right or Demon", in: Stanford Journal of International Affairs, II, 2, 1992.

Henry J. Steiner and Philip Aston, "Self-Determination and Autonomy Regimes", in: International Human Rights in Context, Clarendon Press, Oxford, 1996

Christian Tomuschat, "Self-Determination in a Post-Colonial World", in: Modern Law of Self-Determination, Martinus Nijhoff, Dordrecht, 1993