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Self-determination and separatism in Europe and the World – a liberal perspective

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Context

The right of nations to self-determination states that nations based on respect for the principle of equal rights and fair equal opportunities have the right to freely choose their sovereignty and international political status with no external compulsion or interference. The principle can be traced back to the beginning of the 20th Century and became international practice under US President Woodrow Wilson. In his famous speech on self-determination he stated: “National aspirations must be respected; people may be dominated and governed only by their own consent. Self-determination is not a mere phrase; it is an imperative principle of action.”

When the principle of self-determination was adopted by the United Nations in 1960, it was clearly linked to the goal of decolonisation. The principle does not determine how the decision is to be made, or what the outcome should be. However, in UN Resolution 1541 three options were determined to be legitimate options of self-government: the free association with an independent State, integration into an independent State or full independence as a new State.

Self-determination raises several contradictions and criticisms – for liberals too. Nowadays, the common position of liberals towards self-determination is to reject claims of self-government and independence on the basis of their link to nationalism. In the liberal political tradition there is widespread criticism of nationalism, in the sense of expansionism, as a cause of conflict and war between nation-states. Nationalism has often been exploited to encourage citizens to partake in the nations' conflicts. Such examples include the two World Wars, where nationalism was a key component of propaganda material. Liberals do not generally dispute the existence of the nation-states, but emphasize individual freedom as opposed to national identity, which is by definition collective.

However, the reason for which liberals should in many cases support claims of self-government is not nationalism or some collective national identity, but rather another basic liberal principle: the wish (and right) for every individual to choose how to be governed, to be governed fairly and to hold the government accountable. Individuals have the right to decide upon their government and its policies.

Self-determination versus territorial integrity

Self-determination and claims of self-government most frequently lie in direct opposition to the claim of territorial integrity of states: whenever the claim of a self-identified nation does not overlap with existing state boundaries, self-determination conflicts with territorial sovereignty. Indeed, the principle of self-determination implies that people are free to choose their own state and territorial boundaries, which might not always coincide with existing state boundaries.

The realist theory of international relations – centered on states as main actors of international relations – gives precedence to territorial integrity over the principle of self-determination of nations. The liberal theory however promotes the abolition of war among states and increasing individual liberties within states. Liberal scholars in International Relations hold the expansion of other global actors, such as businesses, civil society and international organisations as a key factor in the world order. This theory allows for a greater recognition of people's self-determination and puts a certain limit to the all-encompassing power and relevance of states. But, international relations continue to be centered on states and not that long ago, in the Helsinki Final Act of 1975, the UN and the International Court of Justice determined that there is no contradiction between the principles of self-determination and territorial integrity, with the later taking precedence in case of conflict.

Self-determination versus equal rights

Liberal authors have warned that self-determination, especially in form of the creation of a new State through secession, could override the principles of majority rule and of equal rights. Equal rights and the protection of minorities are core liberal values. The unwanted outcome of self-determination being imposed upon a minority would thus represent a challenge to liberal principles.

The conflict of secession with the majority rule is easily solved. Let's for example assume that a region within a state wants to become independent. Why should individuals, who do not live there, pay taxes in that region, or elect representatives at regional level be able to vote on the form of government or the self-determination of that region? Only individuals directly affected by such a decision should be consulted.

That leaves us with the question of how to cope with a minority within that region that would see its will to remain a part of the current state overridden by a majority of voters in favour of independence. Much has been written on this issue, with some scholars adopting the view that only national cultural groups have the right to secede. But from a liberal point of view the argument defending a right to secede would include a condition under which minorities within the newly created entity cannot suffer any discrimination and would have the right to secede too.

Self-determination versus politics

In recent years the international reaction to self-determination claims has often been guided by politics rather than by principles. However, to insist on state sovereignty, to prevent self-determination does lead to exactly the opposite of what liberals want: to give excessive importance and power of decision to the state. The state, its size and power cannot be an end in itself. What is of utmost importance is the functioning of its institutions and how these respond to the will of people. The state is simply a set of institutions that are in the service of society and its activity must be justified at any time.

If state institutions do not or cannot perform their job properly, they need to be adjusted. The purpose of governmental action is always the individual. Therefore, it is the will of the citizens that makes a state legitimate.

Self-determination in Europe

Over the past few years we have seen a steady rise in self-government claims and independentist movements across Europe, which culminated in 2014 with the Scottish referendum, the Catalan non-binding consultation on independence and the big win of the Flemish nationalist party N-VA. At European level, debates on the potential independence of Scotland or Catalonia have put into question their possible EU membership and have been strongly opposed by many high level politicians such as former Commission President Barroso.

Up to now the debate seems to revolve around the question if the independent state would remain in the European Union. A question that has led to a variety of theories, but no clear answers, due to the fact that it would be the first time such a situation arises, though some authors have tried to draw a parallel to Greenland leaving Denmark (somehow the reverse case). Indeed, unlike in a traditional accession process, Catalonia or Scotland or any other secessionist region would not have to adopt the *acquis communautaire*, however the unanimity in the European Council would remain a requirement to become a member state. The advocates of a unified Spain have used this argument to deter people from voting in favour of

independence, claiming that the remaining states (Spain-Catalonia or UK-Scotland) could oppose the accession of newly created states to the EU. There are however, two major arguments against this warning. Firstly, the citizens of these newly created states are European citizens and the European court of justice could denounce the position of the members of the European Council, as it would de facto revoke their European citizenship rights. Secondly, if all other accession criteria are met and the blocking only aims at “punishing” the Catalan or Scottish people for their choice or avoiding further regions to split, their position in the Council would be abusive, insofar, as the EU is also a Union of Citizens and not only of member states.

For liberals it is important to distinguish between the right to decide (either through a vote or through negotiation) and the possible outcome of the vote or the negotiations. Similarly to the position of UK Prime Minister David Cameron, European observers should not oppose procedures or mechanisms aiming at facilitating a decision on self-government. A liberal observer has to recognize the legitimacy of such a democratic process.

A liberal position on self-government

In order to accommodate demands for minority rights and avoid secession and the creation of a separate new state, many states decentralize or devolve greater decision-making power to new or existing subunits or autonomous areas. More limited measures might include restricting demands to the maintenance of national cultures or granting non-territorial autonomy in the form of national associations which would assume control over cultural matters (e.g. Belgium).

But, in cases where parties or governments oppose any accommodation of regional, national or autonomous self-government, it is understandable that these radicalize and look at independence as the only way out. There again liberals should not out of principle oppose such claims based on the argument that liberals do not support nationalism. People defending the status quo and advocating against secession are very often nationalists too.

Another liberal argument against independence often put forward is the assumed unpreparedness for independence. However, the inadequacy of political, social, educational or economic preparedness should not serve as a pretext for delaying independence. To the question how much will the setting up of a new state cost?, economist Robert J. Barro answers: “We can usually judge whether the benefits from change exceed the costs by relying on self-determination. After all, most of the costs from changing governments and establishing institutions are borne by the secessionists – if a clear majority of residents in an area indicates their desire to become independent, then they are saying that the benefits exceed the costs.”

Proper devolution mechanisms and subsidiarity should be the underlying principle when developing a state structure that would satisfy many claims of self-determination. In times of shared national sovereignty, especially in the EU, it is ridiculous to cling to nation states that were built hundreds of years ago.

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