Secession as Undesirable Scenario: Reasons for Unity

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Abstract

This article is an interdisciplinary study arguing that secession would not be a desirable constitutional and political phenomenon as separatist communities maintain. The article contends that secessionist communities would face many difficulties in the existence of recursive secessions, such as reciprocal ethnic atrocities, genocides, insecure public areas and forced deportations. Furthermore, multiple recursive secessions would lead to numerous economic catastrophes like those recorded in some former Yugoslav and Soviet republics. Secessionist communities are also likely to encounter diplomatic isolation in the presence of sequential secessions. According to the article, not only secession but also accommodationist constitutional approaches are likely to remove historical injustices. The article recognises the right to self-determination as a right of inclusion that does not justify secessionist movements. Finally, it is supported that unionism would enable communities to enjoy some security benefits unlikely to be provided by secessionism.

Keywords: Separatist Movements; Secession; State Unity; Sovereign Statehood; Territorial Integrity

İstenmeyen Senaryo Olarak Ayrılma: Birlik İçin Gerekçeler

Öz

Disiplinlerarası bir çalışma olan bu makaleye göre; ayrılma, ayrılıkçı toplulukların savunduğunun aksine arzu edilen bir anayasal ve siyasi olay olmayabilir. Ayrılıkçı topluluklar, tekrarlamalı ayrılıkların varlığı halinde karşılıklı etnik düşmanlıklar, soykırımlar, emniyetsiz kamusal alanlar ve sürgünler gibi pek çok zorlukla karşılaşabilir. Ek olarak; çoklu bir şekilde tekrarlanan ayrılıklar, bazı eski Yugoslav ve Sovyet cumhuriyetlerinde söz konusu olan ekonomik yıkımların benzerlerini de beraberinde getirebilir. Ardışık ayrılmaların varlığı durumunda ayrılıkçı akımların diplomatik tecrit ile karşılaşabileceğini iddia eden çalışmamız; sadece ayrılmanın değil, aynı zamanda uzlaştırmacı anayasal yaklaşımların da tarihi adaletsizliklerin ortadan kaldırılması sürecine yardımcı olabileceğini ifade etmektedir. Kendi kaderini tayin hakkını, dahil edici bir hak olarak tasavvur eden çalışmamız, mevzu bahis hakkın ayrılıkçı akımları meşrulaştıramayacağını ileri sürmektedir. Son olarak; çalışmamız, toplulukların ayrılıkçılık aracılığıyla istifade edemeyeceği bazı güvenlik menfaatlerinden birliktelikçilik anlayışı sayesinde faydalanabileceğini savunmaktadır.

Anahtar Kelimeler: Ayrılıkçı Akımlar; Ayrılma; Devlet Birliği; Egemen Devlet Olma; Toprak Bütünlüğü

1. Introduction

Secession is a main political, legal and constitutional event that creates a new sovereign state. There are a huge number of active secessionist movements across the globe that are led by different communities, including the Catalans and the Scots. The existing states are unwilling to allow these communities to establish their sovereign states, but the number of separatist movements increases day by day. It is now

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possible to find out separatist political parties, political alliances, civil society organisations all around the world.

This article argues that secession would not be a desirable phenomenon, despite its growing popularity among ethnic, linguistic and religious communities. According to separatists, secession puts an end to violent conflicts or political contention over sovereignty issues. This argument would be dismissed. Secession would bring about several difficulties in the existence of recursive secessions, including reciprocal ethnic atrocities, genocides, insecure public realms, forced deportations and the creation of pseudo states.

Separatists maintain that secession engenders a variety of economic benefits for secessionist communities. However, there is no certain evidence that justifies such economic advantages. Furthermore, this constitutional scenario would result in numerous economic catastrophes in the presence of multiple recursive secessions, as happened in the post-communist republics. Another argument of separatists is to demonstrate secession as a remedy for previous cultural and social grievances or injustices. It is worth noting that secession is not the only remedy for historical wrongdoings. It is likely for states to remove historical harms via adopting accommodationist constitutional approaches.

It is possible for us to indicate secession as an undesirable constitutional scenario in light of the above arguments, but there are some additional reasons for unionism. First, any secession would lead to its sequential counterparts. Sequential secessions that come into existence in exogenous or endogenous forms would relegate secessionist communities to diplomatic isolation. Second, it is unlikely to justify secessionist movements in accordance with the contemporary version of the right to self-determination. The post-colonial edition of this right is a right of inclusion, not that of exclusion or separation. Finally, some newly-established states, especially those having a small piece of land or a very small population, would be unable to safeguard their territorial integrity without foreign intervention when encountering radical expansionist movements.

This article is an interdisciplinary study that draws on the methods of constitutional law and international politics. It seeks to answer whether secession is a desirable constitutional scenario as numerous separatist movements argue. In answering this research question, the article scrutinises many legal documents, e.g. treaties, conventions, constitutions, statutes, etc., in addition to several written sources, such as books, journal articles and institutional reports. The article analyses the relationship between secession and different variables in developing its arguments, including (i) violent conflicts over sovereignty issues, (ii) economic benefits, (iii) historical wrongdoings, (iv) sequential separatist movements, (v) the right to self-determination and (vi) security benefits. The article is organised in the following order. It first pays attention to several definitional arguments on the notion of secession. Afterwards, the article gives a brief explanatory note on separatist movements around the world. Subsequently, the article critically examines various pro-secession opinions. It then develops various arguments that pave the way for describing secession as an undesirable constitutional phenomenon.

2. Secessionist Movements around the Globe

Secessions are essential constitutional events that are distinct from expulsions, group migrations and revolutions. Secessions are different from expulsions as seceding territories do not lay any claims to the entire unity of their host (parent) states. This would be possible in any case of expulsion (Beran, 1984). Secessions enable seceding communities to free themselves from the authority of their host states. This would be possible in any case of group migration. However, seceding communities are opposed to the territorial integrity of their host states. It is unlikely for group migrations to include such opposition (Buchanan, 1991b). Secessions would be contrasted with revolutions, but the main goal of seceding communities is not the same as that of revolutionaries. Seceding communities limit the legal frameworks of their host states. They do not seek to overthrow the governments of their host states, nor do they intend to make comprehensive constitutional, economic or socio-political changes within their host states. Revolutionaries aim to achieve these two purposes (Buchanan, 1991b).

Secession would be defined as "*the formal withdrawal from an established, internationally recognised state by a constituent unit to create a new sovereign state*" (Bartkus, 1999: 3). This new state is the

ultimate product of a process, during which delegates of the constituent unit announce an independent state through a declaration of independence. If this announcement is not questioned by sovereign states, endorsed by the population of the constituent unit and the proclaimed independence be recognised by sovereign states, secession would be completed (Pavković and Radan, 2007).

Many other scholars propose different definitions. For example, James Crawford defines secession as "*the creation of a state by the use of threat or force without the consent of the former sovereign*" (2006: 378). According to this definition, secession requires the use or threat of force and opposition from host states. There are some peaceful secessions weakening the muscles of Crawford's definition, e.g. Norway's secession from Sweden in 1905 (Berg, 2020).

Allen Buchanan defines secession as *"a kind of collective action, whereby a group (whether officially recognised as a legitimate political subunit or not) attempts to become independent from the state that presently claims jurisdiction over it and, in doing so, seeks to remove part of the territory from the existing state"* (1991a: 75). This is the definition of "*secessionist attempt*" rather than that of secession (Pavković and Radan, 2007: 5). It is possible for secessionist attempts to turn into successful secessions when they are given adequate international recognition. They are likely to transform into unsuccessful secessions due to the absence of the announcement of independence, the insufficient endorsement from seceding communities or the lack of enough international recognition (Fabry, 2012; Vidmar, 2012). Accordingly, secession refers to the partition of sovereign states, political disintegration and territorial dismemberment.

There are many active secessionist movements all around the world that seek to establish new sovereign states. It is possible to find out such movements in various European countries (Antunes and Loughlin, 2020; Loughlin and Antunes, 2020). In the United Kingdom (UK), a pro-independence Scottish movement is gradually growing that aims to turn Scotland, a devolved region of the UK, into a sovereign state within the European Union (EU) (Jackson, 2020; Rioux, 2020). A similar movement gains popularity in Wales, another devolved region of the UK (Akbaba, 2020; Mullen, 2019).

A strong separatist movement is growing in Catalonia – a self-governing region of the Spanish Kingdom – that intends to transform the Autonomous Community of Catalonia into a Catalan republic within the EU (Andreu, 2019; Castillo, 2019; Portos, 2020). There are many other secessionist organisations, pro-independence political parties and alliances active in different Spanish self-ruling regions, including Andalusia, the Balearic Islands, the Basque Country, the Canary Islands and Galicia (Corral and Freijedo, 2019; Gray, 2020; Mas, 2019).

Similar political movements are active in Belgium, Finland, France, Germany and Italy. A powerful pro-independence movement is effective in the Flemish Region, a federal component of the Belgian Kingdom. A new secessionist movement is growing in Wallonia, another federal constituent of the Kingdom (Mastromarino, 2019). A political movement is active in the Aland Islands that aims to turn the autonomous Finnish archipelago into a sovereign state (Koev, 2019). Several political organisations that are established in Corsica, a French island in the Mediterranean Sea, try to achieve an identical goal (Boylan and Turkina, 2019). A pro-independence movement undergoes its enlargement operation in the Free State of Bavaria, a federal unit of Germany (Ene, 2020). Parallel movements try to become mainstream political parties in Sardinia and Sicily, which are recognised by Article 116 of the Italian Constitution as autonomous regions (Delledonne and Monti, 2019; Keating, 2019).

There are similar separatist movements in Africa (Byrne and Englebert, 2019; Schomerus, Englebert and de Vries, 2019). A popular secessionist movement is effective in the Sidama Region, a federal component of Ethiopia. Many movements akin to the pro-independence Sidama camp try to enlarge their scopes in other self-ruling Ethiopian regions, e.g. the Oromia Region and the Afar Regional State (Vaughan, 2019). Some segments of the Swahili people would like to separate their autonomous region, Zanzibar, from the United Republic of Tanzania (Cameron, 2019). Many sectors of the Cameroonian Anglophones want to establish a federal state of Ambazonia in southern Cameroon (Konings and Nyamnjoh, 2019). Some circles of the Lozi people ask for the secession of Barotseland from Zambia (Zeller and Melber, 2019). It is possible to find out many other secessionist regions in different African

states, such as Anjouan (the Union of the Comoros), Cabinda (Angola), Casamance (Senegal) and Katanga (the Democratic Republic of Congo).[2]

Numerous pro-independence movements are active in Asia. A mass-based political movement is dedicated to separate Hong Kong from the People's Republic of China (Lin, 2019). A similar secessionist movement is effective in the self-ruling Kurdish region of Iraq (Abbas, 2019; Hama, 2020). Some segments of the Acehnese people would like to turn the Aceh province, an autonomous Indonesian region, into a sovereign republic (Nazala, 2019). Identical demands are expressed in different Asian regions, e.g. Baluchistan (Pakistan) and Bangsamoro (the Republic of the Philippines) (Abubakar, 2019; Zeb, 2019).

There are many separatist organisations, political parties and allies in America. A mass-based pro-independence movement tries to turn Quebec, a federal component of Canada, into a sovereign state (Gaudreault-DesBiens, 2019). The movement is led by three mainstream parties, the Quebec Party (*Parti Québécois*), the Quebecer Bloc (*Bloc Québécois*) and the Quebec Solidarity (*Québec Solidaire*) (Blanchet and Medeiros, 2019). A similar movement grows in Nevis, where the Nevis Reformation Party and the Concerned Citizens Movement try to motivate the Nevisians to secede from the Federation of Saint Kitts and Nevis (Baldacchino, 2020). A less powerful movement campaigns for Californian independence from the United States (US) that is led by the California National Party and the California Freedom Coalition (Duffy, 2020). A similar movement is active in Puerto Rico, where the Puerto Rican Independence Party (*Partido Independentista Puertorriqueño*) stands up for the secession of the autonomous archipelago from the US (Deibert, 2020).

In a nutshell, many secessionist movements are active across the world. These movements try to justify their separatist attempts via several arguments that demonstrate secession as a constitutional scenario providing seceding territories with certain advantages or opportunities. The following section critically examines one of such arguments.

3. Recursive Secession: The Mother of Troubles

Separatists envisage that secession would finish violent conflicts over sovereignty issues (Pavković, 2000). It is worth noting that any potential recursive secession would produce opposite results. Recursive secessions come into existence when "*initial attempts at secession influence further attempts at secession of a territory from the initially seceding territory or state*" (Pavković and Radan, 2007: 130). Recursive secessions are likely to engender some tragic and undesirable results, such as reciprocal ethnic atrocities, genocides, insecure public realms, forced deportations and the foundation of pseudo states.

Croatia provides a good example to indicate how recursive secessions lead to reciprocal ethnic atrocities. In July 1990, the Croatian Parliament made an amendment to the 1974 Croatian Constitution that announced the sovereign statehood of Croatia. The amendment was not welcomed by the Croatian Serbs. The Serb National Council, a large popular assembly of the Croatian Serbs, passed a declaration announcing the autonomy and sovereignty of the Serb nation in Croatia. The National Council organised a plebiscite in August/September 1990 in the Serb-occupied Croatian regions, where 99 per cent of ethnic Serbs opted to remain as an autonomous Yugoslavian region after Croatian independence (Huszka, 2014).

The new independence-centred Croatian Constitution was promulgated on 22 December 1990. During its promulgation ceremony, President Franjo Tuđman, the leader of the Croatian Democratic Community (*Hrvatska Demokratska Zajednica*), announced the eventual goal of the Croatian nation as establishing an internationally-recognised sovereign state (Pavković, 2000). Not long after this announcement, the political leaders of the Serbian community rejected the newly-promulgated Constitution. They declared the establishment of the Autonomous Region of Krajina. This declaration was not welcomed by the Croatian government, which sent special police forces to the Serb-majority provinces, leading to a large-scale fighting between the Serbian militias and Croatian security forces. The declaration of Croatian independence in May 1991 rendered the conflict a war between the Croatian

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[2] For more details on these separatist regions, see Dobler (2019); Foucher (2019); Larmer and Kennes (2019); Martin (2019).

army and the Serb-controlled Yugoslav People's Army (*Jugoslovenska Narodna Armija*). The war period witnessed numerous ethnic atrocities. It ended with a tragedy in 1995, when the total number of deaths was around 20,000 (Huszka, 2014).

A more devastating war raged in Bosnia-Herzegovina. The former Yugoslav republic was recognised by the European Community (EC) as a sovereign independent state on 7 April 1992. Just one day before this recognition, the Bosnian Serbs attacked the Holiday Inn of Sarajevo in anticipation of the EC recognition. This attack instigated a war lasting three and a half years. Three different national groups inhabiting Bosnia, namely the Croats, Bosniaks and Serbs, had different war goals. Muslim Bosniaks fought for the preservation of the republic in its historical boundaries and the presence of a multinational Bosnian state. The Croats supported the Bosnian Army at the beginning of the war against the Serbian aggression. However, the Croats initiated a war against the Bosnian Army after the adoption of the Vance-Owen Peace Plan, which intended to federalise the republic. The Croats launched many military operations against the Bosniaks to create homogeneous Croatian cantons. In August 1993, the Croatian troops occupied Herzegovina and some part of central Bosnia. They proclaimed the Croatian Republic of Herzeg-Bosna. The Serbs seized more than 70 per cent of the overall territory of the republic. They committed numerous atrocities so barbarous. It was in summer 1995 that the circumstance on the battlefield changed with Serbian military defeats. These defeats and the American engagement created a new political environment, paving the way for the adoption of the Dayton Peace Agreement in November 1995. This arrangement ended the war, but the world witnessed one more ferocity in Bosnia-Herzegovina. According to several domestic and regional sources, between 25,000 and 329,000 people were killed during the war (Rodríguez-Pose and Stermšek, 2015). Bosnia-Herzegovina established its multinational federal system unfortunately with the help of an ethnic cleansing that formed three distinct homogeneous regions (Keil, 2013).

Recursive secessions would force some communities or groups to leave seceding territories. Ukraine, a former Soviet republic, provides a good example. Ukraine witnessed a revolution in February 2014, when a series of violent events took place in the capital city of Kiev, leading to the ousting of President Viktor Yanukovych (Lazarenko, 2019). This was followed by many changes in Ukraine's socio-political system, including the creation of a new interim government and some constitutional amendments (Kudelia, 2019). Russia's refusal to recognise the interim government laid the foundation for pro-Russian protesters to embark on an uprising against the Ukrainian government (Rimpiläinen, 2020). In February 2014, ethnic Russians in the Crimean Peninsula, an autonomous Ukrainian region, initiated an unlawful process aimed at rendering Crimea a federal subject of the Russian Federation (Rotaru, 2019). This process was completed in March 2014, when the United Nations (UN) declared Crimea's accession to Russia as an unlawful annexation of the Ukrainian territory (Aydın and Şahin, 2019).

The unlawful accession was followed by various violent demonstrations in some eastern regions of Ukraine, including Donetsk, Luhansk and Kharkiv (Mykhnenko, 2020). In these regions, pro-Russian separatists stormed government buildings. They clashed with Ukrainian security forces and called for independence referendums. The secessionist attitudes were backed by the regional authorities of Donetsk and Luhansk, where unlawful independence referendums were held in May 2014 (Vakhitova and Iavorskyi, 2020). In the referendum on Donetsk's independence, almost 90 per cent of voters opted to secede from Ukraine. In the other referendum, 96.2 per cent of voters backed the independence of Luhansk from Ukraine (Sereda, 2020). The results of the unlawful referendums were rejected by the Ukrainian government, which sent its security forces to the regions to restore the territorial integrity of Ukraine (Sasse, 2020). This paved the way for an armed conflict between the Ukrainian troops and the Russian-backed rebels that is continuing at the time of writing. According to various sources, the armed conflict has left at least 50,000 people dead so far (Sasse and Lackner, 2020). The conflict has generated many other significant humanitarian costs. It has rendered Ukraine one of the largest countries in the globe in terms of the number of internally-displaced persons. According to some international sources, almost 1.5 million Ukrainian citizens have been forced to leave their homes since the onset of the conflict (Bulakh, 2020).

It is possible for recursive secessions to create pseudo states. A newly-established state would gain formal international recognition in three interrelated ways: (1) other states or international organisations would officially recognise its independence; (2) its former host state or the successor of this state would officially recognise its independence; and (3) the UN would admit the new state to its membership,

enabling the state to obtain international recognition. It is worth noting that "*the ultimate form of recognition of independence is the admission to the [UN] membership*" (Pavković and Radan, 2007: 36). The admission process would be completed via one of the following methods. First, the UN General Assembly would "*decide with a two thirds majority of the votes cast whether a proposed candidate-state, recommended by the UN Security Council, qualifies for admission or not*" (Pavković and Radan, 2007: 36). Second, the UN would admit a candidate state to its membership if it were recognised by one or more permanent members of the UN Security Council – the US, the UK, China, Russia and France – and if this recognition was not opposed by the other permanent members (Pavković, 2011). This implies that a new state would be a partially-recognised state if it were recognised by one or few UN members; or it would be an unrecognised state if it were not recognised by any UN member states.

There are some examples for unrecognised or pseudo (sham) states in the post-Soviet republics that were mainly the products of recursive secessions. During the late 1980s, tension driven by deep-rooted fears that the Abkhazian language, culture and identity would be under threat after the independence of Georgia resulted in the 1992-93 War in Abkhazia, an autonomous republic under the Georgian administrative system. The war ended with a Georgian military defeat, leading to the *de facto* independence of Abkhazia and the mass migration of the Georgians from Abkhazia.[3] As a response to the western recognition of Kosovo as a sovereign state, Russia recognised Abkhazia as an independent state in August 2008.[4] However, Georgia, the UN and most sovereign states have still considered Abkhazia a Georgian region, rendering it a partially-recognised state.[5]

There is one more similar case in Georgia, the South Ossetian case. South Ossetia proclaimed its independence from Georgia in September 1990. Open warfare between Georgian security forces and the Ossetian rebels started in January 1991, when Zviad Gamsakhurdia, a Georgian nationalist, came to power. During the 1991-92 South Ossetia War, the secessionists controlled most of the autonomous province of South Ossetia. This led to the expulsion of 60,000 ethnic Georgians from South Ossetia (Wheatley, 2010).

The frozen conflict between Georgia and South Ossetia was reignited in 2004 and 2008 (Nagashima, 2019). During the 2008 conflict, the Russian-backed Ossetian rebels occupied the entire territory of the South Ossetian Autonomous Oblast, resulting in the *de facto* independence of South Ossetia (Toal and Merabishvili, 2019). The Ossetian independence was recognised by few sovereign states, namely Russia, Nicaragua, Nauru and Venezuela, rendering South Ossetia a pseudo state due to its partially-recognised status (Hoch, 2020).

There are some additional examples for unrecognised states in the post-Soviet republics. After the fragmentation of the Soviet Union, tensions between the newly-established Moldova and the *de facto* independent state of Transnistria escalated into a military conflict (Blakkisrud and Kolstø, 2011). The conflict ended with a ceasefire in July 1992, leading to the creation of an unrecognised Transnistrian state (Wolfschwenger and Saxinger, 2020). Transnistria has not been recognised by any sovereign states. Rather, it is regarded as a Moldovan region (Voronovici, 2020).

A similar political scenario happened in Azerbaijan, which has not exercised its certain authority over Nagorno-Karabakh, a landlocked mountainous region in the South Caucasus, since the late 1980s. The Armenian community of Nagorno-Karabakh unlawfully proclaimed the independence of the mountainous region in 1991 (Krüger, 2010). The proclamation led to an armed conflict between the Russian-backed Armenian rebels and Azerbaijani security forces (Askerov, 2020). The conflict was frozen in 1994, when the Armenians unlawfully declared the *de facto* independence of Nagorno-

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[3] According to some domestic sources, the population of the Georgians in Abkhazia fell from 240,000 to 44,000 in the period between 1989 and 2003, rendering the Abkhazians a dominant ethnic group in the autonomous republic (Wheatley, 2010).

[4] Kosovo is a previous self-ruling province in Serbia. The Assembly of Kosovo unilaterally declared Kosovo an independent and sovereign state on 17 February 2008. The International Court of Justice acknowledged the unilateral declaration as a declaration of independence consistent with international law. According to the Court, the declaration did not violate the Constitutional Framework for Provisional Self-Government, nor did it violate the UN Security Council Resolution 1244. For more details, see Christakis (2011); Wilde (2011a, 2011b).

[5] Abkhazia has been recognised by few countries, namely Russia, Venezuela, Nicaragua and Nauru. For more details on the Abkhazian case, see Kolstø (2020).

Karabakh (Abdullahzade, 2013). This declaration has not been recognised by any sovereign states so far, rendering Nagorno-Karabakh a pseudo state like its Transnistrian counterpart (Akçay, 2020).

In short, secessions would be unlikely to end violent conflicts over sovereignty matters. They are likely to engender several tragedies in the existence of recursive secessions. Some may argue that recursive secessions would not result in such tragedies in western states where communities try to resolve their problems in peaceful ways. It is true that all the aforementioned recursive secessions occurred in the former Yugoslav or Soviet states. However, it is very hard to find western referendums in which all constituent regions unanimously vote for the same option. In democratic states, some segments of societies are most likely to support different options. More importantly, the vote 'yes' or 'no' for independence would potentially polarise and provoke communities as Balraj Puri notes *"[t]he crudest method of understanding the urges of the people is through posing the option in 'yes' and 'no' form which polarises and provokes public opinion into extremes"* (2001: 264). Hence, it would be possible to witness many tragedies akin to those recorded above in all continents.

4. A Response to the Economy-Based Argument

The reasons for achieving secessions are traditionally rooted in identity demands. Secessionist movements want to secure and advance their linguistic, cultural and religious characteristics in response to assimilationist state policies aimed at homogenising nations. It is worth noting that economic issues have become central to the agenda of separatist movements since the late 1950s. Pro-independence communities maintain that secession would bring about economic benefits in the areas of trade relations, financial resources and investment flows. According to separatists, new sovereign states would (i) create new international frontiers, (ii) introduce new tariff regimes, (iii) adopt new currency, monetary and fiscal policies, (iv) raise foreign loans, (v) attract foreign investments and (vi) alter domestic standards on natural resources. Secessionists believe that all these changes would result in several economic benefits (Rodríguez-Pose and Stermšek, 2015).

Different economic reasons for independence were already taken into account by three former Yugoslav republics, namely Slovenia, Croatia and Montenegro (Huszka, 2014). Scotland provides a more recent case. The Scottish Fiscal Commission Working Group (SFCWG) prepared a report on which benefits Scottish independence would provide. The report argues that an independent Scotland would perform better than the current devolved Scottish region because *"many countries of a comparable size and structure have used the full spectrum of policy levers to perform more successfully across a range of social and economic indicators in the long run"* (SFCWG, 2013: 37). According to the SFCWG, *"independence is the key to unlocking Scotland's economic potential and the means to securing a fairer society"* (2013: 25).

A similar argument is supported by the Catalan Advisory Council for National Transition. The Council has published some documents listing the prospective economic benefits of Catalan independence. According to the Council, *"an independent Catalonia would immediately increase its revenues, as after three centuries of being taxed by the Spanish state, Catalans perceive that their economic effort has a direct influence on the improvement of the quality of life of the people who live and work in Catalonia"* (Rodríguez-Pose and Stermšek, 2015: 75).

It is unlikely for us to support the above argument. Secession would not certainly bring about the aforementioned economic benefits because many potential factors would affect economic growth in new independent states, e.g. democratic consolidation, international relationships, the homogeneity of populations and the existence of internal conflicts (Armstrong and Read, 2004). More importantly, secession would lead to economic catastrophes in new sovereign states that suffer from civil wars. Obtaining its independence earlier than other former Yugoslav republics has not empowered Slovenia to perform better than the others. There are many factors explaining why Slovenia has performed better than the others. It had the *"the luck of fighting a 10-day war"* that caused little material destruction (Rodríguez-Pose and Stermšek, 2015: 91). Bosnia-Herzegovina endured a three-year long war causing massive material destruction as well as a significant number of fatalities. The Kosovo war lasted almost one year and a half. It left almost 14,000 deaths and generated considerable destruction. Slovenia did

not experience the economic sanctions that were imposed upon most former Yugoslav republics. Armed conflicts did not alter Slovenia's trade standards with the rest of the globe. Croatia and Bosnia-Herzegovina were obliged to change their trade standards because of armed conflicts (Rodríguez-Pose and Stermšek, 2015).

Unionism, a constitutional approach aimed at protecting and promoting institutional ties between majority and minority communities, rather than secessionism would bring about some economic benefits.[6] As Bartkus argues, *"by unifying many regional economies with a coherent set of regulations, the state provides its citizens with numerous advantages based on scale: access to a large market for their products, access to raw materials, integration into large transport and communications networks"* (1999: 38). It is possible for sovereign states to provide poorer communities with various economic benefits, e.g. subsidies for educational and health programs, technology transfers and development assistance (Bartkus, 1999).

Secessionist groups who realise several economic benefits provided by unionism are likely to reject separatism. The Soviet Central Asian Republics – Tajikistan, Kazakhstan, Uzbekistan, Turkmenistan and Kyrgyzstan – tried to stop the dissolution of the Soviet Union because they were the beneficiaries of discriminatory economic and social policies. The Soviet Union sought to equalise development and education levels across its borders in the 1950s and 1960s (Silver, 1974). The Central Asian Republics retained 100 per cent of the income and turnover taxes collected within their boundaries, whilst the Baltic republics retained much lower proportion of their taxes (Roeder, 1991). In addition, the Central Asian Republics received additional subsidies to provide their communities with better infrastructure, health and education systems. They received much higher rates of investment than those that would have been received in accordance with their level of economic development. Expenditures on education and health programs were relatively equal among all Soviet republics, but revenues were far lower in the Central Asian Republics (Bahry and Nechemias, 1981).

Not surprisingly, the Central Asian Republics were those protesting most vehemently against the break-up of the Soviet Union. In the fall of 1990, Kazak President Nursultan Nazarbayev worked tirelessly to rescue the Union. His effort resulted in the establishment of the short-lived State Council. Most Soviet republics, including Azerbaijan, Estonia, Georgia, Latvia, Lithuania, Moldova and Ukraine, declared their independence in August 1991, when the coup against Gorbachev was staged (Roeder, 1991). The Central Asian Republics remained silent with the exception of Tajikistan, which openly supported the coup attempt (Bartkus, 1999). The Central Asian Republics were willing to partake in Gorbachev's proposal for a Soviet confederation that was built on an economic union treaty. These efforts did not prevent the Soviet Union from its collapse in December 1991, but they at least contributed to the foundation of some unions among the post-Soviet sovereign states, e.g. the Commonwealth of Independent States, the Eurasian Economic Union and the Eurasian Customs Union (Arbatova, 2019).

Unionism would bring about some additional economic advantages. Large states are more proactive, dynamic and resilient to regional or international shocks than small states. According to Rodríguez-Pose and Stermšek, *"[t]his is a consequence of benefiting from greater economies of scale and scope, which lower the cost of public goods per capita, facilitate the emergence of specialised, competitive sectors, and ensure high standards in civil service"* (2015: 79). Large states are expected to safeguard themselves against economic turmoil better than their small counterparts because they have large reserves (Alesina and Spolaore, 2003). Large states are better at (a) reducing economic risks, (b) erecting trade barriers if required, (c) planning ahead and (d) resolving structural problems since they have massive and diverse dynamics (Armstrong and Read, 2004; Easterly and Kraay, 2001).

Some scholars list several economic advantages provided by small states. Ruta (2005) and Wittman (1991) argue that small states generate lower administrative costs as they have smaller bureaucratic structures. Spolaore and Wacziarg (2005) maintain that small states are better at pinpointing and filling market niches, and they are more open to trade markets. It is possible to support these arguments, but they do not provide any certain evidence justifying that small states perform better than their large counterparts. Rose (2006) shows that small states perform better merely at trade openness. Rodríguez-

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[6] For a comprehensive analysis on the constitutional approach of unionism, see Augusteijn (2012); Kolçak (2017); Nagle (2013).

Pose and Stermšek (2015) indicate that small post-Yugoslav republics have not performed better than their large counterparts.

5. Removing Harms via Accommodationist Approaches

Separatist, mostly minority, communities argue that secession would remove all cultural and linguistic wrongdoings made via assimilationist state policies (Huszka, 2014). Sovereign states tried to manage their ethno-cultural diversities via integrationist approaches aimed at assimilating minority communities (e.g. republicanism, socialism and traditional liberalism) until the 1950s (McGarry, O'Leary and Simeon, 2008). Since then, a new pluralist international legal order has been developed that respects for ethnic and cultural diversities (McGarry and O'Leary, 1994). The new order is embraced by democratic sovereign states that secure and advance their majority and minority identities through constitutional provisions (Kolçak, 2020). These provisions are constructed upon several accommodationist approaches, including centripetalism, multiculturalism, consociationalism and territorial pluralism (O'Leary and McGarry, 2012). In the modern era, historical injustices and grievances would be removed via such constitutional provisions guaranteeing various minority rights and freedoms.

The Spanish Constitution provides a good example. Article 3 of the Constitution recognises not only Castilian – the dominant language used in the Kingdom of Spain – but also some minority languages spoken in several Spanish autonomous communities, including Galego, Catalan and Euskadi. Switzerland has four official languages in accordance with Article 4 of the Swiss Constitution, namely French, Italian, German and Romansh. Finnish, Swedish and the Sami language are given official recognition under Section 17 of the Finnish Constitution. Belgium has three official languages (French, Flemish and German) according to Article 4 of the Belgian Constitution. English and French are the official languages of Canada pursuant to Article 16 of the 1982 Canadian Constitutional Act.

Democratic sovereign states allow their minority communities to exercise the right to education in their native tongues through bilingual or multilingual education systems. The UK practices a bilingual education system in its four constituent regions. The system is aimed at the integration of immigrants in England. It seeks to maintain and promote minority languages in Northern Ireland, Scotland and Wales. The right to education in minority languages is constitutionally guaranteed in the Kingdom of Sweden, where Finnish, Romani, Sami and Swedish are recognised as the official languages of instruction. Similar policies are implemented in other democratic states, such as Canada, Finland, Spain and the US (Kolçak, 2020).

Constitutional protection mechanisms for minority identities are established in democratic states (Suksi, 2011; Taylor, 1992). These mechanisms provide minority communities with several constitutionally-enshrined rights and freedoms, including cultural, educational and linguistic rights as well as religious freedoms (Choudhry, 2008; Vollebæk and Plesner, 2014). The mechanisms, on the one hand, enable such communities to secure and advance their unique characteristics, e.g. languages, cultures, identities and traditions (Agarin and Cordell, 2016; Köllen, 2017). They, on the other hand, prevent majority-dominated state organs from adopting assimilationist legal documents aimed at exterminating minority characteristics (O'Leary, 2001; Patten, 2008). As an example, the Preamble of the Spanish Constitution secures "*all Spaniards and peoples of Spain in the exercise of human rights, of their culture and traditions, languages and institutions*". According to Section 17/2 of the Finnish Constitution, "*the Public Authorities shall provide for the cultural and societal needs of the Finnish-speaking and Swedish-speaking population of the country on an equal basis*". Other Finnish minority groups, e.g. the Sami and the Roma, enjoy the right to protect and develop their unique characteristics in accordance with Section 17/3 of the Constitution. Similar provisions aimed at the protection and development of minority identities are found in Article 69 of the Swish Constitution.

Removing ethno-cultural wrongdoings and injustices would therefore be regarded as a question of democracy rather than an element of secession in the contemporary era. Democratic states do not impose any prohibitions or restrictions on the promotion of minority identities. Instead, they try to safeguard and promote ethno-cultural minority features via accommodationist constitutional provisions. Thus,

secession is not the only way of removing linguistic and cultural grievances. States are likely to remove such grievances by taking democratisation steps.

6. Some Additional Reasons for Unity

Secessions are likely to create internationally-recognised independent states. However, it is possible for seceding communities to suffer from diplomatic isolation in the existence of sequential secessions. These secessions happen "*when attempts at secession of a region or a territory from a host state trigger or influence similar attempts by other territories to secede from the same host state*" (Pavković and Radan, 2007: 130). It is worth noting that secessionist attempts would stimulate other secessionist attempts not only from host states but also from other sovereign states. If such attempts were from host states, we would call them *endogenous* sequential secessions. If they were from other sovereign states, we would call them *exogenous* sequential secessions.

Endogenous or exogenous sequential secessions would at worst engender many tragedies the same as those generated by recursive secessions. They would at best lead to regional and perhaps international as well as domestic institutional and political instability. To clarify, sovereign states and international organisations are likely to relegate secessionist communities to diplomatic isolation when they predict potential sequential secessions (Barktus, 1999). If Scotland proclaimed its independence, this would endogenously trigger Wales to follow the Scottish path. Alternatively, Scottish independence would exogenously stimulate other secessionist movements in Europe, e.g. the secession of Catalonia or the Basque Country from Spain, the secession of Corsica from France, the secession of Bavaria from Germany, the secession of the Flemish Region from Belgium, the secession of Veneto, South Tyrol or Sardinia from Italy. All these potential exogenous sequential secessions would bring about some form of political instability in Europe that most democratic governments are unwilling to witness. In the existence of this unwillingness, an independent Scotland would at best suffer from diplomatic isolation; or it would at worst encounter many difficulties in terms of its international recognition, rendering it a pseudo state like its post-Soviet counterparts.

Many separatist communities consider the right to self-determination an element generating the right to secede. According to them, it is not acceptable that sovereign states rule over regions where they share few common values and where they come to power by conquests. They believe that subjugated communities or regions would liberate themselves from foreign domination or oppression via creating their independent states (Pavković and Radan, 2007). This argument was used by many European overseas colonies and former Soviet/Yugoslav republics in justifying their successful secessions (Bartkus, 1999). Recent examples are given in Catalonia and Hong Kong, where separatist politicians always refer to the right to self-determination in the justification of their secessionist arguments (Lecours and Dupré, 2020).

It is unlikely for the contemporary version of the right to self-determination to provide communities with the right to secede. The post-colonial edition of this right is an individualist right enabling every person to take part in the political life of her country. In its third periodic report on Cyprus, the UN Human Rights Committee evaluates the implementation of Article 1 of the International Convention on Civil and Political Rights, which sets out the right to self-determination, as follows: "*in Cyprus democratic elections are held enabling its people to determine their political status and to pursue in a free manner their economic, social and cultural development*" (quoted in Müllerson, 2009: 18). In its third periodic report on Mauritius, the Committee similarly touches on elections, referendums and their fairness when evaluating the enforcement of the right to self-determination (Müllerson, 2009). This means that the modern edition of the right to self-determination is not a right to have oneself excluded but a right to be included. In its current version, this right is "*an entitlement to democracy that does not involve any right to secession*" (Müllerson, 2009: 18).

The contemporary edition of the right to self-determination is accepted by democratic states and international organisations. In Bosnia-Herzegovina, the main goal of the US was to "*give all citizens reason to feel that they belong to a single state – not so much a nation-state as a multi-ethnic federal state*" (Talbott, 2000: 155). The Dayton Peace Agreement has achieved this goal by establishing

common state organs for Muslim Bosniaks, Catholic Croats and Orthodox Serbs. Albeit its multi-religious structure, Bosnia-Herzegovina has now a flag, a national license plate and a national currency (Sahadžić, 2020).

Communities are likely to enjoy some security benefits by embracing unionism rather than secessionism. Such benefits enable communities to be safeguarded from any potential internal domestic violence and external foreign aggression. Promoting security is dependent on military strength. Military capacity is a function of natural, industrial and human resources. Hence, larger populations or territories are theoretically expected to have more defensive capabilities than their smaller counterparts (Bartkus, 1999). This expectation was realised by some historical communities. The Czech community did not secede from the Austro-Hungarian Empire before the First World War on the grounds that they would be better protected as a member of the Empire in the existence of the expansionist German threat (Mahoney, 2011). The only desire of the Czechs was to transform the Empire into a decentralised state where their ethno-cultural characteristics would be better preserved (Mamatey and Luža, 1973). Similarly, the common security threats affecting the Croatian, Serbian and Slovenian communities during the First World War encouraged them to create a decentralised Yugoslavia rather than constructing their separate nation-states (Bartkus, 1999).

It is true that expansionism is not practiced in the modern era. However, this does not imply that radical expansionist movements would not emerge in the future. Small states are still "*free riders on international security provided by large states*" (McCarthy, 2014). These states are unlikely to defend themselves against potential large aggressors. Their security is dependent on western powers keeping peace on an oceanic or continental scale. Singapore first had British and then US protection. Similarly, small European states, e.g. Andorra, Liechtenstein, Luxembourg, Monaco and San Marino, derive their security from a European balance of power underwritten by western powers. None of these states alone, or even together, would prevail against radical expansionist movements. It is possible to envisage similar scenarios for prospective small states.

7. Conclusion

This article has examined whether secession would bring about various benefits as separatist communities assert. The article has eventually reached the conclusion that secession would not be a desirable constitutional and political event. Secessionist territories or regions would encounter several difficulties in the presence of recursive secessions, e.g. reciprocal ethnic atrocities, genocides, insecure public domains, forced deportations and the establishment of sham states. Moreover, multiple recursive secessions would result in many economic catastrophes akin to those recorded in the post-communist republics. It is also likely for secessionist territories or regions to suffer from diplomatic isolation in the existence of exogenous or endogenous sequential secessions.

According to the article, secession is not the only remedy for historical ethnic, cultural or social wrongdoings. Accommodationist constitutional approaches are likely to remove all previous grievances or injustices. Another argument developed by the article is that the modern version of the right to self-determination is unlikely to justify secessionist movements. The article maintains that the contemporary edition of this right is a right of inclusion rather than that of exclusion or separation. The last argument shaped by the article is that unionism would provide communities with some security benefits unlikely to be ensured via secessionism, including the protection of communities against internal domestic violence or external foreign aggression.

The article has ultimately answered whether secession is a desirable constitutional scenario as separatists maintain. It has come up with various arguments encouraging us to claim that secession would be an undesirable constitutional scenario under several circumstances. It is worth noting that the article has paid attention to many European, especially Soviet and Yugoslav, examples in developing its main arguments. Future research projects may take into account Asian, American and African cases that would contribute to the development of the arguments expressed by this article.

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