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U.S. Policy Toward National Self-Determination Movements

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TESTIMONY

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Mr. Chairman, thank you for the invitation to come and testify before you today. It is an honor to be here before this Subcommittee of the House of Representatives of the U.S. Congress. I am here to offer my personal views on the question of self-determination.

Introduction

The democratic revolutions at the end of the 18th and beginning of 19th Century and then the rise of nationalism in Europe in the 19th Century created among other a dynamic of creation of states and later dissolution of empires: Ottoman, Austrian and later Russian/Soviet. Some nations arose before they became states (“belated nations”).

The choice between self-determination and national sovereignty arose on countless occasions in modern history. In each example of a drive toward self-determination or that of retention of full territorial sovereignty there are shared traits but also clear specificities. Each case thus needs to be viewed in its specific historical, geopolitical and domestic political context. The question of democratic legitimacy is key to these considerations.

Principles and views have been laid down on these issues over the past hundred years. Whether it is for example President Woodrow Wilson's view presented in his speech on February 1918: "National aspirations must be respected; people may now be dominated and governed only by their own consent. Self-determination is not a mere phrase; it is an imperative principle of action. . . .". Or later in 1941 in the Atlantic Charter, or in the United Nations Charter (June 1945) stipulating that relations between nations should be based on 'respect for the principle of equal rights and self-determination of peoples' (Chapter I, Article 1). The post-World War II movement for decolonization and independence from imperial powers ushered in a period where many nations declared independence and became members of the international community.

Europe

Last week the Minister of Foreign Affairs of Denmark Kristian Jensen speaking here in Washington DC at the German Marshall Fund of the United States said: "Borders can only be moved by pen and ballot". He was answering a question about Russia's annexation of the Crimean peninsula. He reiterated a position that accepts changes of borders only if those involved in a territorial dispute are able to find a negotiated, peaceful, mutually acceptable way of solving a dispute.

There have been such disputes, however arduous and sometimes initially violent, that have ended in direct or mediated negotiations leading to a settlement. There are also those that have gone on for years and have not found solutions. Cyprus is a case in point. And after more than 40 years we might be witnessing the resolution of one of Europe's longest recent disputes.

Wars have most often been those that have changed nations' borders. Victors have been those drawing the new borders while the defeated had to live with the consequences often dreaming of revenge, carrying grievances or wanting to "correct" wrongs that had been done to them. The Cold War in Europe created a protracted period during which there was a relative, but not complete lull in such territorial disputes, disputes of minorities within nation states seeking special status, varying degrees of autonomy, special rights, and greater degrees of federalism or confederalism.

Europe is a crucible of countless variations of solutions to such disputes between majorities and minorities. Some of the territories have gone backwards and forwards between nations as a result of wars. Others have found negotiated settlements within existing nation-states without change of borders.

To mention but some, each with their own specificities: Schleswig-Holstein (1920), Carinthia (1920), Alsace (1945) Faroe Islands (1948); Saarland (1956); South Tyrol (1971), the Canton of Jura (1978), Northern Island (1998), Basque country, Catalonia, Cyprus (2016 ?)

After the end of Communism

The fall of the Berlin Wall led to the dissolution of three communist federations. Two of these were countries that had appeared on the map of Europe after World War I and the signing of Treaty of

Versailles in 1918: Czechoslovakia and Yugoslavia (initially called the Kingdom of Serbs, Croats and Slovenes).

Czechoslovakia (that had been invaded by Warsaw Pact countries in 1968) went through a peaceful separation (Velvet divorce) in 1993 that was driven by the political leaderships of the Czech and Slovaks.

Yugoslavia dissolved during the 1990s in a violent conflict out of which 7 states appeared.

The Soviet Union was dissolved in December 1991 out of which 15 countries appeared, including Russia. Eleven of these signed the Alma-Ata Protocol establishing the Community of Independent States (the Baltic States who had regained their lost independence and Georgia did not join).

The dissolution of the Soviet Union led to a four “frozen conflicts” that to this day remain unresolved despite the continued efforts and negotiations.

Transnistria broke away from Moldova in 1992.

Nagorno-Karabakh, after an ethnic conflict 1991-1994, remains disputed between Armenia and Azerbaijan,

Abkhazia after a 1992-1994 war with Georgia, of which it was part, remained disputed territory. Then after the invasion of Georgia by Russia, Abkhazia was recognized as an independent state by Russia, and declared by the Parliament of Georgia Russian occupied territory.

South Ossetia after the 1991-1992 war became a “frozen conflict” and after 2008 recognized by Russia and three other countries as independent, but as occupied territory for Georgia.

In addition Russia violated of international law, and the Helsinki Final Act (1975) of which it was an initiator and signatory, in invading and annexing Crimea, and then heavily supporting separatists in the Donbas region. This has created potentially another “frozen conflict”, unless there is a fulfillment of the Minsk Agreements. Here also questions of autonomy, federalism, are part and parcel of the dispute and possible solution.

It should also be noted that reunification of Germany in 1990 when Eastern Germany (German Democratic Republic) was re-incorporated into the Federal Republic was a peaceful change of borders, territory by consent.

The role of the European Union in settling territorial disputes

European nations after World War II approached their future with the intent of avoiding violent conflict that had plagued the previous century of their history.

The political peace project that is the EU at its origin has been the broad framework within which the disputes over territory have or have not found solutions. Whatever the case may be the EU has been a mechanism whereby its institutions have played to a greater or lesser extent the role of shock

absorbers. In the case of the South Tyrol and Northern Ireland with the concerted efforts of the parties involved, no matter how difficult and emotional, no matter how much violence preceded, in the end have painstakingly found reasonably viable solutions.

The EU has likewise been a fundamental inspiration and guiding hand in the resolution of disputes in the Balkans after the war that led to the dissolution of Yugoslavia.

With other institutions such as the UN, OSCE, Council of Europe, NATO, the European Union, its 28 member states, and half-billion citizens constitute an example of soft-power that has brought to the negotiating table Belgrade-Pristina in an historical endeavor to resolve the issue of Kosovo, or rather and more precisely to normalize relationships between Serbia and Kosovo.

This is a clear example of an engaged process of reconciliation and normalization under European auspices.

The April 13, 2013 agreement signed by the Prime Ministers of Serbia and Kosovo was a key step forward in deepening the foundations of peace, stability and security in the region. The dialogue had been initiated in March 2011.

With the expected pauses and momentary steps forward and backward both sides show political determination and willingness, in the spirit of the European peace project, to achieve normalization. The historical example of Franco-German reconciliation after 1945 is the blueprint.

The process will be long and arduous, but no more no less than for example that in Northern Ireland or the South Tyrol. This is a typical example of one of the many European examples mentioned.

Much remains to be done and outstanding issues need to be resolved but the process is in engaged in a European reconciliation spirit, where only peaceful means are the way of a stable and peaceful

It is interesting to note that although recognized by 111 countries members of the UN, Kosovo has not been recognized by five EU member states (Cyprus, Greece, Slovakia, Spain, Romania) each for reasons of its own internal situation.

Even with all of its current enormous challenges the EU remains the main source of inspiration for reform and reconciliation.

Where the EU and the international community including the US have not been successful is in resolving the dispute between Greece and Macedonia. This is an egregious failure. It has caused instability and has slowed down the process of peace and stabilization in the Balkans region. This example shows that it requires the full dedication of the sides in question to pay “the high price of peace”, that is to realize that compromise is the only way forward and that compromise demands sacrifices for the greater good of peace and stability.

The Challenges ahead for the European Union

The referendum in the United Kingdom on June 23 this year on remaining within the EU or exiting (Brexit) can be seen as a sort of referendum on self-determination. It raises a whole set of questions about the future of Europe, the future of the UK. Will it provoke a new referendum in Scotland and a possible dissolution of the UK? What effects will this have on Ireland if the UK leaves? What are the knock-on effects for other countries that are grappling with the sentiment that “Brussels” is perceived by parts of populations as being overbearing, causing perceived loss of sovereignty? Many are saying that to leave the EU would be a leap in the dark, and that it would deep unforeseen effects on the economy, business and security issues.

The EU was created on purpose as a framework in which there was a pooling of parts of sovereignty while remaining an intergovernmental institution, not a federal one. Countries voluntarily joined knowing what the agreed rules were, benefitting from joining a single market, a free travel area (Schengen) and being an economy of \$17 trillion. But a sense of democratic deficit, perceived and or real lack of democratic legitimacy has led among other to the current tumults and turbulence. The crisis of the Eurozone monetary area, the huge pressure caused by the refugee/migration crisis all this constituted a “perfect storm” of challenges that has led to the rise of right and left wing populism. Mainstream parties are losing ground and voters are disgruntled with their political elites.

Spain is also a country to be observed. While for a long time it was the Basque country in where separatists waged a campaign of terror with the desire for independence it is Catalonia that is today the part of Spain that in everyones’s focus. The last elections results in Catalonia show that that there is a rising tide by parts of Catalan political elites and society to seek independence. Questions arise whether the demands for greater self-government will be granted by the central government in Madrid or not. And even if these demands were met would that assuage those seeking independence It is the young who have swollen the ranks of those who wish to see an independent Catalonia. And then there always is the question: if it does secede, which will not happen tomorrow by any measure – will the EU accept it as a new member and under what rules of the road. Many an open question.

Conclusion

Outside of Europe recent examples of self-determination after long struggles have been: Eritrea (1991-3 from Ethiopia); East Timor (2002 from Indonesia); South Sudan (2011 from Sudan). In a recent reportage by National Public Radio on South Sudan the reporter opined on the first five years of independence: “Short and sad”. In each of these cases the aftermath of independence has been to a greater or lesser degree fraught with difficulties, whether through continued ethnic strife, authoritarian rule, systemic corruption, economic and social poverty. The international community has not had staying power in supporting these fledgling states, in providing the necessary development aid and guiding hand in establishing beginnings of rule of law and democratic institutions. It seems, to put it starkly, that it is the case that many are there to see through the moment of independence through a referendum and then these countries are left to their own devices.

National states are not always the only possible way forward, nor necessarily the best. But if they are to comprise diverse ethnicities for example they must find institutional mechanisms to satisfy the demands for equal representation, that states at times are not ready to grant, and then demands for secession, self-determination arise.

There are numerous nations who do not have states. Many have declared independence but have not achieved statehood. Separatist movements abound and do not relent. Very often stateless nations' drive for self-determination is caught in a web of geopolitics where national sovereignty and territorial integrity prevail.

The world will be permanently confronted with the choice between self-determination and national sovereignty and current historical circumstances, realpolitik or its absence, the *rappports des forces* between those concerned will determine the outcome. Might will sometimes be right, although clearly this is not conducive to stable, acceptable solutions.

A democratic, rules based approach in which the parties are capable of finding a peaceful solution is always the one to be sought.

There are examples where high emotional stakes, strong identity politics, heated debates have led to referenda where the democratic polities have accepted peacefully the results and continued to live in the previous institutional framework that had been contested.

The referendum on the possible secession of Quebec from Canada in October 1995 produced the following result: 50.58% voted for Quebec to remain part of Canada while 49.42% voted for secession. The difference was 1.16%. That night everyone accepted the result and Canada remained as it was.

In Scottish referendum of September 2014 55.3% of the voters refused the idea of an independent Scotland while 44.7% wished to exit the United Kingdom.

I will end with the following two quotes:

The Hungarian historian Istvan Bibo wrote in 1946:

The peoples of Central and Eastern Europe must be prevented from constantly upsetting the tranquility of Europe, with their territorial disputes... this means that in every area where some kind of consensus is yet feasible – not a mere political agreement, but a clarification of principles – we should implement this with all our force within the framework of the present peace construct, because unsettled territorial issues represent a grave threat.

The British philosopher Isaiah Berlin wrote in 1990:

The first public obligation is to avoid the extremes of suffering... The best that can be done as a general rule is to maintain a precarious equilibrium that will prevent the occurrence of desperate situations, of intolerable choices – that is the first requirement for a decent society to which we can always aspire in the limited range of our knowledge and even of our imperfect understanding of individuals and societies. A certain humility in these matters is very necessary.

