

Secessionist Conflict: A Happy Marriage between Norms and Interests?

*Rafael Biermann**

This roundtable debates how norms, values, and interests are balanced and harmonized in a world of conflict. My contribution focuses on one specific policy field: secessionist conflict. Like Megan Bradley's contribution on the international refugee regime,¹ this essay takes a metaperspective and does not investigate any one specific case or actor.² I assume a political science perspective, paying attention first to social norms (as standards of appropriate behavior), which encompass but go beyond legally codified norms of international law;³ and second to interests, whether they be national, group, personal, or other. My perspective here is a critical social constructivist one, investigating the dialectic relationship of norms, interests, and power. I introduce the concept of "norm selection" in a policy field, which offers choice within a cluster of competing norms. Finally, following Bernd Bucher's call to bring back agency into what he terms international "norm politics," this contribution prioritizes agency, arguing that it is actors with diverging interests who do the balancing of norms, values, and interests.⁴ This was one of the major insights we gained from the workshop preceding this roundtable.⁵

The central argument of my contribution is that the policy field of secessionist conflict is structured around a set of five rival norms, of which territorial integrity and self-determination form the core. This normative structure permits the parties involved in a secessionist conflict to select from a menu of norms those that best suit their interests. The selection displays remarkable regularities, indicating

*I would like to thank Christopher Brucker for valuable feedback on this paper.

Ethics & International Affairs, 33, no. 1 (2019), pp. 29–43.

© 2019 Carnegie Council for Ethics in International Affairs. This is an Open Access article, distributed under the terms of the Creative Commons Attribution licence (<http://creativecommons.org/licenses/by/4.0/>), which permits unrestricted re-use, distribution, and reproduction in any medium, provided the original work is properly cited.
doi:10.1017/S0892679418000898

default positions for each type of actor. However, significant outlier cases signal that interests do not simply trump norms but that actors accord different values to those norms. This attribution is influenced by the dynamics of a normative environment in which norms rise and fall. In particular, since the Cold War ended, discourse as well as state practice have shifted away from the traditional taboo on secession toward more revisionist concepts, such as remedial secession or earned sovereignty, providing an opening for the secessionist wave that started with the breakup of the Soviet Union and of Yugoslavia.

I present my argument in three steps. First, I introduce the abovementioned cluster of norms that shape discourse and policies on secession, distinguishing the two core norms and the three circumjacent ones of noninterference, human rights, and democratic good governance. Second, I identify five major types of actors in secessionist conflicts and investigate how each balances those norms. Since this balancing is actor-specific and conforms to the interests that each pursues, I arrive at distinct default positions for each actor type. Whereas this analysis suggests that norms serve primarily as legitimization devices to advance the diverging interests of various actors, the last section discusses outlier cases where norms and interests do not match as presumed.

A CLUSTER OF COMPETING NORMS ON SECESSION

In 2017 there were forty-one secessionist conflicts worldwide, inspired by (mostly ethnic) groups attempting to withdraw with their territory from the authority of their home state. The goal of these groups is either to create a new state or (much more rarely) to merge with another state. (In the same year there were fifty-three conflicts about autonomy, dealing with calls to upgrade the status of groups *within* states.⁶) Secessionism is pervasive, especially in Europe and Asia. In 2011, Bridget Coggins drew up a dataset listing 256 independence movements between 1931 and 2000, finding that the dramatic rise of state birth in the twentieth century (150 new states) is largely a product of successful secessionism.⁷ Similarly, Ryan Griffiths noted in 2014 that “If the rate of secession were to continue at its current pace, there would be 281 countries in the world by 2050 and nearly 384 at the end of the twenty-first century.”⁸ Currently there are 193.

Conflicts about secession are necessarily conflicts about territory; and because the conflicting parties tend to attribute symbolic meaning to the territory in dispute and perceive it as an indivisible part of their group identity, such conflicts are

highly resistant to compromise. The end of the Cold War brought significant change in secessionist conflict patterns. During the Cold War, the success rate was minimal: only Bangladesh managed to secede from its home state (Pakistan) and gain full international recognition. Since 1989, however, twenty-six new states have emerged from secession when we include state dissolution and consensual cases. These are the fifteen successor states of the Soviet Union, the six successor states of socialist Yugoslavia, the Czech Republic, Slovakia, Eritrea, Timor-Leste, and South Sudan.

In Europe, secessionist struggle became the number one type of conflict.⁹ In the 1990s secessionism exploded in the post-Soviet space and the Balkans. More recently, we have seen the annexation of Crimea and the ongoing conflicts in Eastern Ukraine. In some cases, groups have managed to secede from their home state, but have not gained full international recognition. These *de facto* states range from South Ossetia and Abkhazia to Transnistria, Karabakh, and Kosovo. Secessionism is even back on the agenda in Western Europe in such places as Scotland and Catalonia.

How do parties involved in secessionist conflict balance norms, values, and interests? Let us first take a closer look at the cluster of five norms that are contested when secession is at stake: (1) territorial integrity, (2) self-determination, (3) noninterference in internal affairs, (4) human and minority rights, and (5) democracy and good governance. As mentioned above, territorial integrity and self-determination constitute the core of the normative struggle on secession, while the other three norms may apply depending on the specific scenario. We can further divide the cluster between sovereignty norms protecting the territorial status quo (norms 1 and 3) and liberal norms capable of revising the status quo (norms 2, 4, and 5).¹⁰ These two groups function as major legitimation devices for the two basic schools of thought on secessionism: the conservative one ruling out a right of secession in principle, and the more liberal one allowing for secession under more or less restrictive conditions.

Territorial Integrity and Self-Determination: The Core Norms

The two world wars gave rise to the prohibition on conquest and the inviolability of borders. Indeed, this core sovereignty norm is codified as a *jus cogens* norm in Article 2(4) of the UN Charter, which stipulates that UN members shall refrain from the threat or use of force “against the territorial integrity or political independence of any state.”¹¹ Boaz Atzili, calling territorial integrity a “border

fixity norm,” argues that “conquest and annexation of one’s neighbors’ land, commonplace in the history of the state system, is no longer on the ‘menu of choice’ for post–World War II leaders and states.”¹² During the Cold War, the norm effectively delegitimized territorial conquest, resulting in a remarkable decline of interstate war and a virtual disappearance of violent state death.

The primary focus of the territorial integrity norm was state protection from “transfrontier use of armed force.”¹³ Nevertheless, it has also become the guiding norm for ruling out assaults on the territorial integrity of states from within. Secessionism is about redrawing state borders, about breaking off territorial units from a state that is internationally recognized, and this erodes one of the constituent elements of a state: its territory. A state’s territory delimits the space within which the sovereign state exercises its authority of exclusive rule. The state sets the rules for the territory it controls, and it implements those rules—by force, if necessary. Notably, its monopoly on the legitimate use of force includes the right to subdue secessionist uprisings.

Only when governments assent to their demands can secessionists expect to receive universal international recognition. However, such instances are rare, as governments vigorously guard the territorial integrity of their state. Where it is threatened, many put wording into their constitutions ruling out secession.¹⁴ The territorial integrity norm is further strengthened by the *uti possidetis* principle, which forecloses any territorial claims going beyond the established boundaries of a given entity. During decolonization this meant that the inherited boundaries drawn by the colonial rulers became the new state borders. They had to be respected; there was no scope to redraw the often arbitrary borders according to ethnic settlement patterns and identities.¹⁵ When the Soviet Union and Yugoslavia disintegrated, the *uti possidetis* principle served to limit the number of new states. The European Community and its Badinter Commission decided that only the former republics could achieve statehood—with their administrative borders becoming international borders—and that those entities below the republican level (such as Kosovo and Chechnya) could not. Clearly, no one wanted to open the Pandora’s box of never-ending self-determination disputes in Eastern Europe.

In sum, the norm of territorial integrity is one of the cornerstones upon which the international order rests. The consolidation of this norm has contributed strongly to regional and global stability and predictability in an otherwise anarchic system. Where that norm erodes, stateless peoples are inspired to claim a right to

statehood. The universal acceptance of this norm resulted in a categorical taboo of secession up to the end of the Cold War. In 1970, UN Secretary-General U Thant declared that “the United Nations attitude is unequivocal. . . . The United Nations has never accepted and does not accept and I do not believe it will ever accept a principle of secession of a part of a Member State.”¹⁶ This stance prioritized international order while marginalizing the plight of secessionist groups even in cases of mass atrocity crimes (such as in Biafra or Cambodia) or blatant injustice (Palestine).

The core revisionist norm challenging territorial integrity is self-determination. Despite the reservations of the colonial powers, at Soviet insistence the reference to the self-determination of peoples was inserted in Article 1(2) of the UN Charter as a central “purpose” of the United Nations (and is expressed again in Article 55). It became the major legitimation device for the more than one hundred states born out of decolonization. In the early years of the Charter, self-determination was hardly operationalized, and it was construed almost exclusively in terms of decolonization. This changed with the UN Human Rights Covenants of 1966, which declared that “All peoples have the right of self-determination. By virtue of that right they freely determine their political status and freely pursue their economic, social and cultural development.”¹⁷ Thus, the right of self-determination became “a general entitlement,” and decolonization was “only a specific emanation of such general right.”¹⁸

During the Cold War, both dissidents behind the Iron Curtain (such as Solidarnosc in Poland and Charter 77 in Czechoslovakia) and Western politicians legitimized their demands for more self-rule within the Soviet bloc by calling for more self-determination. They referred to the 1975 Conference on Security and Co-operation in Europe Final Act (the Helsinki Accords), which “reaffirm[ed] the universal significance of respect for and effective exercise of equal rights and self-determination of peoples.” In particular, it declared that “all peoples always have the right, in full freedom, to determine, when and as they wish, their internal and external political status, without external interference, and to pursue as they wish their political, economic, social and cultural development.”¹⁹ At the Cold War’s end, self-determination (Gorbachev called it *freedom of choice*) became the guiding principle for the liberation of Central Eastern Europe from Communist rule and for German reunification.

Secessionist calls for independent statehood rest on claims to self-determination, and these are based on accounts of historical injustice or

discrimination and/or on arguments of cultural distinctiveness. Fears abound that proliferation of such claims might inspire vicious cycles of violent secessionist struggle, spilling over within and across countries. Such fears are well-grounded, as the Balkan wars demonstrated, and they have motivated many to relegate self-determination to a second-order norm. Indeed, leading scholars have argued that “international law must not become a cause of unrest and turmoil,”²⁰ and that “a state-based international legal order cannot contain a rule that leads to the destruction of most of the states.”²¹ Such scholars argue, therefore, that self-determination lost its operational meaning following decolonization and should be largely restricted to internal self-determination—that is, to within-state solutions that encompass various types of autonomy. This view insists that we should proceed from “a principled presumption in favour of territorial sovereignty.”²² It remains unclear under which conditions self-determination can be justifiably exercised, what this right actually contains, and who is eligible to claim it.

The wording of UN General Assembly Resolution 2625 (1970), known as the Friendly Relations Declaration, reflects just how delicate the tightrope walk is. On the one hand, it contains the strongest wording on self-determination: “Every State has the duty to refrain from any forcible action which deprives peoples . . . of their right to self-determination and freedom and independence. In their actions against, and resistance to, such forcible action . . . , such peoples are entitled to seek and to receive support.” On the other hand, the Declaration warns immediately thereafter that “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.”²³

However, there is a further condition attached in Resolution 2625: The affirmation of territorial integrity only stands provided that these states are “conducting themselves in compliance with the principle of equal rights and self-determination of peoples . . . and thus possessed of a government representing the whole people belonging to the territory without distinction as to race, creed or colour.” This condition brings us to the three circumjacent norms.

The Circumjacent Norms

The circumjacent norms affect discourse and state practice on secession only when specific background conditions are prevalent. These are the norms of

noninterference in internal affairs, human and minority rights, and democracy and good governance. Whereas the first operates as a sovereignty norm stabilizing the territorial status quo, the latter two are liberal norms with a potentially revisionist thrust. Let us discuss them successively.

The norm of nonintervention is both well-established and highly controversial. To begin with, given the need for international recognition, secessionist conflicts are necessarily internationalized intrastate conflicts. The need for recognition draws the international community in from the beginning, and it shapes the conflict calculus of the conflicting parties. Beyond that, third-party interference varies considerably, ranging from left-alone conflicts (such as Sri Lanka) to military intervention (such as Kosovo). Interference also varies widely over time (see Myanmar). Whatever the form of intervention, state actors that disapprove of such acts regularly protest, arguing that according to Article 2(7) of the UN Charter no external actor is allowed to interfere in the internal affairs of states. Surely, the norm's ambiguities invite dispute as to which matters are essentially a *domaine réservé* of the sovereign state and what kinds of intervention are precluded. Furthermore, some argue that international jurisdiction has expanded to such an extent that the Charter's codified prohibition "has been increasingly eroded and emptied of substance."²⁴ Nevertheless, politically the norm remains a powerful shield to rebut third-party interference in secessionist conflicts.

Second, norms surrounding human rights protection have an impact on the reaction to many secessionist conflicts. In some cases, such as East Timor and Kosovo, secessionism is inspired by prolonged and serious violations of human rights. In others, such as in Scotland and Ukraine, the causes are more identity-driven. Given the rise of the human and minority rights norms since World War II, human rights violations have not only become a matter of international concern, they have also begun to challenge sovereignty norms. In 1991, following the chemical weapons attacks by Saddam Hussein against his own people and the subsequent UN intervention in Iraq, UN Secretary-General Pérez de Cuéllar remarked, "It is now increasingly felt that the principle of non-interference . . . cannot be regarded as a protective barrier behind which human rights could be massively or systematically violated with impunity."²⁵ A year later his successor, Boutros Boutros-Ghali, stated in his *Agenda for Peace* that "The time of absolute and exclusive sovereignty . . . has passed."²⁶

This normative shift legitimized humanitarian intervention and paved the way for the Responsibility to Protect (RtoP). The International Commission on

Intervention and State Sovereignty, which formulated RtoP, drew the logical conclusion: “Where a population is suffering serious harm, as a result of internal war, insurgency, repression or state failure, and the state in question is unwilling or unable to halt or avert it, the principle of non-intervention *yields* to the international responsibility to protect.”²⁷

The effects of this shift spill over into the discourse and state practice on secession. Mass atrocity crimes increasingly trigger humanitarian, economic, diplomatic, and military intervention in civil wars, including secessionist ones such as Kosovo and East Timor. Within the secessionist discourse, the idea of remedial secession, which was hardly recognized when it was born in the 1970s, dominates the normative debate today.²⁸ It advocates the recognition of secession as an *ultima ratio* remedy of last resort in cases of persistent and grave violations of human rights. Since the early 1990s it has gained adherence among scholars and politicians who argue that “if a State machinery turns itself into an apparatus of terror which persecutes specific groups of the population, those groups cannot be held obligated to remain loyally under the jurisdiction of that State.”²⁹ Such a state also risks losing the loyalty of the international community, to the point where secession becomes an emergency break to stop or avert mass atrocity crimes. In such extreme cases, internal self-determination may sometimes give way to external self-determination. This happened with NATO’s Kosovo intervention in 1999, for example; and the subsequent recognition of Kosovo’s independence by more than 100 UN member states remains the most disputed case of remedial secession. Despite this controversy, however, there is no question that human and minority rights norms added a new layer of legitimacy to secessionist calls for self-determination.

Third, in recent decades democracy and good governance have also become liberal revisionist norms in secessionist conflict. Two patterns are discernable: one focusing on the secessionists, the other on the home state. Regarding the former, whether or not secessionists, especially in *de facto* states, comply with good governance standards influences their chances of international support. The European Community’s Badinter Commission rulings in 1992 introduced such conditionality by linking recognition to the protection of minority rights in the newly emerging states. This developed into the idea of *earned sovereignty*, implying that secessionists can win outside support by holding free elections, institutionalizing checks and balances, and establishing a functioning state.³⁰

Such a calculus, however, may not materialize and may in fact come at a price, as President Ibrahim Rugova realized in the 1990s when his strategy of pacifist resistance was upset by the violence of the Kosovo Liberation Army.

Less investigated is the impact of the governance record of the home state on the legitimacy of secession attempts. For instance, South Sudan's struggle for independence was legitimized in part by the repressive Sudanese regime of President Omar al-Bashir, an indicted war criminal. Similarly, it was much easier to legitimize the de facto pro-Albanian stance of the West in Kosovo as long as President Milošević ruled Serbia. Once he was toppled and the successor government turned toward democracy, this position weakened. Most favorable for secessionists is a scenario where a weak or authoritarian home state contrasts with the commendable governance record of the secessionist entity, such as in the case of Somalia and Somaliland.

The rise in the number of ethno-national referenda worldwide indicates a nexus of self-determination, democracy, and secession.³¹ The idea that any quest for statehood must first win approval from the people concerned is today widespread. The logic, originating from the French Revolution, is as simple as it is appealing. It is very close to the primary rights theory of secession, arguing that the people are sovereign and should decide all matters affecting their own destiny, including whether they wish to remain within their state or choose to establish a new one. Almost all secessionist movements today hold such independence referendums. However, these referendums pose intricate problems in terms of voter eligibility: Who should have a right to vote? What about the home state population, which usually rejects secession? What about those who fled intimidation, violence, and ethnic cleansing, or simply fear discrimination and marginalization? What about the diasporas who left the territory at some time in the past? And what about colonists who were settled on that territory over decades to shift the demographic balance in favor of the home state? Even when the home state agrees to a referendum, these issues require tough negotiations, and their results can predetermine the outcome of the referendum. Furthermore, these referenda are rarely fair and free, especially when contested by the home state and without international monitors, such as was the case in Crimea. Often in such cases, referendum questions are manipulative, opposition voices are silenced, voting results are fabricated, and the organizers themselves often have illegally taken control of the state apparatus beforehand.

BRINGING INTERESTS AND POWER BACK IN

The five norms introduced above represent the specific configuration of norms prevalent in the policy field of secession. All are highly contested. This configuration offers a menu of choices to reconcile them. As I argue below, norm politics in secessionist conflicts are primarily played out via interest-driven processes of norm selection. Whether actors in secessionist conflicts adopt or contest individual norms is strongly shaped by their distinct interests, which primarily serve a power calculus. Thus, when norms conflict within one policy field, actors need to prioritize some and demote others. They also attach meanings to the norms suiting their interests. Consequently, norms may be instrumentalized as legitimation devices masking parochial interests.

We can distinguish five types of actors in secessionist conflicts: the home state, the secessionist group, minorities trapped within a secessionist territory, patrons, and the international community at large. Each has a distinct profile in terms of norm selection, allowing us to identify a default position for each actor.

Home states, whose natural interest is to protect the territorial integrity of their country, almost exclusively prioritize the sovereignty norms. They usually portray sovereignty as unconditional, stress the dangers of secession for international order and stability, and minimize human rights problems. Absent outside intervention, they hold disproportionate power compared to secessionist groups, and thus often advocate a rigid understanding of noninterference. Madrid's stance toward Catalonia reflects such a rationale.

In contrast, *secessionist groups* build their claims of independent statehood on a case-specific selection of revisionist norms. At the core is a very broad interpretation of self-determination that argues it is a right for all ethnic groups worldwide, regardless of territorial control and regardless of other groups living within that territory. Secessionist groups use independence referenda to leverage the democracy norm as a further instrument of legitimation. Groups suffering serious human rights violations might shift their strategy toward human and minority rights, often magnifying their case by framing it as a genocide to attract world opinion and garner support.

Entrapped minorities often, but not always, oppose secession. This is especially true for those who hitherto constituted part of the majority population in the home state and now fear marginalization (such as the Serbs in Bosnia). Entrapped minorities, too, employ the sovereignty norms to delegitimize

secession. Similar to the secessionists, however, they may also use the democracy and human rights norms to signal their divergent preferences by holding their own referenda, which might rival the secessionist ones. They may also call on human rights norms by highlighting prospects for future persecution and inter-ethnic violence if secession succeeds.

The default position of *patrons* depends on the conflicting party they favor. Patrons tend to follow the norm selection of their clients. This is true for nonstate actors, such as Western human rights groups and media that sometimes strongly advocate a secessionist cause. It is even more true for state patrons. Russia's inconsistent norm selection reveals the instrumental, even cynical use of norms by patrons. On Kosovo, Russia supports the home state, Serbia, and its arguments in favor of territorial integrity. On South Ossetia and Abkhazia (within Georgia) as well as on Crimea and Eastern Ukraine, it supports the secessionists and advocates self-determination.

The default position of the broader *international community* is to prioritize the territorial integrity of the home state and thus international order, thereby denying the secessionists a right to secede, and relegating self-determination to within-state solutions. Those states fearing secessionism at home are particularly adamant on this point. However, this status quo inclination, which coincides with the interests of the home state, is unstable. While secessionists, home states, and patrons rarely seem to perceive a dilemma when balancing territorial integrity and self-determination (most of them select one, disregard the other), members of the broader international community, being more removed from the conflict, often do not perceive conflicts as indivisible and are more ready to see the dilemma of needing to reconcile competing norms. These positions might more easily change when mass atrocity crimes bring in human rights norms or when free and fair referenda conjure the democracy norm.

OUTLIERS

It is striking how much these default positions on norm selection match group interests. The revisionist camp largely employs liberal norms, the conservative camp sovereignty norms. In general, each disregards the interests of the others. It is a marriage of norms and interests. The happy owners of statehood protect their turf by denying others the statehood they possess. The have-nots knock at the door of the sovereignty club, hoping to be admitted by whatever means possible.

Do interests trump norms? Are norms just fig leaves or cheap talk disguising *realpolitik*? So far, my analysis suggests such a cynical, instrumental use of norms for political ends. However, there are outliers that do not fit into this frame. There are home states willing to accept referenda and secession, such as France accepting the 2018 referendum in New Caledonia. There are secessionist groups revoking their claims for statehood, such as in Aceh in Indonesia. There are patrons not supporting their clients' call for independence, such as Russia not recognizing the independent statehood of Abkhazia and South Ossetia until 2008. And there are cases where the international community recognizes statehood resulting from secession even against the will of the home state, such as for East Timor or, controversially and incompletely, Kosovo.

Obviously, in these cases actors balance norms and interests in a manner that diverges noticeably from the default position. In some cases this is simply the result of an unconventional definition of interest. For instance, in the example above of New Caledonia, the French government agreed to an independence referendum despite not wanting it to succeed. Given the minority position of the native Kanak population in New Caledonia, due in part to the many French settlers sent into the former French colony over centuries as well as fears that cutting ties with France would cause economic stress and political instability, the French government could agree to the referendum and be quite confident that the outcome would confirm the territorial status quo (as it did). Thus, in this case the French government did not prioritize the interest to keep New Caledonia at all cost, but rather the interest of being seen as a democratically open and responsible state. However, in other cases interests do not simply trump norms, but norms can actually override interests.

First, actors might highly value norms they have internalized. Thus, if a home state facing a secessionist movement cherishes human rights and democracy, it might opt for a referendum rather than turn to violence to subdue that movement. Compare, for example, Britain's acceptance of the Scottish referendum with Russia's resort to violence against Chechnya.

Second, actors might recognize shifts in the configuration of norms on secession and orient their norm selection accordingly. Since the end of the Cold War, the clusters of sovereignty and liberal norms have been in the process of rebalancing. In general, the liberal norms have risen and the sovereignty norms have declined, eroding the traditional taboo on secession. This started in the early 1990s with the triumph of self-determination in Eastern Europe and

Germany, which breathed new life into a norm that many had deemed dead since decolonization. Thus, a new debate about the legitimacy of secession in international law and international relations commenced. Indeed, the increasing use and acceptance of referenda indicates that self-determination, linked to the democracy norm, is still on the rise.

This renaissance of self-determination is paralleled by the rise of human and minority rights norms. These rapidly diffused in the former communist bloc after the Cold War and became universal. Today some actors, such as the European Union, even define their very identity as a “normative power” dedicated to spreading these norms. This, in turn, has affected the sovereignty norms. Humanitarian intervention and, later, RtoP seriously challenged sovereignty, non-interference, and territorial integrity and opened the door for remedial secession. Moreover, the still younger idea of earned sovereignty further reinforces this normative shift. Thus, a new layer of legitimacy was added to the secessionist call for self-determination.

In sum, we have entered a phase of uncertainty. New questions are asked. State practice has become less categorical and more case-specific. The stance of international actors is more difficult to predict. For secessionists, this is good news. For the international order, perhaps not.

NOTES

- ¹ See Megan Bradley, “Unresolved and Unresolvable? Tensions in the Refugee Regime,” *Ethics & International Affairs* 33, no. 1 (2019), pp. 45–56.
- ² Such as Hugo Slim’s contribution to this roundtable on the International Committee of the Red Cross. See Hugo Slim, “Humanitarian Diplomacy: The ICRC’s Neutral and Impartial Advocacy in Armed Conflicts,” *Ethics & International Affairs* 33, no. 1 (2019), pp. 67–77.
- ³ See Stefan Oeter, “Conflicting Norms, Values, and Interests: A Perspective from Legal Academia,” *Ethics & International Affairs* 33, no. 1 (2019), pp. 57–66.
- ⁴ Bernd Bucher, “Acting Abstractions: Metaphors, Narrative Structures, and the Eclipse of Agency,” *European Journal of International Relations* 20, no. 3 (2014), pp. 742–65.
- ⁵ For a summary of the workshop, see Rafael Biermann, Christopher Brucker, and Thea-Marie Schatz, “Legal Norms, Moral Values and National Interests,” Ein Tagungsbericht zum Expertenworkshop vom 19. bis zum 21. Februar 2018 in Berlin, *Zeitschrift für Außen- und Sicherheitspolitik* 11, no. 2 (2018), pp. 225–30.
- ⁶ Heidelberg Institute for International Conflict Research, “Conflict Barometer 2017,” Heidelberg 2018, p. 16, hiik.de/konfliktbarometer/aktuelle-ausgabe/.
- ⁷ Bridget Coggins, “Friends in High Places: International Politics and the Emergence of States from Secessionism,” *International Organization* 65, no. 3 (2011), pp. 433–67. It should be noted, though, that the dataset of Coggins includes decolonization.
- ⁸ Ryan Griffiths, “Secession and the invisible hand of the international system,” *Review of International Studies* 40 (2014), pp. 559–81.
- ⁹ Rafael Biermann, “Coercive Europeanization: The EU’s Struggle to Contain Secessionism in the Balkans,” *European Security* 23, no. 4 (2014), pp. 484–508.
- ¹⁰ This taxonomy is inspired by Ryan D. Griffiths, “Admission to the Sovereignty Club: The Past, Present, and Future of the International Recognition Regime,” *Territory, Politics, Governance* 5, no. 2 (2017), p. 181 (on sovereignty and liberal norms); and Sebastian C. St. J. Anstis and Mark W. Zacher,

- “The Normative Bases of the Global Territorial Order,” *Diplomacy & Statecraft* 21, no. 2 (2010), pp. 306–23 (on status-quo and revisionist principles).
- ¹¹ In Europe, the territorial integrity norm and the inviolability of borders were more extensively enshrined in Articles III and IV of the Declaration on Principles within the Conference on Security and Co-operation in Europe Final Act of 1975.
 - ¹² Boaz Atzili, *Good Fences, Bad Neighbors: Border Fixity and International Conflict* (Chicago: University of Chicago Press, 2012), p. 1.
 - ¹³ Albrecht Randelzhofer, “Article 2(4),” in Bruno Simma et al., eds., *The Charter of the United Nations: A Commentary* (New York: Oxford University Press, 2002, 2nd ed.), p. 123.
 - ¹⁴ For example, the Ukrainian constitution of 1996 stipulates in Article 2 that “The sovereignty of Ukraine extends throughout its entire territory. Ukraine is a unitary state. The territory of Ukraine within its present border is indivisible and inviolable.” Article 17 adds, “To protect the sovereignty and territorial indivisibility of Ukraine, and to ensure its economic and informational security are the most important functions of the State and a matter of concern for all the Ukrainian people. The defense of Ukraine and the protection of its sovereignty, territorial indivisibility and inviolability, are entrusted to the Armed Forces of Ukraine.”
 - ¹⁵ Stefan Oeter, “Self-Determination,” in Bruno Simma et al., eds., *The Charter of the United Nations: A Commentary* (Oxford: Oxford University Press, 2012, 3rd ed.), pp. 323–26, 331.
 - ¹⁶ Quoted in Dietrich Murswiek, “The Issue of a Right of Secession – Reconsidered,” in Christian Tomuschat, ed., *Modern Law of Self-Determination* (Dordrecht: Martinus Nijhoff, 1993), p. 24.
 - ¹⁷ International Covenant on Civil and Political Rights, Article 1, para. 1.
 - ¹⁸ Oeter, “Self-Determination,” p. 322.
 - ¹⁹ Principle VIII of the Declaration of Principles within the Conference on Security and Co-operation in Europe Final Act of 1975.
 - ²⁰ Christian Tomuschat, “Self-Determination in a Post-Colonial World,” in Tomuschat, *Modern Law of Self-Determination*, p. 11.
 - ²¹ Murswiek, “The Issue of a Right of Secession,” p. 36.
 - ²² Oeter, “Self-Determination,” p. 332.
 - ²³ UN General Assembly Res. 2625 (XXV), “Declaration on Principles of International Law Concerning Friendly Relations and Co-operation among States in Accordance with the Charter of the United Nations,” October 24, 1970, A/RES/25/2625, www.un-documents.net/a25r2625.htm.
 - ²⁴ Georg Nolte, Article 2(7), in Bruno Simma et al., eds., *The Charter of the United Nations: A Commentary* (Oxford: Oxford University Press, 1995, 1st ed.), p. 171.
 - ²⁵ Report of the Secretary-General on the Work of the Organization, September 13, 1991, UN General Assembly, 46th Session, Supplement No. 1 (A/46/1).
 - ²⁶ UN Secretary-General Boutros Boutros-Ghali, “An Agenda for Peace,” June 17, 1992, A/47/277.
 - ²⁷ International Commission on Intervention and State Sovereignty, “The Responsibility to Protect” (Ottawa: International Development Research Centre, 2001), p. XI. (Emphasis my own).
 - ²⁸ Lee C. Buchheit, *Secession: The Legitimacy of Self-Determination* (New Haven: Yale University Press, 1978), p. 222.
 - ²⁹ Tomuschat, “Self-Determination in a Post-Colonial World,” p. 9; and Murswiek, “The Issue of a Right of Secession,” pp. 27, 35–39.
 - ³⁰ For example, Paul R. Williams and Francesca Jannotti Pecci, “Earned Sovereignty: Bridging the Gap between Sovereignty and Self-Determination,” *Stanford Journal of International Law* 40, no. 2 (2012), pp. 347–86.
 - ³¹ Matt Qvortrup, “The History of Ethno-National Referendums 1791–2011,” *Nationalism and Ethnic Politics* 18, no. 1 (2012), pp. 129–50.

Abstract: As part of a roundtable on “Balancing Legal Norms, Moral Values, and National Interests,” this essay argues that the policy field of secessionist conflict is structured around a set of five rival norms. The norms of territorial integrity and self-determination form the core of this structure, while the norms of noninterference in internal affairs, human and minority rights, and democracy and good governance each come into play depending on the specific scenario. This configuration permits the parties involved in a secessionist conflict to select from a menu of norms the ones that best suit their interests. Norm selection—a concept that I introduce here—displays remarkable regularities, indicating default positions for each type of actor: home states, secessionist groups, entrapped minorities, patrons, and the broader international community. However, significant outlier cases signal that interests do not simply trump norms but that actors accord different

values to those norms over time. This attribution is influenced by the dynamics of a normative environment in which norms rise and fall. In particular since the end of the Cold War, discourse as well as state practice has shifted away from the traditional taboo on secession toward more revisionist concepts, such as remedial secession or earned sovereignty, providing an opening for the secessionist wave that started with the breakup of the Soviet Union and of Yugoslavia.

Keywords: secession, self-determination, territorial integrity, human rights, sovereignty, norms