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Power and Proximity: The Politics of State Secession

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POWER *AND* PROXIMITY:
THE POLITICS OF STATE SECESSION

by

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ABSTRACT

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by

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State secession is a rare occurrence in the international system. While a number of movements seek secession, the majority fail to achieve statehood. Of the exceptional successes, many have not had the strongest claims to statehood; some of these new states look far less like states than some that have failed. So what accounts for these secessions? I argue that the politics of regional actors drive the process. If a secessionist movement does not have the support of actors in the region, it will not achieve statehood. There are three mechanisms through which regional actors can determine outcomes: (1) they can provide tangible support to the secessionist movement; (2) they can provide diplomatic support to the movement by framing the conflict to the international community or acting as a gatekeeper between the movement and the international community; and (3) they can shape great power policy in the region. Through an analysis of six secessionist movements across three regions, I seek to demonstrate that regional actors hold the key to explaining variation in the recognition of secessionist states.

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Acronyms

AMISON	African Union Mission in Somalia
ASEAN	Association of Southeast Asian Nations
AU	African Union
BSF	Border Security Force (India)
CDU	Christian Democratic Union
CIS	Commonwealth of Independent States
CPA	Comprehensive Peace Agreement
CSCE	Commission on Security and Cooperation in Europe
CSU	Christian Social Union
DEMOS	Democratic-United Opposition of Slovenia
EC	European Community
ECMM	European Community Military Monitors
ECOWAS	Economic Community of West African States
EPLF	Eritrean People's Liberation Front
ETA	Euskadi Ta Askatasuna
EU	European Union
FTO	Foreign Terrorist Organization
GAL	Group Antiterroriste de Liberation
GATT	General Agreement on Tariffs and Trade
GONU	Government of National Unity
GoSS	Government of South Sudan
GPLF	Gambela People's Liberation Front
HB	Herri Batasuna
ICU	Islamic Courts Union
IGAD	Intergovernmental Authority on Development
IGADD	Inter-Governmental Authority on Drought and Development
IMF	International Monetary Fund
IPKF	India Peace-Keeping Force
IRA	Irish Republican Army
LRA	Lord's Resistance Army
LTTE	Liberation Tigers of Tamil Eelam
MNLV	Basque National Liberation Movement
NATO	North Atlantic Treaty Organization
NC	National Congress
NDA	National Democratic Alliance
NIF	National Islamic Front
OAU	Organization of African Unity
OLF	Oromo Liberation Front
PNV	Basque Nationalist Party
RAW	Research and Analysis Wing (Indian Intelligence Agency)
SAARC	South Asian Association for Regional Cooperation
SCO	Shanghai Cooperation Organization

SFRY	Socialist Federal Republic of Yugoslavia
SNM	Somali National Movement
SPD	Social Democrat Party
SPLM/A	Sudan Peoples' Liberation Movement / Army
TDF	Territorial Defense Force
TNG	Transitional National Government
TFG	Transitional Federal Government
TULF	Tamil United Liberation Front
UNESCO	United Nations Educational, Scientific, and Cultural Organization
UNITAF	Unified Task Force
UNMIS	United Nations Mission in Sudan
UNOSOM	UN Operation in Somalia
USC	United Somali Congress
YPA	Yugoslav People's Army

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Chapter 1: State Secession

"If there is one constant in history apart from the certainty of death and taxes, it is the reluctance of states to part with territory." M. Hechter.

I.   Introduction and Research Question

State sovereignty and its corollary, territorial integrity, form one of the foundational norms of the international system. Its significance is demonstrated by its articulation as a core principle in the United Nations (UN) Charter as well as the founding documents of most regional political organizations, including the African Union (AU), the European Union (EU), and the Arab League, among others. State secession violates territorial integrity in the most fundamental way and, perhaps not surprisingly, is a rare occurrence.

While most secessionist movements fail, some exceptional movements succeed in achieving internationally recognized statehood. It is not immediately clear why these particular movements should achieve statehood. Some of these newly created states look far less like states than many that have not achieved recognition. For example, Somaliland has had a functioning government for over twenty years; it has free and fair elections, its own currency and flag, and even conducts limited foreign policy. Yet, despite its declaration of independence in 1991, the international community refuses to recognize it. South Sudan, on the other hand, emerged from Africa's longest running civil war in 2005 as one of the least developed areas on the continent, with no history of self-governance and no formal institutions. Yet as of January 2011, South Sudan was recognized by the world as the newest state in the international system and was quickly granted membership into the United Nations. So what accounts for the success of South Sudan and failure

of Somaliland? This question has become increasingly important given the increase in secessionist civil wars.[1]

It is clear that each secession is unique; the context within which it arises includes a very particular set of personalities, institutions, culture, and history. However, there are some factors that are generalizable across secessions, the most important of which is the crucial role of external actors. While domestic factors can help explain the path to *de facto* statehood, which could include a functioning regional government with a high degree of autonomy, the case of Somaliland demonstrates that there is no inevitable link between *de facto* and *de jure* statehood. *De jure* statehood is not possible without external recognition, so the significance of the international community at large is clear. The most powerful states are influential players in international politics, and it has been argued that the great powers play the most determinative role in whether a new state is recognized as such (Coggins 2014, Sterio 2013).

While power is a helpful explanatory tool, I argue that *proximity* is key. I hope to contribute to the existing literature by emphasizing the role that regional actors play in successful secessions, an area that has been largely neglected. I argue that the politics of regional actors drive the process. If a secessionist movement does not have the support of actors in the region, it will not achieve statehood. Through an analysis of six secessionist movements across three regions, I hope to demonstrate that regional states have the ability to make or break a movement's quest for statehood.

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[1] Secessionist civil wars increased by approximately 30% after 1945 compared to before (Fazal and Griffiths 2014).

II.   Theoretical Framework

There is a large literature on state secession by scholars across a number of disciplines, including international law, philosophy, comparative politics, and international relations. Few scholars, however, address the question of what it takes for a secessionist movement to succeed in achieving statehood. This section will begin with a discussion of statehood and state recognition. States are the most fundamental unit in public international law and international relations, and yet there is so much ambiguity around how states become states and the role of state recognition in that process.

It is also difficult to isolate secession from the concept of self-determination and, for that reason, the following section will discuss the right to self-determination under international law and the relationship between self-determination and secession over time. This chapter will then focus on the literature addressing the emergence of secessionist movements, why they achieve external support, and what makes them successful.

a. Statehood and State Recognition

Although states are key actors in international relations, international relations scholars have not focused much on how states become part of the international system. "Countries either exist or they do not, and how they come to be is presumed to be relatively unproblematic" (Coggins 2011, 435).[2] International legal scholars have spent significantly more time on this issue, though a number of questions remain.

The Montevideo Convention on the Rights and Duties of States (1933) lays out four criteria for statehood. These include: (1) a defined territory; (2) a permanent population; (3) a functioning

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[2] Some exceptions include: Coggins 2011, 2014, Barkin and Cronin 1994, and Strang 1991.

government; and (4) the ability to enter into foreign relations. In 1948, Philip Jessup (a prominent international law professor and future judge on the International Court of Justice) stated that "[w]e are all aware that, under the traditional definition of the State in international law, all the great writers have pointed to four qualifications" (Ijalaye 1971, 551). The qualifications that followed came directly from the Montevideo Convention.

Although the Montevideo Convention provides legal criteria for statehood, given that only states have the authority to recognize another state or withhold recognition, there is evidently a political dimension to recognition.[3] Nonetheless, Lauterpacht has expressed the view that when a political community has fulfilled the conditions for statehood prescribed by international law, states are under a duty to recognize the community as a state. That is to say that states should base their recognition policy in international law, rather than their own national interests (Lauterpacht 1948).

While three of the criteria under the Montevideo Convention are fairly straightforward, the final requirement does raise some questions. Does it refer to a current ability to enter into foreign relations, or the capacity for entering into foreign relations? A political community may have the capacity to enter into foreign relations if it has a functioning government. A current ability to enter into foreign relations usually requires that a political community have an international legal personality, that is, it must be internationally recognized as a state.[4] Can it be that one of the requirements to become a state is prior recognition as a state?

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[3] There are no existing supranational organizations to carry out the task of state recognition, and the United Nations is not vested with this authority.
[4] There are some recent exceptions; for example, Somaliland has been able to enter into limited foreign relations and continues to be unrecognized.

This leads to an existing debate over the nature of state recognition, essentially whether recognition is declaratory or constitutive. According to declaratory theory, statehood exists prior to, and independent of, recognition (Brierly 1963, 140). A state exists whether or not it has been recognized. The act of recognition is a formal acknowledgement of an established situation. According to constitutive theory, on the other hand, the very act of recognition creates statehood. In other words, declaratory theory is status confirming while constitutive theory is status creating (Talmon 2005, 101). Both theories have difficulties. While the declaratory theory seems to sidestep the problem posed by the political nature of recognition, recognition may not be so easy to ignore. Given that there is no supranational authority to determine whether a state exists, the legal consequences of statehood (e.g. consular relations or membership in international organizations) simply will not exist if no state recognizes that political community as a state. While the Montevideo Convention's requirements may arguably be objective, the concept of statehood is nonetheless socially constructed. If the only entity that considers a particular political community to be a state is that particular political community, then it simply will not be able to engage with the rest of the international community as a state.

While the constitutive theory of recognition avoids this problem, it runs into other obstacles. What happens when a political community is recognized as a state by some states and not others? Is it a state or is it not a state? Is there some number of states that is necessary to weight the scale towards statehood? These problems remain unresolved.

Whichever theory one adopts, the matter of recognition is key. Under a declaratory theory, while a state may have the right to be treated as a state regardless of recognition, this right cannot be enjoyed until it is recognized by other states. Under a constitutive theory, a political community cannot be a state unless it is recognized. Oppenheim goes as far as to say that "through recognition

only and exclusively a State becomes an International Person and a subject of International Law" (Oppenheim 1955, 125).

United Nations membership has often been seen as "proof" of statehood. While UN membership can be considered a proxy for statehood, it is important to note that the UN does not have the authority to grant or withhold state recognition. Only states have this authority. The UN can only grant or withhold membership to the UN. As membership assumes statehood, UN membership is indicative of the prior recognition, or willingness to recognize, on the part of the states in the international community.[5]

b. Self-Determination and Secession

Legal scholars have written extensively on the right to secede, explaining if and when such a right should exist. Most legal arguments for the right to secession are based in the right to self-determination. President Woodrow Wilson first raised the international profile of self-determination when he included it in his Fourteen Points in 1916, stating "every people has a right to choose the sovereignty under which they will live" (Scharf 2003, 378).[6] The right to self-determination then found expression in the UN Charter, the Universal Declaration of Human Rights, and both of the most fundamental human rights treaties, the International Covenant on Civil and Political Rights and the International Covenant on Economic, Social, and Cultural Rights. Article 1 of both of these human rights treaties provides that the right to self-determination is the right of a "people to freely determine their political status and pursue their economic, social and cultural development." Although this right is codified, its articulation has created some

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[5] In order to become a member of the UN, a state must first submit an application to the UN Secretary-General and a letter formally stating that it accepts the obligations under the UN Charter. The Security Council will consider the application and it must pass as any resolution does in the Security Council (at least nine in favor and no veto). It will then go to the General Assembly, where it must pass with a two thirds majority.
[6] Citing Woodrow Wilson's Address before the League of Nations to Enforce Peace, May 27, 1916, in 53 Cong. Rec. 8854 (May 29, 1916).

ambiguity. Not only is it unclear who possesses this right, but there is also some debate over what this right entails. The right to self-determination vests in "a people," which has been left undefined in international law, leading to questions over what constitutes "a people." The United Nations Educational, Scientific, and Cultural Organization (UNESCO) has provided a list of attributes that a group should fulfill all or some of to constitute a "people." These include: a common historical tradition; racial or ethnic identity; cultural homogeneity; linguistic unity; religious or ideological affinity; territorial connection; and common economic life. Traditionally a two-part test has been applied. The first part is objective and looks to the attributes listed above. The second part is subjective and examines "the extent to which individuals within the group self-consciously perceive themselves collectively as a distinct 'people'" (Scharf 2003, 380).

The second point of contestation is whether it is appropriate to conflate the right to self-determination with the right to secession. Given the status of territorial integrity among international norms, secession is viewed with some wariness. "If each group within a state can claim the right to self-determination and succeed, self-destruction of virtually every state could result" (Roman 1999, 958-9). A number of scholars have attempted to clarify this area by distinguishing between internal and external self-determination. Internal self-determination refers to the protection of a people within a state through some level of autonomy and self-government. If a group can freely determine its political status and freely pursue its economic, social, and cultural development within the state, its right to self-determination will be deemed to have been met. (The right is one of process rather than outcome). The right to internal self-determination applies to all peoples and is not particularly controversial.

External self-determination, on the other hand, is essentially secession. To the extent that a right to external self-determination is said to exist, it is a right to what is known as "remedial

secession," meaning that the right exists only to overcome an ongoing injustice (Buchanan 1997; Birtch 1984; Borgen 2007). The home state must be violating the human rights of the group seeking secession for this remedial right to exist. The extent of these human rights violations varies depending on the scholar. According to Birtch (1984), if a "peoples'" internal right to self-determination is not met, that right will evolve into a right to external self-determination. According to Chandhoke (2012), the threshold is "irrevocable institutionalized injustice," while for Buchanan (1997), the violations must be such that they pose an existential threat to the group seeking secession. There is no consensus on the right to external self-determination, and a number of prominent international lawyers deny its existence (Crawford 2000; Wildhaber 1995).

Not only is there current disagreement over how self-determination should be interpreted, but interpretations have also shifted over time. Today, secessionist movements often rely on self-determination arguments in their quest for secession, therefore, interpreting that right to include external self-determination. A number of states, however (the United States included), understand the right to self-determination to be limited to an internal right. This is quite different from the circumstances around which discourse on self-determination took place in the early post-World War II period. The substance of the right to self-determination in the context of decolonization became quite clear. It meant statehood.

The UN General Assembly Resolution 1514 (1960) defined for the first time specific peoples who were deemed to be entitled to state sovereignty: the populations of non-self-governing and trust territories (Fabry 2011, 258). Therefore, at that time, both the substance of the right to self-determination, and to whom it applied, were clear. The interpretation of self-determination as statehood in the context of decolonization side-stepped the preexisting legal theory of statehood entirely. In the context of decolonization, the four requirements of the Montevideo Convention

(1933) were replaced with only one, that the population be one of a non-self-governing and trust territory.

Outside of the context of decolonization, the meaning of self-determination has become more fluid.[7] The UN made this clear in 1961, where UN Security Council Resolution 169 affirmed Congo's territorial integrity and rejected "completely" Katanga's unilateral declaration of independence (Fabry 2011, 259). In 1966, in reference to the secession of Biafra from Nigeria, then Secretary-General U Thant stated that, "the UN attitude is unequivocal. As an international organization, the UN has never accepted and does not accept and I do not believe it will ever accept the principle of secession of a part of its member state" (Nanda 1972, 327). Eight years after this statement, the UN admitted newly seceded Bangladesh into the organization. The inconsistency in approach to self-determination has led Borgen to refer to the trouble of conceptualizing self-determination in international law as "a riddle, wrapped in a mystery, inside an enigma" (Borgen 2009, 6). While a number of international lawyers and scholars today have interpreted secession to be legally neutral, neither affirmatively permitted nor prohibited under international law (Pavkovic 2008; Crawford 2000), the international norms of state sovereignty and territorial integrity have caused most states to view secession with a certain degree of suspicion.

c. Secessionist Movements

As mentioned above, the literature on secessionist movements can be grouped around three questions: (1) why do secessionist movements emerge; (2) why do external states support them;

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[7] Given the fact that territorial borders for the most part remained the same during decolonization, many question whether these should really be considered "secessions" at all. As will be discussed, I distinguish between cases of decolonization and cases of secession, addressing only the latter.

and (3) what makes them successful? The first question has spawned the most amount of research, and the last question has provided the least.

i. <u>Why do secessionist movements emerge?</u>

Secessionist movements often engage in deadly civil wars and ultimately risk everything to become a recognized state. What motivates movements to take such drastic actions? There are two aspects to this motivation, the "pull" factor and the "push" factor. The pull factor relates to the attractive benefits of statehood in the international system today, while the push factor relates to the specific domestic experiences of groups that lead them to want "out".

<u>The "Pull" Factor</u>

There are a number of general benefits to statehood. New states stand to gain in terms of economics, politics, and security.[8] The economic benefits of statehood take a variety of forms. First, only states have access to international financial institutions. For example, the International Monetary Fund (IMF) provides a financial safety net for economically weak new states. New states have access to foreign aid through institutions, as well as individual or multilateral donors. In the case of East Timor, this aid comprised nearly 2% of GDP (Fazal and Griffiths 2014, 94). Both Bangladesh and Eritrea quickly received millions of US dollars after they achieved independence (Ibid.). Finally, statehood status provides for easier access to foreign markets and investors. Without an internationally recognized central bank, Somaliland is forced to use foreign accounts and secondary financial markets.[9] Unrecognized states have difficulty securing foreign direct investment, which is "typically conditional upon guarantees of insurance and arbitration"

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[8] For the sake of clarity I list these benefits separately. These are not insular silos, and it is clear that politics, economics, and security cannot be addressed entirely separately from each other.

[9] Even relationships with private banks are hindered. For example, in the United States, private banks need approval from the U.S. Treasury, which requires recognition (Fazal and Griffiths 2014, 94).

(Englebert and Hummel 2005, 415). Agencies that provide insurance to investors often only do so with investors that work in recognized states (Fazal and Griffiths 2014, 94). South Sudan, having achieved statehood, has become a more attractive environment for international investors, particularly in the oil sector (Id. 95).

States also have greater access to political organizations. As a member of the United Nations, states have the opportunity to sit on the Security Council and through the rotating presidency, even weak states have the opportunity to play a role in agenda setting. All members of the UN have a voice through the voting system in the General Assembly. The same applies with respect to regional organizations like the European Union or the African Union.

Finally, there are important benefits of statehood that relate to security. The UN Charter protects states from the aggression of other states. Article 2(4) provides that "all Members shall refrain in their international relations from the threat or use of force against the territorial integrity or political independence of any state, or in any other manner inconsistent with the Purposes of the United Nations." As Fazal and Griffiths point out, "as long as the norm against conquest stays strong, once statehood is gained, it is unlikely to be lost via external predation" (Fazal and Griffiths 2008, 206). Therefore, the gains achieved through secession are, to some extent, guaranteed by the international norm against conquest. For states that have achieved *de facto* status, but have not achieved international recognition, there is a constant threat that they could be reincorporated into the host state. This is what happened to Chechnya in Russia and Serb Krajina in Croatia, two *de facto* states that were coerced back into their previous host state by military conquest (Siroky 2011). As they were not internationally recognized, the use of force against them did not violate Art. 2(4) of the UN Charter.

Statehood is a highly problematized concept. In this research I do not attempt to unpack what a state is. To reap the benefits described above, the only necessary criterion is international recognition. This correlates with what Krasner has referred to as "international legal sovereignty" (Krasner 1999).[10] If the international community grants a state recognition, that state will have access to international financial institutions, intergovernmental political organizations, and ultimately will enjoy the protections of the norm of non-intervention. Why the international community chooses to grant international recognition is, of course, a fundamental aspect of my research question, and will be addressed in the coming chapters.

The "Push" Factor

Most of the existing literature on why secessionist movements emerge falls into the category I have termed the "push factor." These generally relate to a group's political and economic grievances, and attributes of the political structure and demography of a state. Some scholars focus exclusively on one aspect, while others rely on some combination.

Scholars who address political grievances tend to focus on access to political representation and decision-making. Secessionist movements are more likely to emerge when particular ethnic groups are excluded from the political process (Wimmer 2002; Gurr 2000; Bartkus 1999). Others look to the weakness of the state, and suggest that secessionist movements are more likely when the state is weak (Beissinger 2002).

In terms of economic grievances, some scholars argue that secessionist movements are more likely when ethnic groups feel economically deprived (Horowitz 1985). Others suggest that

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[10] International legal sovereignty refers to mutual recognition. The basic rule of international legal sovereignty is that recognition is accorded to juridically independent territorial entities which are capable of entering into voluntary contractual agreements (Krasner 2001, 21).

secessionism is more likely when an ethnic group is relatively wealthier, and carries a disproportionate share of the economic cost of maintaining the state (Hale 2008). This has led some scholars to see the relationship between economic inequality and secessionism as curvilinear; both extremely impoverished and wealthy groups are most likely to try to secede, whereas those groups at relative parity with the average national income are the least likely to pursue secession (Stewart 2009, Cederman *et al* 2010).

Others look to ethnic demography and its relationship with the political-administrative structure of the state. Secessionist movements are more likely to emerge in ethnically concentrated federal states (Bunce 1999; Roeder 2007; Smith 1991; Gurr 1993a). If a minority is territorially concentrated, it is more likely than a spatially dispersed one to form a secessionist movement (Toft 2002, 2003; Collier and Hoeffler 2004). If the government sponsors migration programs that dilute an ethnically concentrated area, particularly if they are combined with policies that favor the newcomers over current residents, the likelihood of secessionist sentiment is greater.

ii.   Why do external actors support them?

A number of scholars focus on external involvement in secessionist movements. While some focus on the relationship between external support for a movement and the radicalization or tempering of a movement's demands (Kuperman 2008, Cetinyan 2002), most of these scholars address why external actors get involved in the first place. This literature can be generally divided into four broad categories: vulnerability, ethnic ties, common institutions, and strategic ties.

The vulnerability argument explains why external actors will not support a secessionist movement. To the extent that a state is vulnerable to secession within its own borders, it will not support secessionist movements elsewhere (Zartman 1966; Herbst 1989; Jackson and Rosberg

1982; Englebert and Hummel 2005). As Zartman stated (in the context of Africa), "the greatest deterrent to territorial revision has been the fear of opening a Pandora's box. If any one boundary is seriously questioned, why not all the boundaries in Western Africa?" (Zartman 1966, 109).

While the vulnerability argument is limited to addressing why external actors will *not* interfere in secessionist conflicts, scholars who rely on ethnic ties argue that they can explain both why states will interfere and why they will not. The theory of ethnic ties predicts that a state whose ruling elite has ethnic ties to the secessionists will support secession. If, on the other hand, the ruling elite has ethnic ties to the state from which the secessionist group is trying to secede, support for the host state against the secessionist group will follow (Carment and James 1996; Saideman 1997, 2007).

Belanger and Paquin (2005) point to institutions to explain external actor decision-making. They argue that democracies have political values that lead them to oppose their mutual secessionist claims, while autocracies do not have the same constraints. Therefore, democracies will rarely support secessionist groups emerging from democratic states. Subject to the same limitation as the vulnerability argument, Belanger's democracy factor can only explain why states will choose *not* to interfere in secessionist conflicts. Coggins (2011), however, reaches the opposite conclusion in her analysis of when great powers will choose to recognize a new state. She found that mutual democracy actually increased the likelihood of recognition.

Finally, a number of scholars point to strategic ties that external actors have with a territory. Foreign policy objectives can explain why states choose to interfere in some secessionist conflicts and not others. These foreign policy objectives may include existing diplomatic relationships, regional stability, or access to markets or natural resources (Paquin 2010; Farkas 2003; Frombgen 1999; Sharafutdinova 2000).

My research focuses on the effects of interference by particular actors in secessionist conflicts, rather than the motivations for interference. I address the relationship between interference by regional actors and the success of the secessionist movement. However, why actors choose to support one side or the other does become relevant in relation to my discussion on how regional actors can shape great power foreign policy. As will be discussed in the following chapter, when addressing why great powers choose to support a secession, I follow the school that relies on strategic interests to explain decision-making.

iii.   Why do secessionist movements succeed in achieving statehood?

Very few scholars specifically address this question. In fact, in much of the literature in comparative politics, why secessionist movements succeed is often implicit. A number of scholars discuss attributes that make a secessionist movement strong, without necessarily relating strength to internationally recognized statehood. Nevertheless, reasons for success can be roughly divided into three categories: (1) the military strength of a movement; (2) the ethnic and political structure of the state; and (3) foreign support.

The stronger a movement is militarily, the more chance the movement has of establishing domestic authority within an area. If a movement has the coercive capacity to exclude any competing authorities within a territory, then a *de facto* state may exist. Some scholars argue that *de facto* statehood cannot be ignored and will result in *de jure* statehood over time (Crawford 2000). One of the ways to increase military strength is to induce defections from the home state's military. Horowitz (1985) looks to the ethnic composition of the military and the movement to explain when defections are most likely. Military strength and *de facto* status alone, however, cannot explain existing variation in success across movements. The *de facto* state of Somaliland demonstrates that *de facto* statehood does not necessarily lead to international recognition. In

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terms of military strength alone, the Tamil Tigers in Sri Lanka were a far stronger secessionist movement than the Mukti Bahini in East Pakistan, yet the former failed to achieve internationally recognized statehood, and the latter succeeded.

A number of scholars emphasize the significance of ethnically concentrated federations. This type of political structure reinforces ethnic identity, facilitates ethnic mobilization and collective action, and also minimizes internal opposition. The sub-national unit in this type of system often has enough self-governing capacity that it is easy to imagine itself as an independent state (Siroky 2011; Fazal and Griffiths 2008; Roeder 1991; Bunce 1999). Although granting autonomy may appease some movements (Stepan 1999; Bermeo 2002), those that are committed to independence will benefit from the self-governing structure a federation offers. While an ethnically concentrated federation may be a necessary condition for a successful secession, it is certainly not sufficient. The failed secessionist movements in Biafra, Katanga, and the Basque Country demonstrate that ethnically concentrated federations alone will not guarantee a secessionist movement success.

Others look to the ethnic composition of the state to explain how determined a home state will be in suppressing a secessionist movement. Horowitz (1985) and Herbst (1989) discuss what has been termed the "demonstration effect."[11] The demonstration effect refers to the inspiration that one successful secession can provide to other movements. The more potential secessionist groups that exist in a state, the more threatening the demonstration effect will be. Toft (2003) and Walter (2006) argue that ethnically concentrated federations with more than two sub-national units will fight harder to prevent secession than federations (or non-federations) with two or fewer

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[11] Herbst (1989) discusses the demonstration effect in the context of a state choosing to support or suppress a secessionist movement abroad.

ethnically concentrated units. Again, similar to the previous factor, this does not explain enough. The Sudanese government fought the secessionists in the South in one of the longest civil wars of the century. The government was determined to suppress the movement, but in the end, the South was able to secede. This factor may have more explanatory power when discussing non-contested secessions. Perhaps non-contested secessions, e.g., Czechoslovakia, are only possible in states where there are no more than two sub-national units. In contested cases, it would be difficult to demonstrate that one state was more opposed to secession than another when both are in a state of civil war.

Finally, scholars point to foreign support to explain the success of secessionist movements. Given that internationally recognized statehood requires some international recognition, it is clear that actors beyond the home state have a role to play. A number of scholars have noted that foreign support is necessary for successful secessions, without explaining the nature of the support or if it matters who provides it (Young 1994; Heraclides 1991; Horowitz 1985).

Only two scholars have explicitly made the argument that external actors determine whether secessions will happen *and* explained which actors are necessary. For both Coggins (2011, 2014) and Sterio (2013), secession can be explained through the interests of the great powers.

Sterio argues that for a secessionist movement to succeed, it must meet four criteria. There must be a showing by the relevant people that: (i) it has been oppressed, (ii) its central government is relatively weak, (iii) it has been administered by some international organization or group, and (iv) most importantly, it has garnered the support of the great powers (Sterio 2013). While there are four criteria, each is connected to whether there is support from the great powers. For example, the great powers must accept that the home state is at fault for the human rights violations and that

the minority group represents the victim. If the great powers decide to logistically and strategically aid a struggling minority group, this will enhance the group's military power and consequently weaken the home state's central government. Regarding the involvement of international organizations, the great powers can exercise their veto power in the Security Council and can also influence other international organizations to get involved (Sterio 2013, 57).

Coggins (2011) also emphasizes the role of great powers, though her research is limited to state recognition, and does not include other forms of interference and intervention. While not every member of the international system need recognize a state before it can be considered one, there must be a critical mass that does. According to Coggins, by virtue of their material strength, the great powers make up the most important portion of this critical mass. Their recognition carries the greatest weight and has the greatest potential influence on others. "Typically early movers, when the Great Powers agree, their decision serves as a focal point that initiates a cascade of legitimacy throughout the system's remaining members" (Coggins 2011, 449).

While great powers can be significant actors in secessions, Sterio's work has two limitations. The first is that it assumes that the great powers will have an interest in the outcome of every successful secession. Secessionist movements often emerge in parts of the world that are of very little geostrategic interest to any of the great powers. Little or limited great power support for a secession will not prevent a state from seceding. Ultimately the great powers are helpful but not absolutely necessary for a secession to occur. In the case of Bangladesh, the preference of the United States was for the territorial integrity of Pakistan. None of the other great powers had any particular interest in the outcome. Bangladesh, nonetheless, seceded from Pakistan.

Second, by focusing exclusively on the great powers, Sterio leaves unexplored the space between the emergence of a movement and great power support. Whether the movement survives

in the short term, and how the conflict is framed to the international community, often has little to do with the great powers. As will be discussed below, my work complements that of Coggins.

III. Statement of Argument

Similar to both Coggins and Sterio, I argue that the role of external actors is determinative in the success of secessions. However, rather than focusing on the significance of the great powers, I focus on the role of regional actors. I argue that regional actors determine whether a secessionist movement will succeed in achieving internationally recognized statehood. Regional actors are so important because of their proximity to the secessionist movement. Regional actors' interests are more likely to be affected by developments within their region. Therefore, these states are more likely to have a stronger interest in the outcome and more incentive to take greater measures to effect a desirable outcome. Great powers can be unaffected by a secessionist struggle and may have no interest in the outcome. Low to no interest will unlikely translate into action.

I have identified three mechanisms through which regional actors can determine the success or failure of a movement. These are: (1) providing tangible support to the movement or to the government of the home state to crush a movement; (2) providing diplomatic support by framing the conflict and its resolution, and encouraging or discouraging the involvement of actors outside the region; and finally, (3) shaping great power foreign policy through their preferences and actions related to the outcome of a secessionist conflict.

Regional actors' proximity to a secessionist movement allows for more direct interference. Direct interference is easier for contiguous states, particularly if that support is intended to be clandestine.[12] In terms of playing a diplomatic role, regional actors are often uniquely positioned

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[12] Regional states do not have to be contiguous to the secessionist movement, although oftentimes they will be.

to initiate negotiations between the parties and often act as gatekeepers between a secessionist movement and the international community, facilitating external support beyond the region, or obstructing it. They can provide a movement with legitimacy to the wider international community, and to the parties in conflict, they can frame international involvement in desirable or undesirable terms. Finally, a great power's decision to support a secession will be shaped by perceived consequences of the policy on the region, how it will affect its existing relationships in the region, as well as regional stability more generally.

Coggins' work is limited to state recognition and she makes a persuasive argument that the great powers are the most influential when it comes to being able to initiate a "cascade of legitimacy" (Coggins 2011). For this reason, one of the mechanisms through which regional actors can cause the success of a secession is through their ability to shape great power foreign policy. Two points must be made regarding the great powers. First, as mentioned above, great powers do not always have a particular interest in the outcome of a secession. Second, even in cases where the great powers have a preference, they will balance their support of, or opposition to, a secession against their other interests in the region, namely regional stability or valuable relationships with regional actors.

Contribution

While the body of literature on secession is vast, few scholars address the likelihood of a movement's success in terms of achieving statehood. Of those who do, none look to the role of actors in the region. Understanding regional actors' interests and policies will help explain whether a secessionist movement will achieve statehood. If my argument is correct, international law on statehood, territorial integrity, and self-determination have little to do with the success of a movement. Further, factors endogenous to secessionist movements are significant in terms of its

success only to the extent that those factors affect regional state's relationships with the movement.[13] Lastly, understanding the preferences of regional actors is necessary to inform great power involvement in the secession, thus contributing to existing theories that rely on great powers to explain successful secessions.

Many secessionist struggles are deadly, protracted civil wars. For those involved in negotiating peace, it is critical to know which actors must buy into the process in order for it to have any lasting success. In the longer term, in an effort to avoid some of these secessionist wars, some type of framework for secession should be developed. In order to create a framework that has a chance of success, it is crucial to understand why secessions happen when they do, and who plays the most significant role in determining that outcome. This research suggests that efforts should begin with institutions at the regional level, rather than national or global.

IV. Methodology

In this research I study the influence that regional actors have on state secession. My hypothesis is that the support of regional actors is the most important factor in successful secessions. I define successful secession as internationally recognized statehood, the clearest demonstration of which is membership into the UN. Although the UN does not itself confer recognition on a state, UN membership does reflect international opinion on recognition and is regarded as the "gold standard" of international legitimacy (Ker Lindsay 2012; Keating 2008).

To test this hypothesis I use a comparative case study method. I have selected six cases across three geographical regions. I focus on the time period since 1945.[14] I have selected three

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[13] For example, the liberation movement in South Sudan adopted a Marxist ideology in the early 1980s, which appealed to the Marxist regime in Ethiopia, and led to greater Ethiopian support for the movement.
[14] The establishment of the UN, which codified state sovereignty and non-intervention, and outlawed war outside of very specific exceptions, and, according to Fazal, the enforcement of this norm by the United States, has changed

regions, not only to test whether the success or failure of secession varies regionally but also to be able to demonstrate that my findings have broad applicability. Regional differences can include my causal variables, the nature of regional powers or the role of great powers. I have selected two cases in each region to show more clearly that the causal link between regional actors and a movement's success is universal, not region-specific (as the many cases in Africa might suggest). I focus on three regions, the Horn of Africa, South Asia, and Europe, where secessionist movements have been particularly active. Successful secessions are rare; the Americas region has not seen a successful secession in the relevant time period (1945-2014).

While some scholars view decolonization as a form of secession (Coggins 2011), I distinguish between the two. This project does not address decolonization movements. I view secession as the creation of new states, rather than the return to independence of formerly independent entities. As discussed above, the concept of external self-determination in the context of decolonization became clear in the 1960s. Given the change in the international community's attitude towards the legitimacy of colonization, self-determination movements within that context had a basis for statehood that became generally accepted. Outside of decolonization, self-determination movements seeking statehood have had much less success. Given the norm of state sovereignty and territorial integrity, and the inability of these movements to rely on the norm against colonization, it is these cases that most interest me. Therefore, I have explicitly selected secessionist movements that are not fighting against a colonial power.

I have also excluded non-contested secessions. These are secessions that occur without conflict. The dissolution of Czechoslovakia provides a case in point. When a secession is accepted

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the costs associated with secession in such a way to make this period sufficiently different from the time period before (Fazal and Griffith 2014).

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by the home state without the necessity of external pressure or war, international recognition will immediately follow. Recognition in this instance does not violate state sovereignty. My argument about the significance of regional actors does not apply to these cases.

Within regions I have selected on the independent (causal) variable, regional support. I have, therefore, selected one case where there is regional support and one where there is regional indifference or opposition. In the Horn of Africa, the cases are South Sudan and Somaliland. In South Sudan, there was a large degree of regional involvement and ultimate support for the secession. In Somaliland, however, there was little support for the secession, and, in fact, opposition among many of the regional actors. The cases in South Asia are Bangladesh and the Tamils in Sri Lanka. In South Asia, regional power India supported the secession of Bangladesh and ultimately opposed the secession of Tamil Eelam. In Europe the cases are Slovenia and the Basque Country. Slovenia had the support of a number of regional actors, while the region has been opposed to a Basque secession.

In each case I analyze regional actors' relationships with the secessionist movement and home state government through the three mechanisms discussed above. First, I determine whether the regional actor provided any material support or sanctuary to the movement, or whether it conspired with the home state to crush the movement. Second, I analyze regional actor involvement in any negotiating process between the movement and the home state government, as well as whether the regional actor encouraged or discouraged broader external involvement. Finally, I analyze great power involvement in the secession and that power's relationships with actors in the region.

Throughout this project I will demonstrate that competing explanations for the success of secessionist movements are inadequate. To that end I will illustrate why the factors identified in

the literature, e.g., *de facto* statehood, the military strength of a movement, and the type of domestic institution, are inadequate. I pay special attention to the role of great powers in successful secessions, as it is this literature that I most closely associate with.

I rely on primary and secondary sources to carry out this research. Where available, I use primary sources, such as memoirs or speeches by key actors. The secondary sources include existing literature in the field, newspaper articles, and reports by various think tanks, NGOs, and government departments, to the extent that they are publicly available. I rely on newspaper archives published at the time of particular events, to get a sense of perceptions at the time. The combined use of primary and secondary sources allows me to have a view of the historical context in which these movements act, and to discern the motivations of actors, that may not otherwise be forthcoming. I rely on this disparate literature to create a coherent narrative to demonstrate my theory.

The following chapter further elaborates my argument on the importance of regions. It explains the significance of regions in international politics and explains the mechanisms through which regional actors determine the outcomes of secessionist conflicts in some detail. Chapters 3 through 5 are empirical chapters, each dealing with a specific region. Chapter 3 focuses on the Horn of Africa, discussing the cases of South Sudan and Somaliland. Chapter 4 focuses on South Asia, discussing the cases of Bangladesh and the Tamils in Sri Lanka. Chapter 5 focuses on Europe, discussing the cases of Slovenia and the Basque Country in Spain. The final chapter will assess the strength of the argument in light of the case studies, and identify further questions that this research raises.

Chapter 2: Why Regions?

In the previous chapter I introduced the argument that in order to understand when state secession will happen, it is necessary to look to regional politics. This chapter further develops this argument by providing some context for the agency of regional actors. It first provides a working definition of a region as well as support for the significance of regions as an area of study in international politics. The main focus of this chapter is on why and how regional actors determine outcomes in secessionist conflicts. To that end, I will explain the motivations for involvement in secessionist struggles and the mechanisms through which regional actors influence both the parties to the conflict and the foreign policies of the great powers.

I.   What is a Region?

There is no consensus on exactly how a region should be defined. Various scholars have provided a number of definitions, each departing slightly or substantially from the next (Cantori and Spiegel 1970; Falk and Medlovitz 1973; Nye 1968; Mansfield and Milner 1999; Anderson and Norheim 1993; Adler and Crawford 2002).

There are a number of ways to describe a region. While geographical aspects were at one time the core defining feature of a region, regions have been increasingly viewed in non-geographic terms. They can be defined by the common traits of people within them, like a shared language, culture, history, or ethnicity. Some scholars look for a "relatively large degree of homogeneity measured by a relatively large number of purposes or classifications" (Falk and Mendlovitz 1973, 183). Regions can also be identified through a concentration of interdependent relationships among a limited number of states. These relationships are often approached through the study of economic integration and regional institutionalization. There are also socially

constructed aspects of regions. Ole Wæver discusses the expression of a collective identity, self-generated and recognized as such by outsiders (Wæver 1993). Most scholars rely on some combination of these, each focusing more heavily on some aspects than others.

Cantori and Spiegel look to geography and intraregional relationships. They consider regions to be "areas of the world which contain geographically proximate states forming, in foreign affairs, mutually interrelated units. For each participant, the activities of other members of the region (be they antagonistic or cooperative) are significant determinants of its foreign policy" (1970, 1). Nye provides a similar definition, though somewhat less exacting. He sees regions as "a limited number of states linked together by a geographical relationship and by a degree of mutual interdependence" (Nye 1968, xii).

Adler and Crawford also focus on intraregional relationships, though they are less interested in geographic contiguity. They suggest that regions should be conceptualized "in terms of purposeful social, political, cultural and economic interaction among states which often but not always inhabit the same regional space" (2002, 3). Anderson and Hege Norheim note that "while there is no ideal definition [of a region], pragmatism would suggest basing the definition on the major continents and subdividing them somewhat according to a combination of cultural, language, religious, and stage of development criteria (1993, 26).

Even if there was general agreement on an appropriate set of criteria for the existence of a region, identifying its boundaries can still be problematic. As Inis L. Claude noted, "the world does not in fact break easily along neatly perforated lines" (Claude 1988, 186). "It seems to be agreed that regional boundaries are usually indefinite, being zones rather than lines" (Falk and

Mendlovitz 1973, 186).[15] This is not to say that regions are entirely arbitrary. V.C. Finch said, "the characteristics of a region should be most pronounced in its interior . . . Regions end in transition, seldom in definite boundaries" (Falk and Mendlovitz 1973, 186).[16] Writing in 1939, he used the example that we are sure that France is in Western Europe, however, defined, but it is hard to know where to put Finland (Ibid.).

Accepting that there is no consensus on an ideal definition of a region, it is nonetheless necessary to establish a working definition for the purposes of this research. I adopt a simple definition that draws on some of the interpretations provided above. [17] A region must have geographical contiguity and some sense of regional identity (whether that perception emanates from within the region, or from outside of it).[18] Geographic contiguity is a core component of my definition of a region. However, spatial proximity alone is not sufficient to define a region. Russia's eastern coast is very close to Alaska, yet the United States and Russia are never considered inhabitants of the same region.

Some sense of identity is necessary because it covers geography's limitations. A regional identity can be formed from within and/or without. That is to say that internal commonalities or a common external threat can forge a regional identity. The extent of regional institutionalization, most basically understood as the creation and development of regional organizations, is a strong

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[15] Citing National Resources Committee, Regional Factors in National Planning and Development, Washington D.C.: Government Printing Office, 1935, 145.

[16] Citing V.C. Finch, "Geographical Science and Social Philosophy," *Annals of the Association of American Geographers*, 29:1 (1989), 14.

[17] My intention is not to redefine regions in a novel way. This definition merely synthesizes and simplifies existing definitions.

[18] Most states will be physically connected to their neighbors in a region, however they can be separated by narrow stretches of water. For example, the 40-mile wide Palk Strait that separates India from Sri Lanka does not prevent the two states from forming part of the same South Asian region.

indicator of a regional identity. Membership of these regional organizations can also help identify the outer boundaries of regions.

However, while regional institutionalization is common and helpful to the analysis, it is neither a necessary nor sufficient indicator of the existence of a region, and its ability to delineate a region is not absolute. The European Union (EU) is a very strong example of regional institutionalization. However, if the United Kingdom opts out of the EU, the UK would not immediately fall out of a European region. NATO provides another example of the limitations of regional institutionalization for this analysis. NATO is a regional organization, but its membership clearly spans more than one region.

Further, the perception that a region exists can come from within the region or outside of it. For example, if the international community at large identifies an area as a region, this is strong support for the existence of a region, even if the states within it do not have a particularly strong sense of regional identity. As a result, a region can exist without regional institutionalization.

The cases adopted in this project span three regions, the Horn of Africa, South Asia, and Europe. Each of these regions meet the criteria for "region" - geographic contiguity and a sense of identity. These are not difficult cases because each region does have a level of institutionalization that supports a sense of identity and suggests a delineation of regional boundaries. The Horn of Africa region includes: Somalia, Sudan, Ethiopia, Djibouti, Kenya, Eritrea, and Uganda. These are contiguous states and their sense of identity is supported through the existence of the Intergovernmental Authority on Development (IGAD). South Asia includes: India, Pakistan, Sri Lanka, Nepal, the Maldives, Bhutan and Bangladesh. These are generally contiguous states and their sense of identity is supported through the existence of the South Asian

Association of Regional Cooperation (SAARC), of which they are all members.[19] Europe includes

contiguous states and their sense of identity is supported through the existence of the European

Union. This is a larger region (in terms of the number of states); as of 2015 the EU has some 28

members.[20] European institutionalization has evolved rapidly over the last twenty-five years. At

the time of Slovenia's secession, the relevant European institution was the European Community

(the European Union did not yet exist). In 1991 the EC included: France, Germany, Italy, Belgium,

the Netherlands, Luxembourg, Denmark, Ireland, the United Kingdom, Greece, Spain, and

Portugal.

II.   The Significance of Regions as an Area of Study

Regions matter, and are central to our understanding of world politics (Buzan and Wæver

2003; Katzenstein 2005; Acharya 2007; Fawn 2009). While regions have become increasingly

important in recent years, as early as the 1960s, Claude remarked that "the world is engaged in the

process of organizing" (Claude 1988, 3). During the Cold War, the region, as a unit of analysis,

became increasingly important. "One reality of post-war world politics was the division of a huge

and heterogeneous international system into subsystems in which patterns of cooperation and ways

of controlling conflicts are either more intense or less elusive than those in the global system"

(Hoffman 1987, 12).

Another wave of regionalism (often termed the "new regionalism") began in the late 1980s.

This was most evident in the development and strengthening of regional institutionalization.

Examples include states' commitment to the European Community (EC), the Association of

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[19] As previously mentioned, the 40-mile wide Palk Strait that separates Sri Lanka from India does not disrupt this
contiguity. That the Maldives include a number of islands does not separate it from the region.
[20] These include: Austria, Belgium, Bulgaria, Croatia, Cyprus, Czech Republic, Denmark, Estonia, Finland, France,
Germany, Greece, Hungary, Ireland, Italy, Latvia, Lithuania, Luxembourg, Malta, the Netherlands, Poland,
Portugal, Romania, Slovakia, Slovenia, Spain, Sweden, and the United Kingdom.

Southeast Asian Nations (ASEAN), the Organization of African Unity (OAU), the Organization of American States (OAS), the Andean Pact, NATO, the Commission on Security and Cooperation in Europe, and the Nordic Council. Acharya has commented that, "while globalization has been the buzzword of international relations scholars in describing world order, at most it coexists with regionalization – so much so that it is now possible to begin more systematically to conceptualize a global world order of strong regions – or a 'world of regions'" (Acharya 2007, 629).

Thinking about the world in terms of regions is useful for a better understanding of both domestic and international politics. "The domestic politics of a nation cannot be fully understood without reference to the neighboring environment in which that nation has developed, and international politics cannot be fully comprehended if there is concentration only on the relations among the greatest of powers" (Cantori and Spiegel 1970, ix). Regional analysis implies to policy makers that many political crises and developments may not have been created by superpowers, or, at least may occur with only secondary reference to superpowers (Id., 4).

While the notion of regionalization commonly refers to the growth of economic integration within a geographical area, there is more to it than that. Regionalization can involve increasing flows of people, the development of social networks by which ideas, political attitudes, and ways of thinking spread from one area to another, and the creation of a transnational regional civil society (Fawcett and Hurrell 1995, 40). Together, these indicate that studying a state within the broader context of its region has the potential to provide a fuller explanation for what may first appear to be purely domestic developments.

A number of scholars have begun to look at problems, previously addressed at either the domestic or global level, within a regional context. Wolff suggests that to better understand the notion of state failure, the discourse on state failure should be connected to that on regions, and on

that basis he introduced the idea of "state failure regions" (Wolff 2011, 952). Buzan and Wæver have developed a theory of international security in which "regional security complexes" are the main building block (Buzan and Wæver 2003). Hurrell suggests that the region is the most appropriate level to reconcile the intensifying pressures of global capitalist competition with the need for political regulation and management (Hurrell 2007, 131).

As demonstrated above, there is support for thinking about both state-level and international politics, in terms of the region. The world is increasingly regionalized, as evidenced through the growth in regional institutionalization, and a number of scholars have introduced the notion of the region into areas where it has been largely neglected.

III.   Regional Actor Involvement in Secessions

a. Motivations for involvement

The primary reason why regional actors are so important in understanding why secessions happen when they do is because of their proximity to the secessionist movement. In order for an actor to determine an outcome, it must first have an interest in that outcome. Proximity to a conflict will increase the level of interest in the conflict, which acts as a motivation to effect a desirable result. Attempted secessions tend to be destabilizing, not only for the home state, but for its neighbors as well. There is a relationship between proximity and interest because the closer a state is to conflict, the more likely it is to suffer from its destabilizing effects. States pay close attention to developments within their region that affect them, and will likely have a preference on the direction of those developments. The higher the level of interest, the more likely that interest will translate into action. Neighboring states, in particular, find it difficult to avoid becoming involved in nearby conflicts (Heraclides 1990).

States in the same region as a secessionist conflict are likely to be affected in a number of ways. Local conflict and the perception of regional instability can dampen investment flows and slow growth. States will often feel compelled to divert public resources into defense expenditures (Weiss *et al* 2010, 20). Neighboring states, in particular, are often affected by the influx of refugees and combatants seeking sanctuary.

Secessionist movements may pose a more direct threat to neighboring states if those states have sympathetic populations. Mincheva discusses what she terms "ethnoterritorial separatist movements," which are territorially contiguous ethnic communities that pursue claims that transcend state borders. These groups pose a particular threat to neighboring states because the nature of their claims can so easily draw groups from across borders into the conflict. In this context, she discusses the Kosovar Albanians' ability to drag ethnic Albanians in Montenegro, Macedonia, and Serbia into their disputes (Mincheva 2005). The Kurdish separatists pose similar threats to neighboring states; there are Kurdish communities in Iraq, Iran, Syria, and Turkey.[21] There are a number of secessionist movements whose ethnic communities straddle borders, though the separatist claims do not or did not necessarily transcend state borders. Some examples include: the Bengals in both India and Bangladesh; the Tamils in both Sri Lanka and India; and Somalis in Somalia, Ethiopia, Kenya, and Djibouti. Gurr argues that "the most important spillover effects in communal conflict occur among groups that straddle interstate boundaries" (Gurr 1993b, 133).

Proximity to a secessionist conflict can also affect the motivation of a state to take action in a different way. Proximity can lead states to believe that they are best placed to mediate the conflict and ultimately help "solve" the problem. States within the region often understand the

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[21] See Horowitz (1991) for a discussion on movements seeking to subtract from two or more states and integrate into a new state.

dynamics of the conflict and the cultures involved more than outsiders. Leaders are also more likely to have personal connections to the involved parties (Weiss *et al* 2010, 20). As will be discussed, this view is reinforced by the institutional design of the relationship between regional organizations and the United Nations, as outlined in the UN Charter.

b. Regional Powers

Up to this point I have argued that regional state *actors* determine whether a secessionist movement will succeed in achieving internationally recognized statehood. It is now necessary to distinguish between types of regional actor by addressing the role that regional powers play in my argument. To the extent a region has a regional power, that power is the most important actor to pay attention to. Therefore, I argue that when a regional power exists, it will likely determine whether a secessionist movement will succeed in achieving internationally recognized statehood.

I have used the term regional state actor, rather than regional power, because not all regions have a clear regional power. When a regional power does not exist, it is necessary to look to a number of actors in the region. To illustrate this distinction, South Asia provides an example of a region with a clear regional power, India. I will address India's role in the secession of Bangladesh and attempted secession by the Tamils in Sri Lanka, in Chapter 4. Due to India's sole regional power status, the interests of other actors in the region will not be so consequential. On the other hand, the Horn of Africa provides an example of a region where there is no clear regional power. While there is certainly variation in the distribution of power across the region, one state does not stand well above all others as a regional power. Consequently, in Chapter 3 I will look to the interests and actions of a number of regional states. Likewise, in Europe, one state does not stand above the others in the way that India has in South Asia, so it is necessary to look to the actions of a number of states.

A possible exception to this dichotomy is if a regional power faces a broad coalition of opposition in the region. In this instance, regional actors can balance against the regional power. An example may include Russia's recognition of South Ossetia's secession from Georgia. In 2008, Russia unsuccessfully tried to obtain political support from other states in the region. It looked to the Shanghai Cooperation Organization (SCO), the Eurasian regional security organization consisting of Russia, China, Kazakhstan, Kyrgyzstan, Tajikistan and Uzbekistan (Borgen 2009). To date, only Russia and three other UN member states recognize South Ossetia's independence.[22] Whether a regional coalition can withstand the pressure of a regional power will depend on the extent of the power imbalance between the regional power and the other states in the region. In the case of South Ossetia, the distinction between Russia and China is not as vast as that between India and its regional neighbors during the secessionist conflict in East Pakistan.[23]

So what is a regional power and what makes it so significant? While there is not one definition of a regional power, states that are considered regional powers generally possess a large population in the regional context and a high GDP. They have strong conventional armed forces and in some cases also nuclear weapons (Nolte 2010). Not only do they display a superiority in terms of power capabilities, but they also exercise some kind of influence in the region (Destradi 2010, 95). So regional powers both possess and exercise power.[24]

Regional powers are, therefore, the most powerful actors in the region, and their proximity allows them to project power more easily than far away powers. Regional powers are assumed to

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[22] Aside from Russia, Nicaragua, Venezuela, and Nauru have recognized South Ossetia's independence.
[23] This case might be anomalous, since there is a common perception that Russia, in fact, has wanted to annex South Ossetia (Sterio 2013). The international norm against conquest is particular strong (Fazal and Griffith 2014). Whether regional powers can overcome that norm is beyond the scope of this research.
[24] That is to say that they possess material power and their exercise of power is best understood through Nye's definition of power as "the ability to effect the outcome you want, and if necessary, to change the behavior of others to make this happen" (Nye 2003).

strongly influence the interactions taking place at the regional level, thereby contributing in a significant way to shaping the regional order (Destradi 2010, 94).[25] As Pederson notes, "the most important aspects of regionalist endeavors are best explained by examining the interests and strategy of the biggest state (or states) in the region (Pederson 2002, 678).

c. Mechanisms through which Regional Actors Exert Influence

Regional actors can influence developments within the region in a number of different ways. In relation to secessionist movements, I have identified three mechanisms through which they can determine the success or failure of a movement. These are: (1) providing tangible support to the movement or to the government of the home state to crush a movement; (2) providing diplomatic support through framing the conflict to the international community and encouraging or discouraging the involvement of actors outside the region; and finally, (3) shaping great power foreign policy through their preferences and actions relating to the outcome of the secessionist conflict. Before addressing each mechanism separately, it is helpful first to explain the institutional relationship between the regional and global levels in peace and security in the United Nations.

The UN Charter emphasizes the importance of regional institutions under Chapter VIII, "Regional Arrangements." The basic idea in Chapter VIII is that the organization closest to the conflict should take action, if possible, before asking the United Nations to get involved. Article 52 provides that:

> (1) Nothing in the present Charter precludes the existence of regional arrangements or agencies for dealing such matters relating to the maintenance of international peace and security as are appropriate for regional action, provided that such arrangements

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[25] By regional order, Destradi refers to the degree of cooperation or conflict, or the level of institutionalization in a region.

or agencies and their activities are consistent with the Purposes and Principles of the United Nations.

(2) The Members of the United Nations entering into such arrangements or constituting such agencies shall make every effort to achieve pacific settlement of local disputes through such regional arrangements or by such regional agencies before referring them to the Security Council.

(3) The Security Council shall encourage the development of pacific settlement of local disputes through such regional agencies either on the initiative of the states concerned or by reference from the Security Council.[26]

Since the end of the Cold War, the bulk of Security Council activity has been in peacekeeping. Since the 1990s, there has also been a steady increase in the number of regional peacekeeping missions organized by regional and sub-regional organizations, with European and African organizations the most active. Though the Economic Community of West African States (ECOWAS) had deployed several missions through the 1990s, both the EU and the AU organized their first missions in 2003 (Yamashita 2012, 166).

The relationship between the UN and regional organizations has two variations, known as "subcontracting" and "partnering." Subcontracting refers to an arrangement whereby regional organizations are responsible for the main onus of peacekeeping while authorized, monitored, and directed by the Security Council. In this sense, regional peace operations are in essence UN operations delegated to regional organizations (Id. 169). "Partnering" implies a more horizontal relationship where the UN and regional peacekeeping bodies form a network of peacekeeping partners with interconnected capabilities (Id. 170). It is clear that the relationship between the UN and regional organizations varies from organization to organization. The Declaration on the

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[26] Chapter VIII was included at the request of a number of Latin American delegates who were concerned about the extent of Security Council power, and also to limit Security Council deliberations to the most severe and intractable disputes (Weiss, *et al* 2010, 18). Despite the inclusion of Chapter VIII in the Charter, the extent to which there has been any deference to the region in the practical operations of the United Nations has been inconsistent.

Enhancement of Cooperation between the United Nations and Regional Arrangements or Agencies in the Maintenance of International Peace and Security (adopted at the General Assembly in 1994) acknowledged that cooperation between the UN and regional organizations should take place in accordance with "their respective mandates, scope and composition" and "in forms that are suited to each specific situation in accordance with the Charter" (Id. 173).

This is all to say that regional powers have institutional ways to influence developments in the region. The UN Charter sets up an important role for regional institutions. According to Chapter VIII, regional organizations *should* address regional issues before they go to the Security Council. In the context of Africa, then UN Secretary-General Kofi Annan remarked in 1997, "there is a new consensus that the primary responsibility for the solution of Africa's problems rests with Africans themselves [. . .] (Id. 178). Despite the inclusion of Chapter VIII in the UN Charter and Kofi Annan's comments, the extent of the role of regional institutions, in practice, varies across regions and issues.

Although regional institutions involve a number of states, they do not exist merely to solve common problems or promote shared values. They are also sites of power. They can reflect and entrench power hierarchies and the interests of powerful states (Nolte 2010).[27] Weiss, *et al* note that significant power imbalances will strengthen an institution as a tool for certain states. Powerful states may use regional institutions to expand their influence at the expense of weaker states. The greater the power imbalance, the more difficult it is for weaker states, in coalition, to balance against a regional power.

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[27] Nolte goes as far as saying that sovereignty may be increasingly defined not by power to insulate one's state from external influences, but by the power to participate effectively in international institutions of all kinds (Nolte 2010).

I will now explain each of the three previously identified mechanisms through which regional actors exercise influence in greater detail.

i. Mechanism I: Provision of Tangible Support

This refers to the ways in which states in the region, most often as states (rather than through institutions), provide tangible support to a secessionist movement, or to the government to help defeat a secessionist movement.[28] This support can take a variety of forms. It can include the provision of military supplies and training. In the most extreme cases, actors in the region may fight alongside the movement, or alongside the government against the movement. Tangible support can also include the provision of sanctuaries for combatants and other forms of aid, including economic assistance.

While the provision of tangible support to either side of the conflict is not limited to states in the region, these actors tend to play this role more frequently than actors outside the region. First, as mentioned above, actors in the region tend to have a greater interest in the conflict, since they are most likely to suffer the destabilizing effects of the conflict. The greater the interest, the more likely it is to translate into action. Second, if states have an interest in developments but do not want to be seen as supporting one side (particularly if it is the secessionists), their proximity allows them to provide covert support. This is especially true for contiguous states, who have often been the most active states in secessions.

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[28] If states provide tangible support through institutions, it will most likely be in support of the government against the secessionist movement. Accusations of violating state sovereignty will limit the actions a regional organization will take in support of a secessionist movement.

ii.   Mechanism II: Diplomatic Role

The second mechanism is a diplomatic one. It refers to: (a) the ways in which regional state actors can frame the context of the conflict and its resolution; (b) the ways in which regional actors can frame the context of the conflict and its resolution; and (c) regional states making decisions regarding recognition. There are a number of ways in which they can do this. First, regional actors are often best situated to mediate a conflict. Regional actors may be more willing than distant actors to do this because of their higher level of interest in the conflict. They are able to dedicate more time to the negotiating process. Further, regional actors can be more readily perceived as legitimate mediators whereas actors beyond the region are often accused of interfering. Even when this is not the case, the home state from which a secession is occurring may still accept regional actors as mediators. Regional actors, particularly if they have been providing assistance to parties to the conflict, may be seen as crucial participants if a resolution is going to have any lasting effect. In this sense regional actors may not be perceived as the most legitimate mediators, but they may be perceived as the most necessary ones. Sudanese President Bashir accepted the mediation of neighboring states that he knew had supported the secessionist opposition. He felt that without their involvement the conflict could never be solved. Once involved in mediating a conflict, regional states have the opportunity to shape a desirable outcome.

Outside of a negotiating process, regional actors (particularly regional powers) can frame the conflict to the international community in ways to encourage or discourage involvement. Finally, regional state actors can choose to recognize or withhold state recognition. Recognition by states in the region can raise the legitimacy of a movement's quest for statehood, and, particularly when state actors beyond the region have chosen to defer to the region, can be determinative.

As is shown above, regional actors can play this diplomatic role either through institutions or independently.

iii.   Mechanism III: Regional actors' ability to shape great power foreign policy

While this mechanism may appear outwardly similar to aspects of the previous mechanism, it is sufficiently different to warrant its own category.   The prior mechanism included the diplomatic role that regional actors can play in shaping the course of negotiations, as well as the ways in which regional actors intentionally encourage or discourage actors beyond the region from getting involved. This mechanism, however, addresses how great powers take regional politics into account when formulating foreign policy regarding a secession. Unlike the prior mechanism, it focuses exclusively on great powers (rather than including other international actors). It also addresses the interests of great powers more broadly, and explains how regional actors can shape great power foreign policy even when regional actors are not taking proactive steps to do so.

In order to understand how regional actors can shape great power foreign policy, it is first necessary to identify what a great power is.   Mearsheimer suggests that great powers are determined largely on the basis of their relative military capability. To qualify as a great power, a state must have sufficient military assets to put up a serious fight in an all-out conventional war against the most powerful state in the world (Mearsheimer 2001, Levy 1983).[29] In terms of influence, Buzan and Wæver differentiate between great powers, which act and have an impact on the global level, and regional powers, whose influence may be large in their regions but have less of an impact on the global level (2003). According to Coggins, the great powers are the five

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[29] He elaborates that the power does not need to have the capability to defeat the most powerful state but it must have some reasonable prospect of turning the conflict into a war of attrition that leaves the dominant states seriously weakened, even if that dominant state ultimately wins the war (Mearsheimer 2001, 5).

permanent members of the UN Security Council, the United States, the United Kingdom, France, China, and Russia (2011). Sterio assumes the same, but adds Italy, Germany and Japan (2013).

Great powers are frequently given an enormous amount of credit for developments in international politics. According to Kupchan, "great powers are the main actors in international affairs, as their influence extends well beyond their borders, shaping the pattern of their influence on world political decision-making with an attempt to shift that influence toward their interests" (Kupchan 2003, 3). Sterio argues the success or failure of a secessionist movement can be explained through the interests of great powers. Secession will only happen when it is supported by the great powers (Sterio 2013). Coggins argues that the great powers are the most influential in spreading international recognition of a new state. The permanent five members of the UN Security Council have the ability to prevent new membership to the UN.[30]

Among the great powers, the United States has been conceptualized as a "hegemon," a "super-empire," even as a "hyper power" (Kaim 2008, 1). These terms suggest that the U.S. is *the* great power in international relations that can force other states to do what it wants. In Katzenstein's world of regions, the United States is the only great power that really matters. The United States maintains a global presence, and its power and preferences are critical to the shape and functioning of all regions (Katzenstein 2005, 632). As the United States stands above the other great powers in terms of its military strength, the reach of its power, and the extent of its activities across the globe, my focus on great powers primarily focuses on the United States. This

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[30] To be admitted, an applicant must be voted on by the General Assembly following a recommendation by the Security Council. The veto power of the permanent five members can block such a recommendation. As mentioned earlier, the UN does not have the authority to grant or withhold state recognition.

focus will not be exclusive, however, and, to the extent that other great powers have policies relating to a secession, I will address them.

In response to those scholars who argue that it is the interests of the great powers that determine when secessions will happen (Sterio 2013, Coggins 2014), I have two points. First, great powers do not always have an interest in the outcome of a secession. Secessionist movements often exist in states that are of no particular geostrategic importance to the great powers. When no great power has a special interest in the outcome of a secession, it will be of no use to look to them to understand success or failure. If a great power is neutral on the outcome, it does not necessarily mean that a movement is doomed to fail. When a great power has no interest in the outcome, it is necessary to look to regional actors.

Second, to the extent that a great power has an interest in the outcome, it will take regional actors into consideration when determining foreign policy. These considerations may include issues relating to regional stability or a great power's existing relationships in the region. It is these considerations that I will discuss as the third mechanism.

The United States is a status quo great power. Its default position on secession is, therefore, maintaining the integrity of territorial borders. This position, however, is not set in stone.[31] As then U.S. State Department's Director of Policy Planning, James Steinberg, stated, "obviously, all claims to self-determination cannot be treated the same way" (Carley 1997, 2). The United States has a strong interest in regional stability, as well as maintaining valuable relationships with other states (Farkas 2003). To the extent that the maintenance of territorial integrity undermines regional

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[31] Addressing the sovereignty norm broadly (rather than only state recognition), Krasner discusses how while powerful states may use coercion to impose alternative institutional arrangements on weaker actors, they will only do so if the benefits outweigh the costs. When the costs outweigh the benefits, powerful states' default position will be in support of the sovereignty norm (Krasner 2001).

stability or disrupts an important relationship that the United States has with another state in the region, this default position will shift to one in support of secession (Paquin 2010).[32] The key issue for the United States in relation to Kashmir separatism was to avoid another Indo-Pakistani war (Carley 1997, 7), an indication of the importance of regional stability in U.S. foreign policy decision-making.

Regional stability and the preferences of a regional power can often be difficult to disentangle. In many cases they overlap entirely. For example, India ultimately militarily intervened in Pakistan in support of Bangladesh's secession. Any great power intervention to counter that support would certainly have lengthened and intensified the conflict, leading to greater regional instability. Therefore, a policy that is best for regional stability may oftentimes align with the preferences of the regional power.

I argue that the above three mechanisms provide the link between regional actor preference and the outcome of a secessionist conflict. The first two mechanisms address decisions made by regional actors, while the third mechanism focuses on the conflict from the perspective of one or more of the great powers. These mechanisms are each significant for different reasons and complement each other. Most successful secessionist movements are likely to receive tangible support from regional actors. Secessionist movements are generally not on par (in terms of military strength) with the state from which they wish to secede, and without the help of external actors most of these movements would be crushed. However, the provision of tangible support alone, is not sufficient. At best, it can help a movement gain *de facto* statehood status. As the case of

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[32] U.S. support for regional stability will be particularly strong in areas of long-standing U.S. strategic interest.

Somaliland shows, *de facto* statehood status does not inevitably lead to *de jure* status, i.e., international recognized statehood.

For international recognition, regional actors must diplomatically support secession, which is the second mechanism. To the extent that the region supports secession, and the great powers have no interest, a secessionist movement will succeed in achieving statehood. To the extent that the region supports secession and the great powers *do* have an interest, regional preferences will influence great power foreign policy. As discussed, great powers will pay attention to regional stability, which often aligns with regional power preferences. If regional actors can influence the great powers to support a secession (through recognition), then the great powers' ability to initiate a "cascade of legitimacy" (Coggins 2011) will pave the path to international recognized statehood.

If my argument is correct, a number of hypotheses follow:

1. If there is no regional support for a secessionist movement, it will not succeed in achieving statehood. With no regional support, the movement will likely be crushed before great powers have the opportunity or incentive to get involved.

2. Regional actors will play an integral role in gaining or facilitating great power support for a secession.

3. Where there is a significant power imbalance between a regional power and other actors in the region, the regional power will determine the success of a secession.

4. Factors endogenous to a secessionist movement (e.g. ideology, tactics, or military strength) are significant in terms of its success only to the extent that those factors affect regional states' relationships with the movement.

5. International law on group rights to self-determination or states' duties regarding the recognition of other states have little to do with the success of a secessionist movement.

Conclusion

This chapter has explained why we need to look to regions to understand when secessions will happen. It has explained why regional actors get involved in secessionist conflicts and, once they do, how they affect the outcome of a secession. The discussion of the three mechanisms through which regional actors influence the outcome is intended to create a framework within which to analyze empirical data in the following chapters.

In the following three chapters I analyze the role of regional actors in secessions and attempted secessions, through the mechanisms outlined above. The following chapter focuses on the Horn of Africa region, analyzing the cases of South Sudan and Somaliland. Chapter 4 focuses on South Asia, analyzing the cases of Bangladesh and the Tamils in Sri Lanka. Chapter 5 focuses on Europe, analyzing the cases of Slovenia and the Basque Country in Spain.

Chapter 3: Secession in the Horn of Africa

Introduction

This chapter discusses secession in the Horn of Africa, focusing on the cases of South Sudan and Somaliland. South Sudan is one of the rare examples of a successful secession. It emerged as the newest state in the international system on July 9, 2011. In a referendum on secession in January of that year, over 95% of voters chose to secede. While Sudanese President Omar al Bashir ultimately agreed to the referendum, the fact that Sudan had been in a state of civil war involving separatist movements for almost 40 of the 50 preceding years demonstrates that this was no easy consensus on separation. Somaliland, on the other hand, declared independence in the midst of Somalia's civil war in May 1991, and, over twenty years later, has yet to be recognized as independent by any state.

The secession of South Sudan and the attempted secession of Somaliland have a number of similarities, and some of the ways in which they differ would suggest an alternative outcome, i.e., that Somaliland should have achieved international recognition. I argue that the difference between South Sudan and Somaliland that can explain the success of one and ongoing failure of the other is the role of regional actors. In South Sudan there was a large degree of regional involvement and ultimate support for the secession. In Somaliland, however, there was little support for the secession, and, in fact, opposition among many of the regional actors.

In this chapter, the "region" refers to a broad understanding of the Horn of Africa, which aside from Sudan and Somalia, also includes: Kenya, Ethiopia, Eritrea, Djibouti, and Uganda.[33] Both Somalia and Sudan are also members of the Arab League, and Egypt, as a fellow member

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[33] I refer to a broad understanding because Sudan is sometimes referred to as part of the Nile Valley, and Kenya and Uganda are sometimes referred to as part of the African Great Lakes.

and neighboring state of Sudan, has historically played a role in regional politics concerning these two states. While the focus will be on the Horn of Africa, this chapter will address the role of Egypt, particularly with respect to Sudan.

This chapter discusses South Sudan and Somaliland separately, providing some historical context, before focusing on the specific ways in which regional actors facilitated or obstructed the secession. The purpose of this chapter is to distinguish between the roles that regional actors played in each case and to demonstrate that these roles were decisive in terms of whether the secessionist movement would achieve internationally recognized statehood.

SOUTH SUDAN

Table 1: Timeline of Events in Sudan, 1955-2011.

DATE	EVENT
1955	Civil war breaks out.
1956	Sudan gains independence.
1964	Civilian uprising results in parliamentary democracy.
1969	General Nimeiri comes to power in a military coup.
1972	Addis Ababa Peace Agreement ends civil war.
1983	Civil war breaks out again.
1985	Popular uprising overthrows President Nimeiri and results in parliamentary democracy.
1989	National Islamic Front (NIF) Coup overthrows democratically elected Prime Minister Mahdi. Omar Al Bashir becomes president.
1991	Ethiopian President Mengistu is overthrown. SPLM/A splits into 2 factions.
1993	IGADD takes lead in efforts to mediate peace in Sudan.
1994	Clinton administration launches frontline strategy providing economic and military backing to Eritrea, Ethiopia and Uganda.
1998	Outbreak of Ethiopian-Eritrean war. In response to bombings of U.S. embassies in Nairobi and Dar-es-Salaam, the U.S. launches a cruise missile attack on Sudan's Al Shifa pharmaceutical plant.
2000	Eritrean-Ethiopian war ends.
2001	IGAD reignites Sudan peace initiative. Kenyan General Sumbeiywo appointed IGAD's chief mediator.
2002	A ceasefire is agreed and the Machakos Protocol is signed.
2005	Comprehensive Peace Agreement signed.
2011	Referendum on secession results in independence of South Sudan.

While events and trends dating back to British colonial policy can account for the emergence of the secessionist movement in Sudan, the period most useful for understanding its

success begins with Sudan's second civil war, starting in 1983. Therefore, this case study focuses primarily on the period between 1983 and 2011.

This section on Sudan is organized into three parts. The first part provides some historical context. It briefly outlines Sudan's independence in 1956 and gives an overview of Sudan's first civil war and ensuing period of peace. While Sudan's first civil war is not the primary focus of the chapter, its significance is twofold. First, it sheds light on why secessionist sentiment was ever popular in southern Sudan. Second, and more importantly, the experiences of the first civil war heavily shaped the way in which the secessionist movement in the second civil war was organized, how it marketed itself, and the concessions it was ultimately willing or unwilling to accept from the central government. This part then focuses on the second civil war and the process leading up to the Comprehensive Peace Agreement in 2005 and ultimate secession in 2011. As the most significant time period, this part will provide more detail on Sudanese politics and the various actors involved in the conflict and peace process. It tells the story of the events leading up to the secession, providing context for the various roles that regional actors played.

The second part addresses South Sudan's justification for statehood, assessing the strength of South Sudan's legal and political bases for statehood. The third part focuses exclusively on the significance of the role that regional actors played in the movement's success. It explains the various ways in which regional actors steered the process, demonstrating that the secession could not have happened when it did without their involvement.

I.   Historical Overview

Sudan was the largest country in Africa, with a population of approximately 35 million. The southern part of the country spanned almost a third of the entire territory and accounted for a little over a quarter of its population. The majority of the inhabitants in the South are of African

descent and practice a number of animist religions, with a Christian minority. In the North, while the majority is of African descent, there is a large Arab minority. The overwhelming majority of the population in the North practice Islam (Deng 2010, 8).

Prior to British colonization much of the interaction between the North and South was through the slave trade, with northern Sudanese Arabs conducting slave raids in the South (Laki 1996, 8). The British seized power in Sudan through the Anglo-Egyptian conquest of 1898 and immediately implemented what became known as the "Southern Policy," treating the North and South as completely separate entities. The main consequence of the Southern Policy was twofold: the lack of interaction between the Muslim and non-Muslim peoples magnified their cultural and political differences; and the colonial concentration of economic, political and administrative developments in the North created vast social and economic inequalities between the two regions (Metelits 2004, 69). Although the British thought that the South could be integrated into East Africa when Sudan became independent, a number of northern Arab politicians persuaded key southern leaders to join in one country, and in 1947 the Southern Policy was reversed (Collier and Sambanis 2005, 195).

Prior to independence, and most certainly after it, the Sudanese government emphasized the Muslim and Arab identity of Sudan. The Southerners felt politically and culturally marginalized. They did not have a proportional role in the political, administrative or military systems. Their indigenous languages and religions were not recognized, and their requests for a federal system were denied (Wöndu 2000, 1). A civil war broke out in 1955, beginning with a mutiny of the Equatoria Corps, less than a year before Sudan's independence.

a. The First Civil War till the End of the Addis Ababa Peace 1956 -1983

Sudan's civil war lasted from 1955 until 1972. Rebel forces, who called themselves the Sudan African Nationalist Union, commonly known as the Anyanya, fought the North during this period. Anyanya's goal was the secession of the South, which it defined as an act of liberation from colonial rule and foreign domination (Metelits 2004, 69). During the first years of the war, the Anyanya was a loosely knit guerrilla group, with no external military support, armed primarily through thefts from police outposts, or through the defection of southern police or soldiers (Johnson 2011, 31). However, by the mid-1960s it improved its capabilities through the interception of arms shipments from the Sudanese government to the Simba rebel movement in the Congo (Ibid.).

A military coup ended Sudan's longest attempt at parliamentary democracy in May 1969. Lieutenant General Nimeiri took power and within three years had signed the Addis Ababa Peace Agreement to end the war. During this period, more than a million southerners had been driven from their homes, the majority of whom had fled to Uganda (Id., 32).

The Addis Ababa Agreement provided a number of accommodations to the South, all short of independence. A new southern capital was established in Juba along with a regional government for the South. The Anyanya would be absorbed into the national armed forces, and the southern Sudanese exiles from neighboring countries would be repatriated (Laki 1996, 14). While Arabic remained the official language of Sudan, English was now designated as the principal language for the southern region (Wöndu 2000, 5).

Over time however, the Agreement failed to satisfy the South. This was partly due to the continuing gap between promises made in the Agreement and reality, and partly due to developments outside of the scope of the Agreement. In practice, the central government did not

allow the Southern region to exercise its autonomy to the extent agreed. General Nimeiri continuously intervened in the affairs of the South. While Anyanya forces were meant to fully integrate with national forces after a cooling off period of some years, they were in fact mixed immediately. The government then instituted a policy of retiring them and not replacing their ranks with new southern cadets (Id., 6).

Outside of the Agreement, the central government took a number of steps that angered the South. When oil was discovered in the southern province of the Upper Nile in 1979, the central government decided that it should receive the generated income. It attempted to modify the administrative boundary the British had created, to enlarge the northern territory at the expense of the South. It then re-divided the South into three autonomous regions, which would undermine the South's unity and political strength (Hutchinson 1996). Finally, Nimeiri introduced the Islamic penal code Shari'a in September 1983 (Metelits 2004, 70). All of this occurred within the context of a deepening economic crisis, made worse by World Bank and IMF-required economic adjustments.

Throughout this period, small guerrilla groups did continue to exist. While the majority of the Anyanya had accepted the Addis Ababa Agreement, a minority had never done so. Anyanya II was a generic term that applied to the guerrilla groups operating during this period (Johnson 2011, 60). The Sudan People's Liberation Movement/Army (SPLM/A) formed in the summer of 1983, under the leadership of former Anyanya officer, Dr. John Garang de Mabior. By July of that year about 2,500 soldiers had defected to the new SPLM/A base being established in Ethiopia. This was in addition to the already armed Anyanya II troops. By the end of the year Sudan had fallen into civil war again. This time the war was triggered by the mutiny of two battalions in three Sudanese Army garrisons in southern Sudan (Ali *et al* 2005).

b. The Second Civil War to the Comprehensive Peace Agreement 1983-2005

There was some continuity between the Anyanya and the SPLM/A since a number of members had fought in both wars. However, there were also important differences. The SPLM/A was a better organized group, both politically and militarily. It was more diverse. It became the first armed opposition group that also maintained deep tribal and sectional cleavages within its ranks (Id., 200).[34] In its manifesto, the SPLM/A identified its allies as "progressives" throughout Sudan, Africa and the world. It listed its enemies as religious fundamentalists, local "warlords" of the Anyanya II, who had resisted incorporation into the SPLM/A, and northern and southern elites who continued to benefit from and support the Addis Ababa Agreement even when it became clear that its provisions were not being met (Johnson 2011, 65).

The SPLM/A was also more calculating in how it set out to achieve its goals and, as a result, had a more fluid approach to how it presented itself. Initially, it was heavily influenced by Marxism, an attribute related to the fact that its largest external backer at that time was the Marxist regime in Ethiopia. It also tended to downplay any secessionist goals. The movement initially articulated its goal as a new, united Sudan. Rather than framing the issue as a southern Sudanese problem, the issue was framed as a more general problem of "Backward Areas" in the whole country (Id., 63). By framing their grievances in this way, the SPLM/A hoped to appeal to a broader base. They could appeal to groups inside and outside of Sudan that were hostile to both Bashir and southern independence. To that end Garang spoke of a "New Sudan," that would include genuine autonomous or federal governments for the various regions, a restructuring of the central government and a commitment to fight racism and tribalism (Garang 1987, 26). Many in the movement saw talk of unity as part of a strategy to gain broader support, and understood

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[34] The Anyanya had been primarily Equatorian (Johnson 2011, 30).

independence as the desired goal (Johnson 2011, 65). The SPLM/A's early recognition of the importance of support outside of Sudan marked it apart from the Anyanya and ensured that it would pose a more serious threat to the central government.

In 1985, a popular uprising overthrew General Nimeiri, and Sudan's next attempt at parliamentary democracy began in 1986 with Prime Minister Sadiq al-Mahdi. By this time the SPLM/A was enjoying almost unlimited support from Ethiopia.[35] They were provided with launching and training grounds, military supplies and radio wave access (Ali *et al* 2005, 209). The SPLM/A headquarters operated out of Ethiopia. Mengistu, the head of the military regime governing Ethiopia at the time, developed a close personal relationship with Garang. The SPLM/A also received support from neighboring Uganda. At one point there were several thousand Ugandan troops fighting alongside the SPLM/A in Equatoria (De Waal 2007, 10). When Uganda wasn't providing troops, it provided the SPLM/A with access to arms. The SPLM/A was also able to secure arms from Libya. At one point Libyan arms and ammunitions were ferried daily to training camps.

Unlike the Anyanya before them, the SPLM/A was able to move the war out of the South into Blue Nile, Southern Kordofan, and Darfur (Johnson 2011, 83). While the Anyanya had never held a town of any significance, by June 1989 the SPLM/A held three former provincial capitals, Torit, Bor and Nasir. These gains were made possible by Ethiopian and Ugandan support.

As the war continued, Prime Minister Mahdi became increasingly unpopular throughout Sudan. In 1989, the army issued an ultimatum criticizing his war strategy and demanding that he make peace. Negotiations began, and when a peace agreement was in sight, a group of Muslim officers in the army aligned with the National Islamic Front (NIF) staged a coup. The NIF insisted

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[35] Support for the SPLM/A was Ethiopia's response to Sudanese support for Ethiopian rebel movements.

that all of Sudan must remain an Islamic state and were unwilling to accept an agreement that would compromise on this point. This ended another attempt at parliamentary democracy and marked the beginning of the Bashir regime.[36] The regime immediately implemented a number of policies to consolidate its power and limit the freedom of Sudan's population. It banned public meetings, civil strikes, political parties and trade unions. It suspended independent newspapers and the secular constitution, declared a state of emergency, and began to rule by decree (Laki 1996, 17). The new judiciary was charged with the implementation of Shari'a law.

By 1990 the SPLM/A controlled large stretches of territory.[37] However, in the early 1990s the movement also experienced serious setbacks. The collapse of the Mengistu regime in Ethiopia in 1991 meant that the SPLM/A, and more importantly, Garang, lost its largest foreign supporter. Some SPLM/A members became increasingly disillusioned with Garang's leadership, which left little room for discussion on questions of accountability or strategy. Unable to oust him, the SPLM/A split into two factions, when Commander Riek Machar left the movement, taking some support with him (Metelits 2004, 70). The Machar faction became known as the SPLA Nasir, as Machar had been a commander in the Nasir region. SPLA Nasir publicly declared itself in favor of independence for the South. Garang's SPLM/A then had to fight on two fronts, against government forces and militias and also against the SPLA Nasir. The central government cultivated this faction and any others willing to fight Garang's SPLM/A. Khartoum's backing helped the faction to survive, but also helped to undermine it, as once it was publicly known, it severely delegitimized the group.

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[36] Bashir had joined the Sudanese Army in 1960, and while he did not remain continuously in Sudan, he did have some experience in both civil wars.

[37] It controlled the stretch of territory east of the Nile River, from Sudan's borders with Kenya and Uganda up to the mouth of the Sobat River. It administered almost the entire western Equatoria, and in rural Bahr el Ghazal it controlled all land routes (Ali *et al* 2005, 202).

Between 1989 and 1993 the NIF met with the SPLM/A in Addis Ababa, Nairobi, and twice in Abuja.[38] In 1989, the SPLM/A was in its military ascendency and was unwilling to negotiate. Government responses in the summer of 1992, after the collapse of the Mengistu regime, forced the SPLM/A back to the negotiating table (Mukhtar Hussein 2006, 18). All of these discussions stalled mostly over the issue of Shari'a law (Laki 1996, 17). Despite these meetings, the conflict continued to escalate through the 1990s. As both sides relied heavily on oil wealth, the distribution of profits from oil fields located along the North-South divide became an increasingly contentious issue between them (Mustafa Medani 2011, 138).

In 1993 the Inter-governmental Authority on Drought and Development (IGADD) first assumed responsibility for bringing peace to Sudan. IGADD had been a sub-regional organization established in 1986 with a narrow mandate around issues of drought and desertification. Beginning in the early 1990s it became an accepted vehicle for regional security and political dialogue. Its members included: Ethiopia, Uganda, Djibouti, Somalia, Kenya, and Sudan. Eritrea became a member in 1993.[39] It created a Standing Committee on Peace in Sudan, whose membership included Kenya, Uganda, Ethiopia and Eritrea. Together with the two SPLM/A factions, IGADD agreed to a draft Declaration of Principles, which endorsed the right of self-determination and the importance of establishing a secular democratic state in Sudan as a precondition for unity. IGADD's interpretation of self-determination included the possibility of secession for southern Sudan. Khartoum initially rejected the draft but eventually accepted it as one of the bases for negotiation with a number of reservations (Woodward 2006, 123). In 1995, a federal system of

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[38] The NIF changes its name to the National Congress (NC) in 1998.
[39] IGADD underwent a restructuring in 1996 to officially become a political, economic, development, trade and security entity. Its name changed to the Inter-governmental Authority on Development (IGAD).

government was instituted as an attempt to accommodate the insurgents. However, southerners were underrepresented so it did little to pacify them.

After some setbacks, the SPLM/A went on the offensive again in 1995-96, making significant advances. A number of factors contributed to its success. The first was an increase in Ugandan support. In response to Khartoum's bombing of Ugandan towns in an offensive against the SPLM/A in 1995, Ugandan president Musevini severed diplomatic ties with Sudan and stepped up its cooperation with the SPLM/A (Creative Associates International (CAI) 1996). Sudan accused Uganda of invading its territory on a number of occasions during this period, accusations which Uganda denied. Eritrea also increased its support for the SPLM/A. Starting in 1995 it offered up training bases in its western region. In 1995, Eritrea also hosted a conference for all Sudanese opposition groups. These groups had created the National Democratic Alliance (NDA), an umbrella organization a few months after Bashir came to power in 1989, with the aim of combatting the Bashir regime. It included some 16 parties and 61 trade unions. Differences between the parties had stalled cooperation, but the Eritrean sponsored conference helped breath some life back into the organization (Hassan 1993, 15).

Although relations between Sudan and a number of IGADD states had not been friendly prior to the peace initiative, relations deteriorated further, and by 1996 were sufficient to stifle Khartoum's political will to continue talks at all. The war between Ethiopia and Eritrea from 1998-2000, and the escalation of the conflict in the Democratic Republic of Congo, in which Uganda was heavily involved, took all three states out of the picture entirely.

During this period Libya and Egypt launched a joint initiative for peace in Sudan. Egypt was concerned with the sub-Saharan Africa domination of the earlier IGADD process and this

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attempt reflected the opposition by Egypt and Libya to self-determination for the South. This attempt ultimately withered.

IGAD reignited the initiative in 2001. Kenya took the lead role in its new formation and Kenyan President Moi personally appointed Special Envoy Kenyan General Lazaro Sumbeiywo as mediator. The Declaration on Principles drafted in 1994 provided the starting point for negotiations. By this time a number of states outside of the region were expressing concern over the ongoing humanitarian crisis in Sudan and articulated an interest in seeing an end to the conflict. The United States was one of these states and decided to help move the peace process forward by working through the existing IGAD mediation. The United States, the United Kingdom, and Norway became known as the "friends of IGAD" and the "troika." Italy later joined them (Ahmad 2010, 7). Most of this help came in the form of funding.

As part of this process a ceasefire was agreed in the Machakos Protocol, signed in Machakos, Kenya in 2002. By this time more than 2 million southerners, mostly civilians, had been killed. The Protocol was the foundation for the Comprehensive Peace Agreement (CPA). It affirmed the right of self-determination for southerners and provided for extensive southern autonomy, pending a referendum on independence.

> …the Parties hereto hereby agree…That the unity of the Sudan, based on the free will of its people, democratic governance, accountability, equality, respect, and justice for all citizens of the Sudan is and shall be the priority of the parties and that it is possible to redress the grievances of the people of South Sudan and to meet their aspirations within such a framework…That the people of South Sudan have the right to self-determination, inter alia, through a referendum to determine their future status … That the people of the Sudan share a common heritage and aspirations and accordingly agree to work together to … Design and implement the Peace Agreement so as to make the unity of the Sudan an attractive option especially to the people of South Sudan.
>
> Machakos Protocol, 20 July 2002.

The parties agreed to: disarmament, demobilization and reintegration programs, wealth sharing mechanisms for the various provinces, the creation of a Government of National Unity (GoNU), and the separation of state and religion. While the referendum on independence was a massive concession to the separatists, it was at the same time designed to induce Bashir's regime to make a unity vote "an attractive option" (Mustafa Medani 2011, 136). To that end, it was to take place after a six-year period (dated from July 2005). National elections would be held prior to a referendum to promote greater democracy in the entire country and ultimately encourage southerners to vote for unity (Ibid.).

Following the Machakos Protocol were negotiations in Naivasha, Kenya, to finalize what became the CPA. The Naivasha process was aimed at adding detail to the substance of what had been agreed in the Protocol. The CPA ultimately included 1,100 specific tasks (Carney 2007, 8). The demand for such a high level of specificity was largely due to the southern experience with the vagueness of the unsuccessful 1972 Addis Ababa agreement. This time southerners wanted all of the North's obligations to be clearly spelled out.[40]

The CPA faced an uphill battle. As Johnson points out, the political and economic equality the South demanded could only be granted through a democratic transition (Johnson 2011, 168). While a democratic process could begin in 2005, a full transition would take longer than six years. Therefore, the North would have to trust that the population in the South would be able to distinguish between where the political system stood in 2011, and where it was ultimately heading. Further, much of the hope for democratic transformation in 2005 rested on expectations of Garang's role in government and his anticipated run for president in the elections to be held in the

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[40] The CPA also formed part of the new Interim National Constitution, and to alter it would require a constitutional amendment (Carney 2007).

interim period. Northern opposition parties saw him as the only way to oust Bashir. His death less than a month after the CPA was signed shook the already weak foundations of the CPA.

c. The Implementation of the CPA to Secession, 2005-2011

Similar to the disillusionment after the Addis Ababa Agreement, the SPLM/A soon became convinced that the central government would never meet its obligations under the CPA. By 2007, the Council of Ministers for IGAD concluded that the implementation of the CPA was "lagging behind schedule" and urged an extraordinary meeting of the IGAD Heads of State to be held to consider the problem (IGAD Report, 2007).

Shortly after signing the CPA, the South complained that it was not receiving its 51% share of oil revenues as stipulated in the Wealth Sharing Protocol (Carney 2007, 9). Further, the figures Khartoum regularly published on its earnings from the oil industry were unverifiable, and suspected by many (both inside and outside Sudan) as being inaccurate. 98% of the Government of South Sudan's (GoSS) income came from oil, so the inability to verify these figures was a serious issue. According to the Wealth Sharing Protocol, Khartoum's responsibilities regarding the distribution of profits differed depending on the origin of the oil. The fact that Khartoum and the SPLM/A could not agree on the demarcation of the borders further complicated this problem. The Abyei area presented a particularly difficult obstacle.

The more general problem with the CPA was its failure to democratize Sudan. The interim constitution provided for legislation regulating essential civil liberties; however, existing legislation was never brought in line with these provisions. Internal security was undermined by Khartoum's continued support for other armed groups, whether along the border areas or within the South. At the national level, inclusion of the SPLM/A in the ministries of the Government of National Unity did not lead to a greater influence over state policies. Many Southerners did not

seek appointments in the civil service, seeing their future mainly in the South, but both ministers and civil servants often complained that they were ineffective and irrelevant because the National Congress Party (formerly the NIF) was embedded in the central ministries and controlled them (Johnson 2011, 168).

Despite a number of issues, the SPLM/A did initially continue to, at least outwardly, express hope for a united Sudan. Their second National Convention was held in May 2008 under the theme: "No to War, Yes to New Sudan" (AU Meeting notes 2008). However, as it became increasingly clear that Khartoum was not going to stick to its side of the bargain, the SPLM/A soon began to focus exclusively on the independence referendum and winning international recognition for South Sudan (Mustafa Medani 2001, 147). SPLM/A member Salva Kir, who had become the Sudanese Vice President, began to neglect the national stage, which effectively put an end to the SPLM/A's New Sudan project, though it was never formally abandoned (Johnson 2011, 176).

National elections were held in 2010, after being postponed three times. They were ultimately seen as so flawed that they likely contributed to the secessionist vote rather than the intended purpose of the elections to help spread democracy and make unity more attractive. When the referendum on secession did happen in January of 2011, there was a 98% voter turnout and less than 3% of southerners voted for unity.

While a referendum on secession was written into both the Machakos Protocol (2002) and the CPA (2005), most of the actors involved did not see the secession of South Sudan as an inevitable outcome. The provision was included as a way to pressure the central government in Khartoum to fulfil its obligations under the CPA and to take every measure necessary to make a unity vote attractive to the South. The South had already experienced the disappointment of empty

promises in the Addis Ababa Peace Agreement of 1972. The CPA would be different because with the inclusion of a referendum provision, the costs to the central government of non-compliance were simply too high. In this sense, the referendum on secession was not included because it was thought that secession was necessarily the best way to end the war; it was included because it was thought that the threat of it was the best way for peace and a *united* Sudan.

Additionally, Garang had for many years promoted the notion of "One Sudan." Unlike the Anyanya in the prior civil war, or the SPLM/A Nasir faction, he did not openly advocate for independence. Whether Garang's "One Sudan" was merely a savvy cover designed to gain the support of actors outside of Sudan, or whether he truly believed in it, it nonetheless helped the peace process because it lessened the North's concerns over the inclusion of the referendum provision.

Given the way in which the referendum was introduced into Sudanese politics, a number of questions arise: if secession was not the intended outcome, why did the referendum take place; why were its results respected; and why did the world immediately recognize South Sudan as an independent state? The central government in Khartoum had failed to fulfill its obligations under the Addis Ababa Peace Agreement. It failed to fulfill its obligations under the CPA. The elections it held in 2010 were hopelessly flawed. What made it fulfill its obligations regarding the referendum?

I argue that the referendum took place and was respected because the cost of reneging was simply too high for Khartoum. The cost was much higher regarding the CPA than the Addis Ababa Agreement because of the heavy involvement of multiple external actors. However, before explaining the significance of the actors in the region it is necessary to first address existing justifications for South Sudan's independence.

II.   Arguments for Statehood

This section will first assess the strength of South Sudan's claim to statehood under international law. It will then assess the strength of existing political explanations for when secessions should succeed as applied to this case. In terms of international law there are three relevant areas to address: existing international law under the African Union on *uti possidetis*; the criteria under the Montevideo Convention; and the right to self-determination.

The Organization of African Unity (OAU), the predecessor to the AU, articulated the principle of *uti possidetis* in its first ordinary session in Cairo 1964. According to this resolution, all OAU member states pledged themselves to respect the territorial borders that existed at independence. Colonial borders would remain unchanged. This principle was carried through to the AU. The secession of South Sudan clearly contradicts this resolution, as Sudan's territorial borders included all of South Sudan at independence.

The Montevideo Convention on the Rights and Duties of States (1933) lays out four commonly accepted criteria for statehood. These include: a defined territory, a permanent population, a functioning government, and the ability to enter into foreign relations. Although there are some disputes regarding South Sudan's borders, it is likely that it meets the territorial requirement. It also has a relatively sizable constant population. Regarding a functioning government and its ability to enter into foreign relations, South Sudan is likely to stumble. South Sudan never achieved the political autonomy it sought, and so there was little room for the evolution of the institutions necessary for an effective government. Consumed by civil war, South Sudan was unable to enter into foreign relations with any other states.

Self-determination refers to the right of a "people" to freely determine their political and economic status. To be considered a "people," a group must share a number of traits; these can

include, a common racial background, ethnicity, language, religion, history and cultural heritage, and the group must perceive itself collectively as distinct. South Sudan certainly developed a sense of identity distinct from the rest of the country, but it is not so clear that the people of South Sudan constitute a "people" for the purposes of self-determination. South Sudan is made up of multiple ethnic groups speaking over 60 different tribal languages. Some South Sudanese are Christian, while most practice a variety of indigenous relations.

The second part of the self-determination test analysis is easier for South Sudan to pass. This refers to whether the "people" actually enjoy the right to determine their political and economic status. This right is deemed to have been met in a representative democracy. Although South Sudan did achieve autonomy under the CPA this autonomy was more rhetoric than reality, giving South Sudan an argument for the right to external self-determination.

The above analysis demonstrates the inadequacy of explanations for South Sudan's secession based on international law. South Sudan meets only half of the requirements for statehood according to the Montevideo Convention; it violates the pledge made by all African states that colonial borders would remain unchanged (*uti possidetis*), and its claim to self-determination is relatively weak, since it is unclear whether it can reach the threshold requirement of constituting a "people."

Other explanations for why secessions should succeed include, the military strength of a movement, the existence of a *de facto* state, the political organization of the home state, and the strength of the demonstration effect. The SPLM/A was militarily strong. They made significant gains during the war, and while they also endured significant losses, the North was never able to decisively beat them. However, the SPLM/A was not always strong, and in the 1980s and 1990s its strength was supplemented by weapons, training camps, and even fighters from neighboring

states. While the North's inability to decisively beat them did lead to a peace agreement, that alone, did not lead to secession. After all, the possibility of secession had not been included in the Addis Ababa Agreement that ended the first civil war in 1972. The North had been unable to decisively defeat the Anyanya and the Anyanya had been more explicit than the SPLM/A on its demands for secession.

Others have suggested that secessions are more likely in ethnically concentrated federations (Bunce 1999; Roeder 2007; Smith 1991; Gurr 1993a). While the central government in Sudan did claim to establish a federal system of government in 1995, the practical result was a system where the south was not able to exercise the autonomy it had been promised, and the power remained with the central government. Had a federal system truly existed, the South was made up of a number of ethnicities, so the area was not ethnically concentrated.

Finally, some scholars suggest that the strength of what has been termed a demonstration effect will determine the ferocity with which a state will suppress a secessionist movement (Toft 2003; Walter 2006). A demonstration effect refers to the inspiration that a successful secession can provide to other potential secessionists within a state. Therefore, the demonstration effect will be stronger the more ethnic groups exist within a state. Implicit in this argument is the notion that if a state could be assured that a secession would be the only secession, it would be more likely to allow it to happen. It does not appear that the central government in Sudan was concerned about a demonstration effect, although it was determined to crush the SPLM/A. The civil war in Sudan lasted almost 40 years. It would be difficult to argue that the central government was somehow accepting of the secession.

<center>**III. Role of the Region**</center>

Considering the length of the Sudanese civil war, it is perhaps not surprising that a number of actors outside of Sudan were involved in the conflict in one way or another. The level of involvement, of course varied; some states sent troops into Sudan while others provided only diplomatic support. The involvement also varied over time; some states played a more significant role during the conflict, while others played a more significant role in the peace process. What further complicates the picture is the fact that the relationships between the Sudanese central government and external actors, or the SPLM/A and external actors, were not static. They changed over time, often tracking regime changes within these states.

What follows is an analysis of the role regional actors played in the secession of South Sudan. For the sake of clarity, and also for easier comparison, the role of regional actors is divided into three previously mentioned mechanisms. First I will discuss the role that regional actors played in providing direct tangible support to the SPLM/A. Second, I will explain the diplomatic role regional actors played. Finally, I will discuss how the region shaped great power foreign policy regarding the secession.

a. Mechanism I: Provision of Tangible Support

As the previous section demonstrates, a number of Sudan's neighboring states played a direct role in the SPLM/A's survival. What follows is an explanation of the ways in which Ethiopia, Uganda and Eritrea each contributed to the SPLM/A in the period from the SPLM/A's emergence in 1983 until the late 1990s, through the provision of direct tangible support.

Ethiopia

Sudan and Ethiopia had been involved in each other's civil unrest since at least the 1960s. The Gambela Peoples' Liberation Front (GPLF) and the Oromo Liberation Front (OLF), two

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insurgent movements in Ethiopia, were supported by the Sudanese Government and operated in both Ethiopia and Sudan in the early 1980s. The OLF in particular, worked closely with the Sudanese army and was often garrisoned alongside them inside Sudan (Johnson 2011, 87). In response, the Ethiopian government supported the SPLM/A. The SPLM/A attacked the GPLF and OLF in both Sudan and Ethiopia, as a way of indirectly attacking Khartoum and to gain more support from Ethiopia.

Throughout the 1980s Ethiopia was the SPLM/A's largest external backer. Mengistu pledged his support, stating "we will share with you whatever little Ethiopia can afford" (Madut-Arop 2006, 91). From the early 1980s the SPLM/A used Ethiopian radio waves to broadcast SPLM/A radio out of Ethiopia. Mengistu also provided the SPLM/A with the space in which to operate within Ethiopian territory, as well as military supplies (Ali *et al* 2005, 209). As Ethiopia and Sudan continued to support rebel movements in each other's territories, hostilities between them only increased. By 1989, the Mengistu regime threatened to invade Damazin if Khartoum continued to support Eritrean insurgents (De Waal 2007, 10).[41] By 1990, some SPLM/A members thought that Garang was allowing Mengistu to intentionally drag out the war between the SPLM/A and Khartoum, as a response to Khartoum's continuing support for insurgent forces (Johnson 2011, 93).

When the Mengistu regime was overthrown in 1991, it was replaced by a provisional government that had close links with the Sudanese army. Within days of taking power, the Transitional Government in Ethiopia closed down the SPLM/A radio that had broadcast out of Addis Ababa for almost a decade and made it clear that the SPLM/A had outstayed its welcome (Cliffe 1999, 92).

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[41] Damazin is the site of the Blue Nile dam, which supplies water to the Gezira and electricity to Khartoum. It is the capital of the Blue Nile state, located in South East Sudan, not far from the Ethiopian border.

However, friendly relations between Khartoum and Addis Ababa lasted only through 1993. The relationship deteriorated again in 1994. In January, Prime Minister Meles Zenawi warned Sudan against "exporting ideology and creating trouble" (Id., 98). He made it clear that he wanted an end to all destabilization activities in the region and was prepared to adopt a military solution to ensure it. Ethiopia did conduct military operations in Sudan between 1995 and 1998.[42] These military activities ended in May 1998 when war broke out between Ethiopia and Eritrea, which lasted until 2000. Both political and military support for the SPLM/A was severely limited during this time.

Ethiopia played a critical role in the survival of the SPLM/A. It was the first and most important external backer of the movement. Had it not provided sanctuaries and military support, it is difficult to see how the SPLM/A could have made the gains that it did. While Garang did work hard to diversify external support once the Mengistu regime collapsed, much of this support did not come until after the SPLM/A had existed for at least a decade. A weaker SPLM/A, with a home base inside of Sudan, would have been much easier for Khartoum to crush, particularly in the early years. In the mid-1990s, Ethiopia's military skirmishes with Khartoum indirectly helped the SPLM/A by preoccupying Khartoum, and allowing the SPLM/A some breathing room.

Uganda

Sudan and Uganda also have a long history of supporting rebel movements in each other's territory. Ugandan military support for the SPLM/A helped the movement to gain a significant amount of territory in Equatoria (the region bordering Uganda) in the 1980s. At times a number of Ugandan troops were fighting alongside the SPLM/A in Equatoria (De Waal 2007, 10). When Uganda wasn't providing troops, it provided weapons.

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[42] These included the defense of Parajok against a Sudanese offensive followed by a counterattack in 1995 and the capture of Yei and large parts of southern Blue Nile in 1997.

Ugandan President Yoweri Musevini frequently accused Khartoum of supporting the Ugandan rebel group the Lord's Resistance Army (LRA) (Inter Press Service New Agency, Nhial Bol, Nov. 1, 1995.)[43] LRA rebel activity in northern Uganda was nearly eliminated when the border was controlled by the SPLM/A (CAI 1996, 7). Sudanese attacks on the SPLM/A within Ugandan territory in 1995 ensured that Ugandan support for the SPLM/A would continue.

Eritrea

Prior to Eritrean independence in 1991, Khartoum had supported the Eritrean insurgents against the Mengistu regime in Ethiopia. Once it gained independence Khartoum expected to be able to rely on its support. Initially, Eritrea did support Khartoum, but the NIF's persistent support for the Eritrean Islamic Jihad Movement and Islamic revolution ultimately alienated Eritrea (CAI 1996). A critical incident that triggered this reversal was when, in December 1993, an armed group claiming to be part of the Eritrean Jihad Movement infiltrated across the border from Sudan. According to Eritrean sources, this group consisted of very few Eritreans. By the end of 1993, Eritrea declared itself under attack by "foreign Muslim extremists" (Ali *et al* 2005, 209). It also lodged a complaint with the UN Security Council.

Consequently, Eritrea increased its support for domestic opposition groups in Sudan, including the SPLM/A. Starting in 1995, it offered training bases for the SPLM/A in its western region and as mentioned above, it also hosted a conference for Sudanese opposition, which helped reinvigorate cooperation between them (CAI 1996, 8).

Eritrean President Isias Aferworki acknowledged that regional governments had a strategy to contain and eventually overthrow the NIF regime in Sudan. "We are no longer prepared to play Tom and Jerry games with Khartoum. The stability of the region depends on the regime's defeat.

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[43] The LRA is made up of mainly Acholis, a group that straddles the Sudan-Ugandan border and was known to have bases inside Sudan.

There is no more room for diplomacy and no compromise" (Id., 6). President Aferworki claimed that the Sudanese Government was supporting subversion in Eritrea and was also intent on the destabilization of other countries in the region. He stated that "we will give weapons to anyone committed to overthrowing them" (Cliffe 1999, 97).

Egypt

While a number of Sudan's East African neighbors played direct roles in supporting the SPLM/A, why didn't Sudan's North African neighbors neutralize this support by providing their own support to the Sudanese central government? One would think that the Arab identity that the central government had worked so hard to impose would ensure that it would be more comfortable with its North African Arab neighbors. However, this was not always the case. In its early years, the SPLM/A successfully exploited a rift that had developed between General Nimeiri and Gadhafi, and was able to gain Libyan support. Gadhafi agreed to supply weapons, ammunitions, and military training to the SPLM/A.

Egypt played a different role. It did act at times as a balancing force, but rather than fighting the SPLM/A directly, it dealt with the Sudanese central government.[44] The relationship between Egypt and Sudan was not a consistent one. While Egypt was opposed to an independent South, it was also, at times, opposed to the Bashir regime. Unlike Libya and Sudan's East African neighbors, when Egypt and Sudan's relationship soured, Egypt never openly supported the SPLM/A.

Egypt consistently opposed South Sudanese independence. It has always relied heavily on the Nile and been reluctant to deal with an additional state in negotiating security and other policies with respect to the Nile. Egypt and Sudan had a friendly relationship for a number of years; the

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[44] This had not always the case; the Egyptian air force had bolstered the Sudanese army in fighting the Anyanya during the first civil war in the 1960s.

high point came in 1976 when they signed a 25-year defense agreement to come to each other's

aid if attacked. Once the NIF came to power, the relationship started to deteriorate. Egypt became

increasingly concerned that the NIF's Islamic militancy would lead to Islamic unrest within Egypt.

Al Turabi (Sudan's religious leader) only compounded this concern with statements like "[i]t is

clear that Islamic radicalism will win by force in countries where the government refuses to grant

freedom to the Islamists, such as Egypt and Algeria" (Ronen 2003, 87). Mutual suspicion

increased during the 1990s, culminating in 1995 when Egypt accused the Sudanese government of

masterminding the assassination attempt on President Mubarak's life at the Organization of

African Unity (OAU) conference in Addis Ababa.

Garang sought to capitalize on the hostility between the two governments and visited Cairo

in late 1997. While the visit infuriated Khartoum, and was represented as a breakthrough for the

SPLM/A, it in fact had the opposite effect. In spite of Garang's efforts to reassure Cairo that he

sought a united Sudan that would respect Islam, Cairo did not trust him and, very soon after turned

towards Khartoum (Thomas 2011, 26).

While the above shows that the relationship between the SPLM/A and various East African

states was not always consistent, the overall support of African states has generally been more

with the SPLM/A than with the Government of Sudan. Ethiopia, Uganda, and Eritrea each

provided the SPLM/A with the support it needed to continue armed resistance. Their contiguity

with Sudan allowed them to provide the SPLM/A access to sanctuaries, as well as providing an

easy route for either soldiers, or weapons to pass from one country to the other. That these actions

were not matched by military support from Sudan's northern neighbors for Sudan's central

government, prolonged the war and ensured that the government could not crush the SPLM/A.

Even when new oil revenues in 1999 and 2000 meant that Khartoum could invest in the acquisition

of better weapons, there was a general sense that the SPLM/A "had friends that would not tolerate its defeat" (Woodward 2006, 119).

b. Mechanism II: Diplomatic Role

This mechanism refers to the diplomatic role that regional actors play. They can facilitate or obstruct external involvement and they are often better able to initiate negotiations between the parties than far away powers. In the case of South Sudan, regional actors played a critical role in: (1) ensuring that secession was part of the discourse on self-determination; (2) getting the warring parties to the negotiating table and keeping them there; and (3) establishing a process which other actors, namely the United States could contribute to.

Although IGADD's first attempt at peace in Sudan failed, the work that it did carry out had significant repercussions for the peace process once it began in earnest. IGADD was responsible for drafting the Declaration of Principles that Khartoum ultimately (albeit reluctantly) agreed to accept as a basis for negotiations. It was in these Principles that the notion of self-determination was interpreted as including the possibility of secession. This was an interesting interpretation and certainly not an inevitable one. For example, the United States' interpretation of self-determination included the assurance of the rights of the people of southern Sudan and respect for their religion and culture. Independence was not seen as desirable or possible to achieve for southern Sudan (Id. 123).

Furthermore, it appears that the member states of IGADD were the only states that could have taken on this first initiative. It is unlikely that Khartoum would have accepted the involvement of other actors. It would seem curious that Khartoum should have agreed to a process initiated by the very states that had supported the SPLM/A against Khartoum for a number of years. However, Khartoum had its reasons. On the one hand, Khartoum saw the IGADD

governments as uniquely situated to mediate the conflict. Knowing that the SPLM/A was dependent on foreign support, Khartoum saw those foreign supporters as the only ones that would be able to compel the rebels to sit down with the government. For this reason their involvement could be very helpful to the process (Cliffe 1999, 101). On the other hand, it has been suggested that agreeing to this process may have been an attempt to avoid mediation by more powerful states, namely the United States. Khartoum was aware that most actors in the United States regarded the southerners as the aggrieved party in the conflict, whatever their particular views of the SPLM/A itself (Woodward 2006, 118). A U.S.-initiated process may be more difficult to walk away from and the U.S. activities in neighboring Somalia were a reminder of its extraterritorial reach.

Had the IGAD states been unwilling to reignite the process in 2001, it is not clear whether other interested actors would have been able to in their place. In the late 1990s, the United States had an increasing interest in peace in Sudan due to a number of domestic pressures as well as Sudan's reputation as a haven for terrorists.[45] In 1999, the Clinton Administration appointed a Special Envoy for Sudan, who made several trips to Sudan to rally support for the stalled IGAD peace process (Dagne 2003, 1). Concerned about the lack of progress, Clinton administration officials sought to bring the IGAD process to Washington. This plan failed to materialize because of Khartoum's insistence on the lifting of U.S. and UN sanctions as a condition for its participation (Dagne 2003, 5).[46]

The peace process was only able to get back on track once relations between Sudan and its neighbors improved. Ironically, the U.S. response to the bombings of its embassies in Nairobi and

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[45] In the 1990s, the conservative religious lobby in the U.S. began to develop greater concern with religious persecution in other countries, and Sudan became a priority. They described the situation there as a "genocide" and pressured the U.S. government to maintain a harder line on Sudan (Human Rights Watch Report 2003).
[46] The United States had imposed sanctions on Sudan in 1997, prohibiting any U.S. entities from doing business with the Sudanese government.

Dar-es-Salaam in 1998 played a role in reigniting the process. In response to those bombings, the Clinton administration launched a cruise missile attack on Sudan's Al Shifa pharmaceutical plant, which it had described as a chemical weapons manufacturing site. This led to increased international sympathy for Khartoum. IGAD, the Arab League, and the OAU all condemned the bombings and called for a UN investigation (El-Affendi 2001, 591). During this period Sudan began to make efforts to reintegrate itself back into the region. Ethiopia moved to improve its relations with Sudan. Sudan's relationship with Egypt also improved, and Uganda finally agreed to a partial restoration of relations at a meeting in Kampala in 2000 (Ibid.). Not only were relations between Sudan and its East African neighbors no longer as hostile as they had been in the 1990s, but appointed IGAD mediator General Sumbeiywo was from Kenya, a state that unlike Ethiopia, Uganda and Eritrea, had not been involved in the military flare-ups on Sudan's borders.

Kenya and Ethiopia also played important roles outside of the IGAD process. Former Kenyan president Moi allowed Garang to live in Nairobi and conduct SPLM/A activities from there leading up to and during the negotiating process. This gave him a venue in which to host guests from other countries that may have been sympathetic to the movement (Thomas 2011, 55). Moi also worked one on one with Bashir. He suggested that "the Sudanese government include freedom of religion and worship in its constitution and that southern Sudan be granted autonomy within an acceptable non-federal or federal structure" (Ibid.). While both of these suggestions had been made by the SPLM/A on various occasions without success, the fact that Moi also represented these interests added some legitimacy to Garang's demands.

During the Naivasha process, negotiations hit a number of obstacles. The conflict areas of the Nuba Mountains, Southern Blue Nile, and Abyei were outside of the Machakos agreement. The SPLM/A insisted they be discussed but the government refused. Sumbeiwyo proposed that

they discuss them with the UK or the U.S. chairing. The SPLM/A refused the UK, claiming it would side with the Government. Khartoum refused the U.S. over concerns that it would favor the SPLM/A. Eventually they agreed to negotiate these areas under the auspices of Kenya (Simmons and Dixon, 2006, 24).

While Ethiopia did not play a particularly active role in the IGAD initiative, it still had an important background role in the process. De Waal emphasizes its ability to make or unmake the peace process through lending support to one side or the other. Its discrete and consistent signal that it considered the Naivasha process to be fair and that it supported the outcome of a united Sudan was the most important security assurance that Khartoum could have wanted (De Waal 2007, 19).

On July 20, 2002, the Government of Sudan and the SPLM/A signed the Machakos Protocol as a framework for the conduct of the negotiations. General Sumbeiywo was a key figure. He stayed with the parties throughout the process, ultimately retiring from the army in February 2003 and devoting himself full-time to complete the Comprehensive Peace Agreement. The IGAD mediation was praised for its impartiality and success in maintaining the integrity of the process. While a number of factors led to its success, it is generally agreed that the negotiations would not have succeeded without General Sumbeiwyo's presence and the ongoing attention and pressure from the IGAD states and the United States (Carney 2007; Hiteng Ofuho 2006).

The support of the United States was an important factor in the success of the peace process. The major driving force in U.S. foreign policy at the time was counter terrorism. That the environment in Sudan was one that touched upon such an important issue for the United States certainly provided a significant degree of pressure on the parties, particularly Khartoum, to continue to cooperate in the negotiating process. The funding that the U.S. provided to the process

was also significant. However, it is clear that U.S. support alone could not have led to the same level of success, at least not within the same time frame. The United States' initial attempt to bring the process under U.S. auspices and the later attempt to mediate some of the border issues concerning Abyei, were ultimately denied by the Sudanese government. Therefore, the United States had no choice but to work with an existing process. If the regional actors had been unwilling to initiate the process through IGAD, there would have been no process for the United States to support.

Once the CPA was signed, it had to fail in a similar way to the Addis Ababa Agreement for secession to become a real possibility. That is to say that the central government had to fail to meet its obligations under the Agreement. During this period, external actors were more interested in ensuring the overall goal of the CPA was met, than each one of its 1,100 provisions. Provided the country did not slide back into a civil war, the CPA could be considered a success. The African Union (AU) had not played a role in the Naivasha process, but once the CPA was signed, it did express an interest in its success and took some steps to bolster compliance. The African Commission appointed an AU Special Envoy for the implementation of the CPA, and established a Liaison Office in Khartoum. By 2008, the Special Envoy undertook extensive consultations with the Sudanese stakeholders and the international partners. These talks focused on the need for the parties to recommit themselves to fully implement the Agreement and stressed the regional consequences of a return to civil war (Report of Chairperson – AU Peace & Security Council Nov. 24 2008).

The United Nations Security Council authorized the establishment of a peacekeeping mission, UNMIS (United Nations Mission in Sudan) in March 2005. UNMIS was established at the request of the Government of Sudan and the SPLM/A to monitor the CPA's implementation.

UNMIS was mandated to stay in Sudan for seven years.[47] The purpose of UNMIS was to support

a lasting peace and the maintenance of human rights. UNMIS was not created to support secession

or oppose it.

Once it was clear that Khartoum was not taking the steps it had agreed to under the CPA,

allowing for and respecting the results of the referendum became the primary strategy to avoid a

return to conflict. Although the AU has maintained the principle of *Uti Possidetis* since the 1964

Cairo Conference (meaning that it views colonial borders as fixed), once the referendum took

place, both the AU and the UN urged a swift demarcation of the border and the creation of a "soft

border" regime that would foster continued trade and cooperation between the North and South

(Adebajo 2011, 202).

c. Mechanism III: How Regional Actors Shape Great Power Foreign Policy

The relationship between the United States and Sudan deteriorated throughout the 1990s

and cannot be addressed separately from U.S. relations with other states in the region. The United

States had generally been favorable to the Nimeiri regime. Cold War politics had ensured that the

United States would not support the Marxist SPLM/A. However, once the NIF came to power and

the Cold War ended, political alignments also changed and the U.S. became a vocal critic of Sudan

(Thomas 2011, 57). There were a number of reasons for this. The Clinton Administration had

inherited commitments to the new governments in both Ethiopia and Eritrea, so Khartoum's

hostility toward its neighbors was problematic. Khartoum was accused of complicity in the World

Trade Center bombing in 1993 and was put on the State Department's State Sponsors of Terrorism

List that same year. All bilateral and foreign assistance to Sudan was banned. Khartoum's

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[47] This period included the six-year interim period outlined in the CPA, as well as a six-month pre-interim period and a six-month phase out once the interim period was over.

associations with militant Islamists like Hamas and Osama bin Laden, and continuing military ties with Iran and Iraq, also placed it in opposition to U.S. foreign policy interests.

The Clinton Administration ostensibly supported the IGADD peace initiative but at the same time pursued a policy of isolation and containment of Sudan. By 1995, it had launched the "frontline strategy," providing economic and military backing to Eritrea, Ethiopia, and Uganda (Adebajo, 2011, 190). Uganda, Eritrea, and Ethiopia were in close consultation with each other and the U.S. government over what each of them considered a comprehensive project by the Sudanese government to destabilize the region. In a visit to Addis Ababa in October 1996, Secretary of State Warren Christopher stated, "[w]e stand together with Ethiopia and other countries in this region against international terrorism, particularly the threat Sudan poses to its neighbors and the world at large" (Cliffe 1999, 99).

It is clear that prior to the IGAD peace process, U.S. relations with Sudan were heavily colored by and intertwined with its relations with other regional actors. The U.S. decision to support the peace process and ultimate secession was motivated by its geostrategic interests. In order to pursue those interests the U.S. would have to factor in the effects any policy choice would have, on the region and on its relationships with other regional actors. In the first instance, the U.S. as a great power and status quo power had a strong interest in regional stability (Farkas 2003, 112). While this often equated with policies that would maintain the stability of the state system, an intractable civil conflict like that in Sudan had already proved to be a destabilizing force in the region and had the potential to do more damage. The U.S. also had to take into account the wishes of other states in the region. That most regional states supported the peace process, which included the possibility for secession, meant that U.S. support for it would work towards regional stability.

If the U.S. were to take a policy decision on secession that went against the majority of regional actors, this would likely destabilize the region further.

The second and related though not equivalent interest was in counterterrorism. While antiterrorism had been a priority for the United States in the few years preceding 9/11, the global war on terrorism dominated U.S. national interests in the region after 9/11 (Lyons 2006, 2). After 9/11, Ethiopia became far more important to the United States. U.S. counterterrorism policy in the Horn of Africa involved a number of strategies, the most important of which was almost unconditional support for the Ethiopian government. In 2001, the Bush Administration declared Ethiopia the United States' principal counterterrorism ally in the region. Even the United States Agency for International Development (USAID), stated in 2005 that Ethiopia was "of strategic importance to the United States because of its geographic position" and as "the linchpin to stability in the Horn of Africa and the Global War on Terrorism" (Prendergast and Thomas-Jenson 2007, 65).

Counterfactuals are inherently difficult to demonstrate, however, it appears likely that if Ethiopia had been opposed to any U.S. involvement in the Sudan peace process or recognition of South Sudan, the U.S. may well have acquiesced to its preferences. Its relationship with Ethiopia was a crucial one in the War on Terror and at this point counterterrorism was the priority that would trump any other policy in the region. It is highly unlikely that any U.S. domestic interest in ending the plight of Sudan's civilian population and ensuring their rights to self-determination, would have trumped such an important security concern.

The process leading up to the secession of South Sudan was a long and complicated one. As shown above, a number of external actors played very significant roles in the process, without whom the story would likely have ended very differently. In this case, the regional actors who

played such important roles were not always doing so in support of secession as the final outcome. Actors who supported an end to the war did not necessarily support secession. Actors who supported the SPLM/A did not necessarily support secession. It is important to address the role of regional actors during the different phases of the process since the path was not a linear one for any of the parties involved. Intentional external support for the secession did not really emerge until some years after the CPA had been agreed and signed in 2005, arguably as late as 2009. In this sense, it is important to appreciate that a large part of the role that regional actors played in leading to this secession was not intentional. Most of the regional actor support for the SPLM/A was motivated by hostility towards the central government, rather than support for what the SPLM/A was fundamentally trying to achieve.

Be that as it may, regional actors played a critical role in the process. First, without the support of Ethiopia, Uganda, and Eritrea in the 1990s, it is extremely unlikely that the SPLM/A would have survived Khartoum's attempts to crush it. Among them, they provided the SPLM/A with manpower, weapons, and the physical space in which to operate. Second, without a regional initiative for peace, it is unclear how the two parties would have come to the negotiating table. Neither party was willing to accept any of the suggested mediators outside of the region. The mediators were able to legitimize the process to the broader international community, and were able to secure the support of a number of external actors, including the United States. Third, regional actors help to explain the occurrence of, and respect for, the referendum on secession. Without IGAD's involvement in drafting the Declaration of Principles in the early 1990s, secession may have never been an option. It was during those negotiations that self-determination was interpreted as including the possibility of secession, and the Principles ultimately formed the basis for deliberations when they restarted some years later. The United States had not seen

secession as a desirable option. Finally, Ethiopia's support for the process and acceptance of its outcome allowed the United States to continue to push for compliance with the CPA without undermining any strategic concerns that would arise if its relationship with Ethiopia deteriorated. That Egypt was in the throes of a revolution in 2011, left Khartoum with few allies if it refused to allow or respect the referendum. The temporary inability of Egypt to articulate any interest in the outcome meant that, from the outside, it would appear that a referendum and ultimate secession would be less destabilizing on the region than a return to civil war.

SOMALILAND

Somaliland is another territory in the Horn of Africa seeking independence; however, it has yet to achieve international recognition. What follows is a brief historical overview of Somaliland's attempts to achieve statehood and an explanation of why Somaliland might have a strong argument for statehood. The rest of the chapter will demonstrate that Somaliland's declaration of independence has not been internationally recognized primarily because of the interests and actions of regional actors.

I.   Historical Overview

Like Sudan, the Somali nation was also colonized by multiple external powers. The British colonized what is now Somaliland, as well as all of present day Kenya, in 1884.[48] France colonized what is now Djibouti, and Italy took control of several territories along the eastern coast, which in 1905 became a colony comprising most of present-day Somalia outside of Somaliland.

The Somaliland Protectorate (formerly British Somaliland) gained independence on June 26, 1960, five days before the independence of the United Nations Trusteeship territory of Somalia (formerly Italian Somalia). Somaliland was recognized by 35 states, including the United States (Farley 2010, 781). Notification of independence was also registered with the United Nations.[49] As the map (Figure 1) on page 48 illustrates, Somaliland is bordered by Djibouti and the Gulf of Aden to the north, Ethiopia to the west, and the former Italian Somaliland to the south. The region is home to approximately 3.5 million inhabitants, comprising several major clans, notably the Isaaq (the largest of the clans), Daarood, Gadabursi, Issa, and Gaboye (Roble 2007, 6). Its capital is Hargeysa.

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[48] The northern parts of Kenya were almost exclusively populated by ethnic Somalis.
[49] That is to say that the documents establishing the transfer of sovereignty under decolonization were deposited with the United Nations.

At independence there was a spirit of pan-Somali nationalism. The hope was that all the Somali territories (including British Somaliland and those Somali territories in Ethiopia, Kenya, and present day Djibouti) would join Somalia in a union. The five points on the Somali flag reflected this vision of the five Somali territories united. So the decision was made between Somalia and Somaliland (the first of these territories to gain independence) to form a union.

It was anticipated that a representative of the independent northern Somaliland and southern Somali states would formally create a union through the signing of an international treaty. Somaliland drafted an Act of Union that was approved by its legislative body and sent it to Mogadishu in 1960. Following approval by the legislative assembly in the South, it was to be signed by two respective representatives. The southern assembly, however, never signed it, and instead passed its own *Atto di Unione*, an act written without any consultation with Somaliland, and one that heavily favored Somalia (Adam 1994, 23). Although not hugely significant at the time, this discrepancy is something that Somaliland would later rely on to demonstrate that the union was never officially legal.

Although the union had been based on the assumption that other Somali territories would join upon independence, it soon became clear that this was not going to happen.[50] This realization added to a Northern (Somaliland) dissatisfaction with the union which began to emerge immediately. Power was concentrated in the South, and the North did not have adequate representation. Of fourteen ministers, only four came from the North. Not only did southerners occupy the vast majority of ministries but also occupied the key ministries of foreign affairs,

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[50] First, Great Britain granted Kenya independence in 1963, which included its chiefly Somali territory. In 1977, the people of the French Territory of Afars and Issas voted in a referendum to reject unity with Somalia and to become instead the independent Republic of Djibouti (Bryden 2004, 171). Finally, the Somali army's defeat by Ethiopian forces in the Ogaden War in 1978 crushed any hope of placing the Somali-inhabited region of Ethiopia under Somali control.

interior, and finance. Both the president and prime minister were southerners. The southern city of Mogadishu was chosen to be the capital (Id., 24). Development expenditure in the North was less than 10% of investment in the South (Bradbury 2008, 54). That they had been ruled by two different colonial powers made integration difficult, even if there had been the political will for it. Just one year later in 1961, the Somaliland people vetoed the unitary constitution, and by early December of that year, the recently united Somali Republic experienced its first attempted military coup. A number of junior officers in the national army took up arms and attempted an aborted mutiny (Roble 2007, 7). Although the attempted coup had secessionist objectives, it was quickly put down by the government.[51]

The Republic of Somalia held its last presidential election in June 1967, bringing President Abdirashid Ali Shremarke to power. He was assassinated two years later in October 1969 by one of his bodyguards. After his assassination a cadre of Somali army officers took control of the country. Ultimately, army commander Siad Barre emerged as the leader of the newly renamed Somali Democratic Republic (Farley 2010, 781). The Siad Barre regime concentrated its efforts on the development of the South, fueling northern complaints of economic marginalization (Huliaras 2002, 159).

In 1977, Siad Barre invaded Ethiopia to "liberate" the Somalis of Ogaden. Somalia was defeated by Ethiopian forces in 1978. Approximately one million ethnic Somalis fled Ethiopia and entered Somalia. The arrival of the refugees put pressure on limited natural resources and services. Northern resentment against the Mogadishu government in the South further intensified as a result of the preferential treatment of refugees, in aid, services, jobs, and the allocation of land

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[51] There are conflicting views on what exactly caused the mutiny, some claiming it to be a secessionist attempt while others suggesting that it was trade-based grievances. Nonetheless, the mutiny has since been coopted by the secessionists as marking the beginning of their secessionist struggle (Roble 2007, 7).

(Ibid.). This dissatisfaction increased further when the army began recruiting refugees to maintain security in the North. Besides violating international refugee law, the arming of refugees was perceived by Isaaqs to pose a direct threat to their lands (Bradbury 2008, 55).

The Somali National Movement (SNM) was created in London in 1981, with the declared aim of overthrowing the Barre regime. There was a debate over secession from the creation of the movement. Although its constitution underlined the need for the preservation of Somalia's territorial integrity, the secession wing remained present (Huliaras 2002, 160).[52] In late 1981, the SNM moved to Ethiopia where it received assistance until 1988 (Id., 159). Ethiopian support for the SNM was not support for secession; rather it was a way for Ethiopia to express dissatisfaction with the Siad Barre regime.

On February 24, 1982, riots erupted in Hargeysa following the arrest and trial of twenty eight professionals who had organized an initiative to improve Hargeysa's public hospital. They were accused of setting up a subversive organization. A number of students were killed in the rioting and some 200 people were arrested. Emergency regulations were invoked and curfews imposed across the North. Somalilanders note this day as the beginning of the civil war (Bradbury 2008, 56).

From the early 1980s, the Barre regime was increasingly harsh in its administration of the North. It assumed that the population was supportive of the SNM and subjected them to economic and political harassment. The SNM began as a guerrilla movement relying on hit and run tactics, including selected assassinations of government officials and the freeing of political prisoners. Its first major military operation inside Somalia took place in January 1983, when it attacked Mandera prison and Adaadle armory near Berbera, released several hundred detainees and escaped with

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[52] According to Bradbury, the SNM only developed into a "separatist insurgency" after 1988 (2008, 61).

arms and ammunition. The attack was supported by Isaaq officers within the Somali army, which indicated a growing support for the insurgency (Id., 61). However, between 1982 and May 1988, the SNM military campaign remained a small-scale revolt, and for much of the time was little more than an irritant to the regime (Ibid. 61). It was the indiscriminate brutality of the government forces in the late 1980s that acted as a catalyst for Isaaq anger and solidarity and transformed the SNM into a mass movement of "the Isaaq people up in arms" (Bryden 2003, 345).

Siad Barre's efforts to secure his regime contributed to the instability in Somalia. Somalia and Ethiopia signed a peace agreement in Mogadishu on April 3 1988, where they both agreed to withdraw troops to between six and nine miles from the frontier under the supervision of a joint military commission. The agreement was seen by some Somali soldiers as an act of betrayal, and caused them to mutiny (Farley 2010, 783).[53] As part of the peace settlement, Ethiopia agreed to stop providing sanctuary to the SNM. Denied their safe havens, the SNM launched an offensive in the north of Somalia. Following this offensive, the SNM briefly took control of Hargeysa and Burao. The government responded through aerial bombardment and the shelling of civilian targets. The Somali Armed Forces made no effort to distinguish between civilians and armed combatants, and between May 1988 and March 1989 as many as 500,000 civilians fled to Ethiopia. An estimated 50,000 civilians were killed (Bradbury 2008, 62).

The May 1988 offensive, despite being a military disaster and hugely costly in human lives, was a critical turning point for both the SNM and for Somalia. Up to this point, the SNM had failed to secure widespread support among civilians. The government's counter-offensive did as much to mobilize the Isaaq population as all the SNM's efforts over the previous eight years (Ibid.). Over the following three years, the SNM progressively took control of the rural areas in the north-

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[53] This was particularly the case for a number of Ogadeni Somali soldiers who had been recruited from within Ethiopia to pursue a Greater Somalia.

west that were traditionally Isaaq. Lacking a foreign sponsor, the SNM mostly relied on seizing vehicles and weaponry from the enemy. When the government began to arm other clans as part of its counteroffensive, the SNM sought to widen the war by supporting other insurgencies in the South.

In 1989, a group of Somali exiles from the Hawiye clan formed the United Somali Congress (USC). Barre responded by ordering a renewed wave of violence against the Hawaiye and Isaaq populations. USC militias struck back, and, on January 27, 1991, drove Barre out of Mogadishu.[54] The SNM had played no active role in his final overthrow. Once he was ousted, Somali imploded, and a number of warring clans vied for power.

In May 1991, the Central Committee for the SNM assembled in Burau (Somaliland) and announced the independence of the Republic of Somaliland (Shin, 2002). The Committee revoked the Act of Union and reinstated the independence that the territory had previously enjoyed (Jhazbhay 2003, 79). Somaliland has remained de facto independent ever since. Following the declaration of independence, Somaliland began a slow process of statebuilding. Aside from internal conflict in 1992, and 1994-96, Somaliland has remained relatively peaceful.

A number of internationally sponsored attempts at peace in Somalia throughout the 1990s and early 2000s, failed. The attempts to re-establish some kind of government order included the Unified Task Force (UNITAF) under the U.S.-led Operation Restore Hope, and the UN peacekeeping forces UN Operation in Somalia I and II (UNOSOM) until the UN withdrawal in 1995. These were problematic at best (Clapham 2011). Failed peace conferences took place in 1993, 1997, 2000, 2002 and 2003. Each of these peace attempts, as well as the ones that followed,

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[54] Siad Barre died in exile of natural causes four years later.

looked to establish a government in Somalia before addressing the Somaliland issue. There was a concern that even raising the Somaliland issue could destabilize the peace process (ICG 2006).

In August 2004, a new Transitional Federal Government (TFG) was inaugurated at a ceremony in Kenya, under the impetus of the regional organization, the Intergovernmental Authority on Development (IGAD).[55] By 2006, the Islamic Courts Union (ICU) assumed control of much of the southern part of the country, imposing Shari'a law. The TFG battled against the ICU initially with the assistance of Ethiopian troops, and later, Ugandan and Burundian forces. It also had support from the United States. While the initial response of the State Department to the Court's rise to power was support for "a process of positive and peaceful dialogue," this policy shifted during the course of 2006 (Menkhaus 2007, para. 28). The U.S. believed that the ICU had ties to U.S. designated terrorist organizations, and amidst growing fears that radicals within the Courts were pushing the movement toward a war with Ethiopia, the U.S. began to express "tacit support" for an Ethiopian offensive against the Courts. The exact extent, however, of U.S. involvement in the Ethiopian offensive against the Courts is unclear (Id. para 29).[56] The ICU ultimately split into various elements, including the militant wing Al-Shabaab (Clapham 2011).[57] The International Crisis Group referred to the period between 2006 and 2008, as ones of the world's worst humanitarian and security crises (ICG 2008).

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[55] That the ceremony took place in Kenya speaks to the continuing instability and concerns over safety in Somalia. The government moved to Somalia in the mid-2005 and sat in the Somali town of Baidoa rather than Mogadishu.
[56] There were reports of US aircraft conducting reconnaissance above Somali battlefields. A US military spokeswoman answered that, while there were US soldiers in Ethiopia training Ethiopians, "[o]fficially, we haven't put anybody in Somalia." Yet other defense officials hinted in the media that small numbers of U.S. Special Forces have had their boots on the ground in Somalia (Menkaus 2007, para. 29).
[57] Ugandan and Burundian forces operated under the auspices of the African Union as part of the African Union Mission in Somalia (AMISOM).

In August 2010, Somalia's first formal parliament was sworn in at Mogadishu, ending a long transitional period. In January of 2013, the United States recognized the Somali government for the first time since 1991.

II.   Arguments for Statehood

Somaliland has not achieved international recognition despite a number of strong arguments that it should. For starters, Somaliland meets the requirements of statehood laid out in the Montevideo Convention on the Rights and Duties of States (1933). These requirements include: a defined territory; a permanent population; a functioning government; and the ability to enter into foreign relations. It is likely that Somaliland satisfies the territorial requirement despite the fact that not all of its borders are undisputed. The semi-autonomous region of Puntland claims a portion of eastern Somaliland.[58] The International Court of Justice has held that, "there is for instance no rule that the land frontiers of a state must be fully delimited and defined, and often in various places and for long periods they are not" (North Sea Continental Shelf Cases 1949). While parts of the population are nomadic and move in and out of Somaliland, it has a roughly constant population of 3.5 million (Gorka 2011, 87).

Somaliland does have a functioning government that is able to exert control over the territory. It has developed a stable system of politics, blending modern and traditional elements, including an elected President and House of Representatives, as well as an Upper House of Elders (*Guurti*), securing the support of clan-based power structures (Clapham 2011). Over its 25-year period of self-rule, it has transitioned from a clan-based system to a representative democracy. The people of Somaliland have gone to the polls four times since 2000, once for local municipal

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[58] Puntland considers itself an autonomous region, but not an independent state. This is demonstrated through the way in which Puntland displays a local flag side by side with a Somali flag, and Puntland's territorial name is Puntland, Somalia rather than simply Puntland.

elections, once to elect a parliament, and twice to elect a president. These elections have been graded absent of undue influence, free of "systematic fraud" and largely free and fair by observers and monitoring organizations (Farley 2010, 808).[59]

Finally, Somaliland has the capacity to enter into foreign relations. It maintains a Minister of State for Foreign Affairs. It also operates representative offices in a number of states around the world.[60] In 2009-10, Somaliland hosted delegations from Pakistan and Djibouti and had ministerial meetings with the World Bank. The United States has even transferred former Guantanamo detainees into the custody of Somaliland's government (Ibid.).

Somaliland can also make the argument for self-determination. According to the UN Charter and a number of human rights treaties, only a "people" can enjoy this right, and Somaliland certainly meets the requirements for what constitutes a "people."[61] The people of Somaliland have developed a sense of identity distinct from the rest of Somalia. A distinct clan (the Isaaq) dominates the region; they all belong to one ethnic group, speak the same language, and are generally united through their practice of Islam. They, of course, also had a separate colonial experience from the rest of Somalia and, therefore have a shared and distinct history (Huliaras 2002, 158). To emphasize this distinct identity, Somaliland has adopted a number of symbols of statehood. It has its own flag, national anthem, and currency. It also issues its own vehicle license

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[59] These observers included *inter alia* the International Republican Institute and the Catholic Institute for International Relations.
[60] These missions do not have formal diplomatic status under the provisions of the Vienna Convention on Diplomatic Relations. Somaliland has representative offices in South Africa, France, Sweden, Germany, Italy, Belgium, Ireland, Norway, the Netherlands, the United States, China, The United Arab Emirates, and Australia. It operates liaison offices in the UK, Ethiopia, Kenya, and Djibouti.
[61] The requirements for a "people" include all or some of the following: common historical tradition; racial or ethnic identity; cultural homogeneity; linguistic unity; religious or ideological affinity; territorial connection; and common economic life. The group must also self-consciously perceive themselves as a distinct "people" (Scharf 2003, 380).

plates and passports[62] (Bryden 2004, 167). Further, there is a common sentiment towards independence throughout Somaliland's population. In a referendum 10 years after its initial declaration of independence, some 97% of the population supported secession (Clapham 2011, 9).

The right to self-determination can be expressed through greater autonomy within a state (internal self-determination). This right does not necessarily include a right to secession, although according to some, secession becomes part of this right when there is an ongoing injustice (often gross human rights violations) that the "people" must overcome (Borgen 2007; Buchanan 1997; Birtch 1984). Somaliland did lack representation, and once it achieved autonomy within the Somali state, it has enjoyed the right to internal self-determination. Making the argument that this should include the right to secession, however, may prove difficult. Somaliland has argued that the gross human rights violations carried out by dictator Siad Barre and the resulting ethnic cleansing against the Isaaq, among others, gives them a right to external self-determination (Gorka 2011). This argument clearly has some temporal limitations. If those human rights abuses are in the past and not in the present, they can no longer be held as the basis for the violation of their right to self-determination. Ultimately, while Somaliland's autonomy is intact, it is difficult to argue that it is not currently enjoying its right to self-determination.

Somaliland also has a number of arguments to counter the African Union's principle of *uti possidetis*, and its concern that a successful secession anywhere on the continent will have a dangerous demonstration effect.[63] According to Somaliland, international recognition of its territorial borders would not violate the principle of *uti possidetis* because these were the territorial

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[62] The following countries accept Somaliland passports for entry into their countries: South Africa, Ethiopia, Djibouti, Belgium, United Kingdom, France, South Sudan, Kenya, Malaysia, Taiwan, Tanzania, India, United Arab Emirates, Uganda, and Congo (Medishi Horn of Africa News, July 27, 2013).

[63] *Uti Possidetis* refers to the pledge that all member states of the Organization of African Unity, and its successor the African Union made to ensure that colonial borders would remain unchanged.

borders that existed upon independence. For those important five days between June 26 and July 1, 1960, some 35 states recognized Somaliland's territorial borders. An independent Somaliland would comply with *uti possidetis* more appropriately than the borders of Somalia today.

Finally, Somaliland argues that the union between the North and South was never official since the proper documentation was never signed. Therefore, the separation is merely a codification of the underlying "true" state of affairs. Even if the union was official, it was a voluntary one, which, according to Somaliland should mean that it has the right to voluntarily leave. As such, an independent Somaliland would not open "Pandora's box" regarding other separatist movements because this would be a case of dissolution rather than secession.

The above demonstrates that Somaliland has a fairly strong legal argument for statehood. Somaliland also has a number of other traits that, according to a number of scholars, should indicate the potential for success. The SNM was able to induce defections from the Somali armed forces in the 1980s, which, according to Horowitz, will strengthen a movement (1985). The SNM was strong enough to gain control over the territory of Somaliland and keep the state and other non-state actors out. Its achievement of *de facto* statehood, however, has not led to recognition, as Crawford would suggest (2000). Somalia is a federal state where the three largest clans (the Isaaq, Darod, and Hawiye) are each concentrated in a particular geographic area. This has helped Somaliland maintain its de facto status, but has not led to recognition, as Roeder, among others, would suggest (2007; Bunce 2004; McGarry and O'Leary 2003).

Despite all of these legal and political indicators that Somaliland should achieve international recognition, it remains formally part of the Somali Republic. South Sudan did not have as strong a basis as Somaliland for sovereignty and yet it successfully achieved recognition. I argue that the difference between these two cases that can best explain these outcomes is the role

of actors in the region. The following section lays out how regional actors have thwarted Somaliland's hopes for recognition.

III. The Role of the Region

In this case, as in the case of South Sudan, the region refers to a broad understanding of the Horn of Africa, which, aside from Sudan and Somalia, also includes: Kenya, Ethiopia, Eritrea, Djibouti, and Uganda. Both Somalia and Sudan are also members of the Arab League, and Egypt, as a fellow member and neighboring state of Sudan, has historically played a role in regional politics concerning these two states. This section will explain how the interests and actions of regional actors in the Horn of Africa has obstructed the secession of Somaliland.

Though a number of states do maintain informal relations with Somaliland, no state currently recognizes Somaliland as independent. By extending membership to a government in Somalia that claims jurisdiction over Somaliland, the United Nations, the African Union (AU), and the Arab League have all, at least implicitly, endorsed this claim. Successive resolutions by the AU, the Arab League, and the UN reaffirmed the commitment of their members to the unity and territorial integrity of Somalia.[64] More than a dozen peace initiatives have aimed at the restoration of a Somali government based in Mogadishu that would also exercise jurisdiction over Somaliland, despite the consistent lack of participation of credible representatives from Somaliland (Bryden 2004, 25).

What follows is an analysis of the ways in which regional actors have obstructed Somaliland's secessionist goals. By explaining the role of the relevant regional actors through the

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[64] UN Security Council Resolution S/RES/2093 (2013), AU Peace and Security Council PSC/PR/COMM. (CDLXII) Addis Ababa, Ethiopia, 15, Oct. 2014, Arab League Second European Union-League of Arab States Foreign Affairs Ministerial Meeting, Cairo Nov. 13, (2012).

three mechanisms discussed in the Sudan case, the distinction between the two cases should be clear.

a. Mechanism I: Provision of Tangible Support

Unlike the SPLM/A in South Sudan, the SNM did not receive tangible support from a number of actors in the region. In fact, the SNM only received tangible support from Ethiopia. After the SNM was established in London in 1981, it moved to Ethiopia where it received assistance in the form of sanctuary as well as military supplies, until 1988, when Ethiopia closed its borders to the SNM as part of an agreement with Mogadishu. While Ethiopia's support for the SNM was meant to express dissatisfaction with the Somali government rather than support for secession, it nonetheless laid a positive groundwork for the relationship between Ethiopia and Somaliland.

Djibouti proactively worked against the SNM. Although Somaliland had supported Djibouti in its quest for independence, once the civil war began in Somalia, Djibouti was not receptive to the Somaliland refugees fleeing Said Barre's brutality and there were a number of military confrontations between SNM fighters based at the border and the Djibouti military. In fact, if any Somalilander in Djibouti was thought to be an SNM member or sympathizer, they were detained and handed over to Siad Barre's security forces (Hassan 2012). After the Djibouti-sponsored Arta Peace Conference on Somalia, Djibouti also provided Somalia's Transitional National Government with limited military assistance in support of its claim to be the legitimate government of Somalia (Bryden 2004, 176).

b. Mechanism II: Diplomatic Role

Although a number of regional actors, including Djibouti, Kenya, Ethiopia, and the regional organization IGAD, have hosted or facilitated peace conferences for Somalia, the question

of Somaliland's recognition has not been addressed. Peace agreements typically presumed the inclusion of all the regions in Somaliland, simply ignoring the fact that Somaliland had announced a unilateral secession and was usually not a party to negotiations (Johnson 2009, 33).[65] Unlike South Sudan, the civil war in Somalia was between a number of warring factions. In Sudan the civil war was between the North and South over the issue of autonomy and independence. Any attempt to resolve the conflict, therefore, had to address that issue. In Somalia the civil war was more complicated than Somaliland's demands for independence. Not only was the question of Somaliland's independence not seen as at all integral to a peace process, but it was often seen as an issue that should not be addressed until after a peace had been achieved. There was a perception that even raising it might destabilize the process.

For Somalia's neighboring states, Somaliland's quest for independence has been problematic because of the makeup of their own societies. What would a successful secession of Somaliland mean for the significant Somali populations in Kenya, Djibouti, and Ethiopia? The demonstration effect that a recognized Somaliland could have on Somali clans in Ethiopia could be quite destabilizing, particularly given Ethiopia's constitution. The present constitution, adopted after the fall of the Dergue Regime in 1991, grants the various ethnic groups quite extensive rights under the principle of "ethnic federalism." These rights include a formal right of secession. Though these rights exist on paper, the implementation of these principles leaves a lot to be desired. In fact, the so-called Somali region remains marginalized in Ethiopian politics, and government repression there has been quite severe (Bjorn 2009, 20). A successful secession for Somaliland may inspire Somali regions in Ethiopia.

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[65] See, for example, the 1993 Addis Ababa Agreement on National Reconciliation in Somalia.

Ethiopia is fairly satisfied with the status quo, a number of fragmented semi-stable Somali entities. It has an amicable relationship with Somaliland and does not see much to gain from granting recognition. Ethiopia has signed various agreements with Somaliland on trade, transport, and communications (Huliaras 2002, 170). Despite this relationship, Ethiopia has given no indication that it intends to recognize Somaliland, nor has it encouraged other states to do so. Instead, the Ethiopian government has repeatedly stated that the unity of Somalia is a matter for Somalis to decide (Bryden 2004, 177).

Djibouti is firmly opposed to Somaliland's independence. Djibouti wants to possess the only functioning seaport between the Suez and Mombasa, and the only fairly operational seaport in Somaliland, Berbera, is a threat to Djibouti's vital economic interests (Helander 2000). While Djibouti has hosted multiple Somali peace conferences, Djiboutian President, Guelleh has not included the Somaliland president. Some analysts see this as an intentional strategy to avoid Somaliland's influence in the peace process and support a government for a united Somalia (Johnson 2009, 49).

Eritrea is eager to show Africa that although it emerged out of a secessionist war, it will not support secession wherever it may be. An Eritrean diplomat stated that "Asmara would not want to be portrayed as working for secessionism and is as conservative on the issue of Somaliland as any other state" (Huliaris 2002, 169). Further, since the border war with Ethiopia (1998-2000), Eritrean foreign policy in the Horn has been motivated primarily by a desire to counter Ethiopian influence, though this desire has not led to recognition of Somaliland. It has instead led to diplomatic support for the transitional governments in Somalia that Ethiopia opposed, through an exchange of ambassadors (Bryden 2004, 176). Even Uganda and Burundi make significant cash

out of foreign sponsorship of peacekeeping troops and are content to see that income continue (Walls 2011, 4).

Although Egypt is not a neighbor of Somalia, its historical involvement in the Horn has influenced Somali politics. Egypt has a geopolitical rivalry with Ethiopia and fears that an independent Somaliland would have greater freedom to act as a transit port for Ethiopia (Defense and Foreign Affairs 2006, 7).[66] Egypt has an interest in supporting any strongly nationalist Somali entity likely to pursue irredentism, since this would be destabilizing for Ethiopia (Farley 2010, 811). An independent Somaliland would split up the Somalis further, rather than bringing them together, thus weakening irredentism. Since the 2000 Arta Peace Conference on Somalia, Egypt was instrumental in securing Arab recognition of the transitional government in Somalia and persuading other Arab governments to provide financial, material, and military support to the Mogadishu-based government (Bryden 2004, 176). The Arab League has lobbied in favor of Somali unity with diplomatic and financial resources not available to most African governments (Ibid.)

Kenya is the only state in the region that seems to be shifting in terms of its support for international recognition. Although it hosted a Somali peace conference in Nairobi in 2006, which led to a Transitional Federal Government (implicitly undermining Somaliland's quest for independence), it has recently expressed support for the recognition of Somaliland's independence. In 2011, the Kenyan Assistant Minister for Foreign Affairs stated that Nairobi supports the recognition of Somaliland as an independent state, and Kenya will encourage the countries of the AU to officially recognize Somaliland (Somaliland Sun, May 21, 2011). In 2014, Kenya sent a delegation to Somaliland to formalize diplomatic relations (Somaliland Sun, May 25, 2014).

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[66] Curiously, despite this concern, Ethiopia has not recognized Somaliland, nor has it encouraged others to do so.

c. Mechanism III: How Regional Actors Shape Great Power Foreign Policy

The Great Powers have not expressed any serious interest in Somaliland's independence. Somaliland is no longer particularly important geo-strategically, and Somali resistance to internationally sponsored peacemaking efforts has discouraged further involvement. The idea that the Somalia problem had to be fixed before the Somaliland issue could be raised, ensured that Somaliland's independence remained on the backburner. Bryden (2004) has suggested that due to this lack of interest the "determination of Somaliland's status has thus almost exclusively devolved to those closest to the problem: the states of the region" (175).

To the extent that the Great Powers have any preferences on outcome, the status quo is preferable, at least until there is greater support in the region (Bradbury 2008, 250). Helander (2000) suggested that "if it comes to a point where the UN, the EU, and other organizations have to make a choice between working for something that could purportedly lead to a reunification of Somalia, or to go on working with increasingly miniscule local administrations, the choice will be rather easy" (para. 17).

The sentiment of deferring to the region is illustrated by the comments of a French diplomatic visitor to Hargeysa in 2000, who asked Somaliland government officials to consider what might have happened had African states rushed to recognize Croatia, Slovenia, or Bosnia before European states were ready to do so (Bryden 2004, 176). In 2007, the British Prime Minister stated that "[o]ur policy has long been that the Somalis themselves should determine their future relationship and that their neighbors and the African countries should take the lead in recognizing any new arrangements which emerges from any dialogue" (Bradbury 2008, 255). More recently, in November 2014, Somaliland asked France to raise the issue of recognition in the UN Security Council. The French Ambassador to Kenya, Remi Marechaux, referred Somaliland's

case to the AU, responding, "[i]t's the position of the African Union to put your case to the UN Security Council" (Somaliland Sun Nov. 8, 2014).

Regarding the recognition of Somaliland, the international community seems to have deferred to the AU. The US ambassador to Ethiopia has pointed out that Somaliland's recognition might in fact improve the prospects for a more equitable, durable Somali union at some point in the future, since "it does not rule out the possibility that an independent Somaliland accepted by the AU could propose unification at a later date with a Somalia that finally achieves its own peace and unity" (ICG No. 66, 2003).[67]

The AU in turn has devolved responsibility to the regional organization IGAD, whose governments are divided in their interest and approaches (Bryden 2004, 176). In a 2005 fact finding mission to Somaliland, the AU mission recommended that the AU should "find a special method for dealing with Somaliland" and confirmed that Somaliland's status was "not linked to the notion of opening a Pandora's Box" in Africa (Clapham 2011, 11). A second AU mission in 2008 reiterated its earlier statements. However, that same year the AU process stalled at the AU summit in Accra, when it was relegated to "any other business" on the agenda (Ibid.). Somaliland's 2005 application for membership to the AU is still pending.

Conclusion

This comparison of South Sudan and Somaliland has highlighted the limitations of existing explanations of when secessionist movements will achieve statehood. International law on territorial integrity, the Montevideo Convention's requirements for statehood, and the laws of self-determination, cannot explain the outcome in these cases. According to international law, Somaliland has a much stronger argument for statehood than South Sudan. Domestic explanations

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[67] Aurelia E. Brazeal was the US Ambassador to Ethiopia from 2002-2005.

on exerting authority over territory, the strength of a demonstration effect, or the political organization of the home state, are also limited in their ability to distinguish between these cases. While explanations that focus on international politics have greater explanatory power, their exclusive emphasis on the role of the great powers neglects the hugely significant role that regional actors play in secessions. Further, those theories cannot explain those cases where none of the great powers have a particular interest in the outcome.

At the end of the day, regional actors were more supportive of South Sudan's secession than that of Somaliland. More regional actors provided greater tangible support over longer periods of time to the SPLM/A than they did to the SNM. In South Sudan, the SPLM/A would have likely been crushed in the 1980s had regional actors not provided military support, economic resources, and sanctuaries.

Regarding their diplomatic role, a number of regional actors were involved in negotiating an end to Sudan's civil war that included the possibility for secession. IGAD initially paved the way for self-determination to be interpreted as secession. Some years later, it worked hard to bring the warring parties to the negotiating table and to keep them there. It ultimately provided a useful framework that the U.S. could piggyback on once it was more inclined to get involved. In contrast, although a number of regional actors were involved in the Somali peace process, each saw the end of the civil war and Somaliland's independence as two separate issues; they could work on the former without addressing the latter. Most of the states in the region are silent on recognition or openly opposed to it.

In terms of the region shaping great power policy, the United States had an important relationship with Ethiopia and the fact that Ethiopia ultimately supported South Sudan's independence allowed the United States to support the process without negatively affecting its

relationship with Ethiopia. While counterfactuals are inherently difficult to demonstrate, it is likely that if Ethiopia had been strongly opposed to secession, the U.S. would likely have stayed away from it. Regarding Somaliland, the great powers have often stated that Somaliland needs to be recognized by the region before they will consider recognition. As a result, the decision is left to a number of states that either do not have a special interest in recognition, or who are actively opposed to it.

This research suggests that Somaliland should not look outside the region for support for recognition, in the hope of building external pressure. While the fact that the great powers may seem more open to the idea of recognizing Somaliland, and great powers can be very persuasive, they will not ignore the political landscape of the region. Until the region is more supportive, it is unlikely that actors outside of it will recognize Somaliland. Somaliland should therefore adopt a strategy based around the one state in the region that seems to support it, Kenya. It should work with Kenya to allay the concerns that other regional actors have over the potential consequences of Somaliland's independence, and persuade them to support recognition. If Somaliland, with the help of Kenya, can build momentum in the region, it will likely achieve international recognition beyond the region.

Chapter 4: Secession in South Asia

Introduction

This chapter discusses secession in South Asia, focusing on the cases of Bangladesh and the Tamils. Bangladesh succeeded in gaining internationally recognized statehood. It was the first case of a successful secession outside of the context of decolonization. After a war between India and Pakistan in 1971, Bangladesh declared its independence from Pakistan on January 12, 1972, and was recognized by over fifty states within four months. By 1974, Bangladesh was recognized by all the states in the international system and gained admission into the United Nations. The Tamils of northeast Sri Lanka, on the other hand, sought to create an independent state of Tamil Eelam since the early 1980s. No state ever recognized Tamil Eelam as independent from Sri Lanka, and in 2009 the Tamil separatist movement, the Liberation Tigers of Tamil Eelam (LTTE), was militarily defeated by the Sri Lankan government.

The context in which the secession of Bangladesh and the attempted secession of Tamil Eelam took place has a number of similarities. Both Pakistan and Sri Lanka were former colonies of Great Britain. Secessionist movements in both of these states emerged in response to similar perceptions of discrimination and marginalization. Both the Bengals and Tamils endured attacks on their culture through the denial of an official recognition of their language. Both the Bengals and Tamils had large Indian minority populations in India, in West Bengal and Tamil Nadu respectively. Finally, once civil unrest intensified, there were large flows of refugees from both Pakistan and Sri Lanka to India.

Both the Pakistani and Sri Lankan governments were unwilling to cede territory peacefully to the separatist movements, and the Tamils posed a much greater military threat to Sri Lanka than the Bengals did in Pakistan. So what explains the success of Bangladesh's independence and the

defeat of the Tamils? I argue that the difference that can best explain the success of one and failure of the other is the role of regional actors, namely the interests and actions of the regional power India. India supported the secession of Bangladesh and intervened militarily to ensure its independence. With respect to the Tamils, India ultimately helped the Sri Lankan government defeat them.

This chapter discusses the movements in Pakistan and Sri Lanka separately, providing some historical context, before focusing on the specific ways in which regional actors facilitated or obstructed the secession. The purpose of this chapter is to distinguish between the roles that regional actors played in each case and to demonstrate that these roles were decisive in terms of whether the secessionist movement would achieve internationally recognized statehood. In this chapter, the "region" refers to South Asia. This region include: India, Pakistan, Sri Lanka, Nepal, the Maldives, Bhutan, and after 1972, Bangladesh. India's location, size and power make it the predominant power among the South Asian states (Ayoob 1989, 125).

BANGLADESH

Bangladesh was the first successful secession in the post-World War II period, becoming the 136th state in the international system.[68] This chapter sets out to demonstrate that Bangladesh's secession can be explained through regional politics in South Asia, namely, the interests and actions of regional power India. India saw a number of ways through which it could benefit from Bangladesh's secession, and ultimately intervened militarily to ensure Pakistan's defeat.

Bangladesh declared its independence from Pakistan on January 12, 1972, and within four months was recognized by more than fifty states. Pakistan recognized Bangladesh in February of

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[68] Although cases of decolonization are sometimes considered secessions, I distinguish between the two.

1974, and it gained admission to the United Nations (UN) in September of that year. Around that time, secessionist movements in Biafra and Katanga had been crushed with the full support of the international community. In fact, then UN Secretary-General, U Thant in reference to the secessionist attempt in Katanga, stated that the UN "has never accepted and does not accept and I do not believe will ever accept the principle of secession of a part of its member state" (Nanda 1972, 327). Given this sentiment, and the fact that there had been no successful secessions outside of the decolonization context up to this point, Bangladesh marks an unexpected success. Mahajani (1974) refers to the breakup of Pakistan as a political "miracle" that deviated from the law governing postwar international relations – the law of national territorial integrity and ineffectuality of secessionist movements.

This case study demonstrates that Bangladesh's secession can be explained through the interests and actions of the regional power India. It is divided into four sections. Part one will first provide a brief historical overview of Bangladesh, tracing its colonial history and evolution from part of Indian territory to that of Pakistan. It will then cover the period 1947-1970, explaining the context in which the secessionist movement emerged and evolved. Part two focuses on the war of 1971, explaining how it began, why it ended with the secession of Bangladesh, and the international context in which it took place. Part three will assess Bangladesh's case for statehood under international law and according to existing political explanations for when secessions should happen. Finally, part four will pay special attention to the role of regional actors, primarily in the period immediately leading up to the war and soon after.

I.   Historical overview

Bangladesh has a long history of colonial rule. Once part of India, it was colonized by Great Britain in 1757. The British House of Commons passed the India Independence Act on July

14, 1947, which created two independent states, India and Pakistan. Pakistan was made up of the Muslim provinces of Punjab, North-West Frontier Province, Sind, Baluchistan, and East Bengal (Pavkovic 2008, 104). It consisted of two geographically separate units. Four of the provinces were contiguous and were located in what became West Pakistan. East Bengal was separate from the others and was located in what became East Pakistan. They were separated by over 1000 miles of Indian territory.

There had been some animosity between the Hindus and Muslims in India for a long time. While it had predated British colonization, the British fostered this sentiment as part of its divide and rule strategy. Prior to independence the "Two Nations" theory emerged within India; it was based on the conflicting ideas and conceptions of Hinduism and Islam, and emphasized these distinct religious identities as the sole basis for the political structure of the subcontinent (Harrison 1971, 17). The notion of two states became increasingly popular among the Muslims and increasingly unpopular among the Hindus. The Hindu opposition to partition laid the foundation for a long-term Pakistani concern that India would try to reunify the territory if given the opportunity (Id., 20).

Aside from religion, East and West Pakistan had little in common. They spoke different languages and had a different cultural heritage. In East Pakistan Bengali was the dominant language while in West Pakistan it was Urdu. The East Pakistanis identified more with Bengali culture than with the predominantly Persian and Arabic influence of West Pakistan (Nanda 1972, 329). Despite the fact that East Pakistan covered only 15% of the total Pakistani territory, it held a majority of its population, with 75 million inhabitants. West Pakistan had a population of approximately 55 million (Akmam 2002, 546).

While East Pakistan was initially hopeful about an independent Pakistan, problems emerged very early on. It soon became clear that an independent Pakistan did not mean that East and West would be equally represented. East Pakistan was disadvantaged politically, economically, and culturally from the moment of independence.

a. Discrimination

The central government was set up in the Western part of the state. It was dominated by the ruling elite, Punjabi and Muhajirs, who controlled the bureaucratic apparatus and the armed forces. East Pakistan was significantly under-represented (Nanda 1972). In 1955, the four West Pakistani provinces were merged to form one administrative unit. One of the consequences of a single province of West Pakistan was that it boosted the bargaining power of the center over the provincial government in the East (Asadullah 2006, 7). During the years of "parliamentary democracy," 1947-1958, there were no general elections. The provincial elections were described as a "farce, mockery and fraud upon the electorate" (Choudhury 1972, 243).

Economically, West Pakistan exploited the East. The central government systematically transferred resources away from the East to the West (Nanda 1972; Akmam 2002). Resources were transferred through inter-regional trade; the West exported to the East under a protective trade regime at a higher than international market price. While the East earned most of the country's foreign exchange through its export of jute, the surplus was transferred to industry in the West (Pavkovic 2008, 104).[69] Any revenue spent on defense was concentrated in the West, and the West received a much larger share of foreign aid and loans (Choudhury 1972, 246). As a result, there was a growing disparity in per capita income. In 1959-1960, per capita income in the

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[69] Jute is a natural fiber commonly used in various textile applications; it is extracted from the bark of the white jute plant.

West was 32% higher than in East Pakistan. By 1969-70, this had increased to 61% (Akmam 2002, 546).

As early as 1948, Pakistan's first governor general, Mohammed Ali Jinnah, declared that Urdu would be the single national language (Choudhury 1972, 247) even though Bengali was the language of 54% of the population (Jabeen 2010, 100). The reaffirmation of Urdu by Pakistan's second Prime Minister, Khwaja Nazimuddin, in 1952 resulted in language riots and police shootings in the East (Haider 2009, 538). The West ultimately capitulated in 1952, and recognized both Bengali and Urdu as the state languages.

b. Emergence of Secessionist Sentiment

Separatist sentiment emerged in East Pakistan almost immediately after decolonization. The first demands were made in 1947 by the East Pakistani branch of the ruling Muslim League. The goal at this time was autonomy (rather than secession) in all spheres except for defense and foreign affairs (Murphy and Tamana 2010, 166).

In 1949, the Awami League was the first opposition party created in East Pakistan. It sought full autonomy for East Pakistan as a sovereign socialist republic, including regional foreign affairs, defense forces, and the recognition of Bengali as a state language (Pavkovic 2008, 105). By 1953, a number of Bengali regional parties formed a coalition under the "United Front" to compete against the Muslim League in the elections. The Awami League was one of the two main parties in the coalition.[70] In its first election in 1954 it won 300 of 309 seats. The coalition government did not last, however, as the central government of Pakistan accused its leaders of a conspiracy to secede East Pakistan and after only a couple of months, dissolved it (Id., 105).

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[70] The other main part was the Peasants and Workers Socialist Party (Krishnak Sramik Samajbadi Dal).

In 1956, the central government, in an attempt to show national unity, appointed Awami League's Suhrawardy as prime minister of a coalition cabinet. This was also short-lived, as Suhrawardy's efforts to gain greater provincial autonomy and a larger share of development funds for East Pakistan were very unpopular in the West. After only 13 months, with the threat of dismissal looming over his head, Suhrawardy resigned and died in exile six years later (Ahmed 2004, 146).

Between 1947 and 1958, Pakistan had seven prime ministers. This political instability allowed the army Commander-in-Chief, General Mohamed Ayub Khan to seize power in October 1958 (Murphy and Tamana 2010, 53). The shift to military rule and the adoption of Ayub Khan's new constitution in 1962, intensified the ongoing marginalization of East Pakistan. While the constitution provided for a federal structure with a central government and two provincial governments, power was clearly concentrated with the president. The President appointed the governors of each of the provincial governments. The new constitution placed both the civil service and the military under the President's direct control and limited the powers and functions of the provincial legislative assemblies (Jabeen 2010, 114). By 1971, the President was in a position to make and execute any legislative act without any effective constraint of any judicial body (Pavkovic 2008, 105).

In 1965, Pakistan went to war with India over the status of Kashmir. While the war only lasted 17 days and neither side could claim victory, it had important consequences for the relationship between East and West Pakistan and, consequently, the secessionist movement. Prior to the war, there had been a deep-rooted belief that if India were to attack East Pakistan, West Pakistan would move to protect the East. The common fear of external aggression had established a bond between the East and West (Choudhury 1972, 245). However, during the war the Pakistani

rulers had focused exclusively on defending the borders of West Pakistan. East Pakistan had become completely isolated from the rest of Pakistan, without military defense security.[71]

It was in response to the realization that East Pakistan could not rely on West Pakistan in the event of external aggression that the founder and leader of the Awami League, Sheikh Mujibur Rahman, raised his six-point demand in 1966 (Pavkovic 2008, 106).

Figure 1: The Awami League's Six Point Demand

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Six-Point Demand

Point 1: Pakistan shall be a Federal State. There shall be a parliamentary government formed by a legislature elected on the basis of universal adult franchise.

Point 2: The federating units or provinces shall deal with all affairs except for foreign relations and defense.

Point 3: There shall be two separate but easily convertible currencies for the two wings of Pakistan. Or alternatively, there may be a single currency with the provision that the Federal Bank shall take adequate measures to stop the siphoning off from East Pakistan to West Pakistan.

Point 4: The federating units or provinces shall reserve the rights to levy taxes. The central government shall have some share of the tax proceeds.

Point 5: Separate accounts shall be maintained for the foreign exchange earnings of the two wings. The foreign exchange earned from foreign trade shall be under the control of the respective wings. The federating units shall be independent in conducting trade with foreign countries.

Point 6: The federating provinces shall be able to raise para-militia or para-military forces for their own defense.

Choudhury 1967

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While the first point did state that Pakistan should be a federal state, implying a united Pakistan, other points were ambiguous. The demand for separate currencies and the ability of each

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[71] Although Ayub's foreign minister Bhutto claimed in the National Assembly that East Pakistan had been protected by China, the damage had already been done.

province to raise para military forces implies such a high level of independence that it would be easy to interpret this as a demand for separation rather than autonomy. By this point, a large number of Sheikh Rahman's followers had already opted for a separate state (Akmam 2002, 548). In fact, Sheikh Rahman himself might have already been surreptitiously pursuing this option. He confessed in an interview very soon after independence that he had been working for the establishment of Bangladesh for some time; the flag was already there and the slogan "Jai Bangla" (Victory to Bangladesh) was heard among many Awami League supporters long before the events of 1971 (Choudhury 1972, 264).

The Six-Point Demand was met with anger and fear in the West. President Ayub Khan, among many other West Pakistanis, worried that this plan would divide Pakistan and would leave East Pakistan, with its Bengali ethnic and linguistic unity, by far the most populous and powerful of the federating units (Heitzman 1989). Soon after its release, the president characterized the six-point demand as being secessionist and arrested a number of members of the Awami League (Akmam 2002, 548). When Sheikh Rahman was arrested in May, a general strike took place all over East Pakistan in support of the Six-Point Demand and for his release. This was followed by further large-scale arrests of Awami League leaders and supporters. Ayub Khan's measures proved to be counterproductive, however, as the Six-Point Demand then became a rallying call in the East, and the political situation there became increasingly volatile.

Ayub Kahn's successor, General Yahya Khan, came into power in 1969. As a concession to the Awami League, he dissolved the single province of West Pakistan into the four provinces they had been pre-1955 (Sindh, Punjab, Baluchistan, and Northwest Frontier Province). He then redistributed the seats in the National Assembly according to population and not on the basis of parity between East and West (Pavkovic 2008, 104). The consequence was that, for the first time

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in Pakistan's history, it would be possible for an East Pakistani regional party to gain a majority in the National Assembly solely on the basis of votes gained among the Bengali population in East Pakistan (Id., 104).

A month before elections were scheduled, a cyclone devastated East Pakistan, killing as many as 250,000 people. Yahya Khan spent only one day in Dahka after the cyclone. His apparent indifference to the tragedy caused a great deal of animosity, which Eastern dissidents were able to capitalize on in the run up to the election. Sheikh Rahman, who had been recently released from prison, said "the feeling now pervades … every village, home, and slum that we must rule ourselves. We must make the decisions that matter. We will no longer suffer arbitrary rule by bureaucrats, capitalists, and feudal interests of West Pakistan" (Heitzman 1989, para. 3).

c. Immediate Causes of Civil War

While the disparity in wealth and political representation between East and West Pakistan led to the emergence of autonomy movements in the East, there were two related events that sparked the civil war in Pakistan. The first was the way in which the central government responded to the results of the 1970 general elections, and the second was the government response to the uprisings in East Pakistan in 1971.

On the strength of the Six-Point Demand, the Awami League won Pakistan's general parliamentary election in December 1970. It won 167 out of 169 seats in the East, and as a result, won 167 out of 313 National Assembly seats (Nanda 1972, 331). An overall majority meant that it would be able to implement its election mandate. The election results were unexpected and unacceptable to the West (Mahajani 1974, 322). Politicians in the West were concerned that the Awami League would use this opportunity to legislate for greater independence for the East (Murphy and Tamana 2010, 54). Instead of handing over power, President Yayha Kahn postponed

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the meeting of the National Assembly indefinitely, essentially ignoring the election results. The

Bengalis responded with mass demonstrations and brought East Pakistan to a standstill (Nanda

1972, 331).

Faced with the loss of control over East Pakistan, President Yahya Khan started

negotiations with the Awami League. Initially, the government was willing to compromise,

though it insisted that Yahya Khan retain the authority to override the decisions of any other body

in Pakistan. However, in the final stages of negotiations, the Awami League introduced new

terminology to the proposed draft of the presidential decree that was unacceptable to Yahya Khan.

Among the substitutions was the term "Confederation" over "Federation" of Pakistan. This

indicated to Yahya Khan intent to divide Pakistan into two sovereign states. He was not about to

let that happen and negotiations failed (Pavkovic 2008, 107).

On the night of March 25, 1971, the West Pakistani Armed Battalion began "Operation

Searchlight," to "neutralize" the Awami League of its political power. Over 15,000 people were

killed between March 25 and 26 in the city of Dhaka alone (Akmam 2002, 539). The massacre

was described by the International Commission of Jurists as:

> [T]he indiscriminate killing of civilians, including women and children and the poorest and
> weakest members of the community; the attempt to exterminate or drive out of the country
> a large part of the Hindu population; the arrest, torture and killing of Awami League
> activists, students, professionals and businessmen and other potential leaders among the
> Bengalis; the raping of women, the destruction of villages and towns; and the looting of
> property. All this was done on a scale which is difficult to comprehend.
> (Commission of Jurists Report 1972, 26).

The crackdown transformed autonomy demands into explicit independence demands. On

March 26, 1971, Bangladesh declared independence, triggering a civil war (Akmam 2002, 539).

II.   Civil War to Secession

Pakistan fell into a civil war in March 1971, sparked by the central government's crackdown in East Pakistan. India was involved in the war from very early on and, as the months went by, the conflict was seen by many as an Indo-Pakistani conflict rather than a civil war. India, however, went to great lengths during this period to frame the conflict as a domestic one to Pakistan and the rest of the international community. The conflict became explicitly international in December when Pakistan declared war on India. While India was clearly involved in the conflict from the beginning, this section will refer to the period between March and early December 1971 as the "Civil War," and the period from early December 1971, after the Pakistani declaration of war against India, to the conclusion of the conflict, as the "Indo-Pakistani War."

a. Civil War

Resistance to West Pakistan by the population in the East, began almost immediately. The March 26, 1971, declaration of Bangladesh's independence was followed shortly thereafter by the creation of a government in exile, which sat in Calcutta, India, just across the border from East Bengal (Ackman 2002, 548). The government created an organized armed force, known as the Mukti Bahini, in April. Sheikh Rahman's military advisor, Osmani, was appointed as commander-in-chief of the Mukti Bahini and immediately created a series of training camps along the Indo-Pakistani border. Initially, training was provided by East Pakistani personnel in collaboration with personnel from India's Border Security Force (BSF) (Sisson and Rose 1990, 184).

By mid-May, West Pakistani military forces had substantially expanded into East Pakistan, particularly in areas bordering on India that had been previously controlled by the Awami League. The concentration of West Pakistani troops on India's eastern border created security concerns for India. As these concerns grew, along with a rise in the number of Mukti Bahini recruits, India

began to involve itself more directly with the Mukti Bahini. July through October saw India stepping up its support; it provided more intensive training to the Mukti Bahini, which allowed them to launch major organizational and sabotage campaigns in East Pakistan (Id., 211).

The Mukti Bahini used guerrilla tactics to fight West Pakistan. The support of much of the civilian population created favorable conditions for such a strategy. Communications were easily severed by the destruction of road and railway bridges, and the main export industries of tea and jute were brought to a halt (Commission of Jurists Report, 1972, 41). On September 5, 1971, President Yahya Khan declared a general amnesty and many East Pakistani prisoners were released. He stated that he hoped the amnesty would "remove all manner of doubt, fear and anxiety from the minds of those who may have committed offenses during the course of and due to the heat generated by political disturbances in East Pakistan and gone outside the country or underground." He invited men to return to their homeland and rejoin their families and resume their normal lives. There was no noticeable response to his appeal (Id., 42).

From October through November 20, Indian artillery was used much more extensively in support of the rebel operations in East Pakistan. Indian military forces, including tanks and air power on a few occasions, were used to back up the Mukti Bahini. Indian units were withdrawn to Indian territory once their objectives had been brought under the Mukti Bahini's control, though it was rarely able to hold its ground once Pakistani counter attacks were launched (Sisson and Rose 1990, 212). Increased guerrilla activities meant an increase in Pakistani reprisals. Every act of sabotage was followed by reprisals by the armed forces who continued to "burn and kill" whole villages. Villagers soon fled (often as refugees to India) as soon as an act of sabotage occurred, to avoid the almost certain reprisal by the Pakistani armed forces (Commission of Jurists Report

1972). Therefore, increases in Mukti Bahini activity resulted in increases in the number of refugees entering India.

After November 20, Indian forces stopped withdrawing from Mukti Bahini attacks that they had supported. From November 21-25, several Indian army divisions, divided into smaller tactical units, launched simultaneous military actions on all of the key border regions of East Pakistan, with both armored and air support (Sisson and Rose 1990, 213).

b. Indo-Pakistani War

In response to the Indian troop movements that began on November 21 1971, Pakistan declared war against India on December 3 (Akmam 2002, 548). The war was over in less than two weeks. On December 16, following Pakistan's surrender in the East, India unilaterally proclaimed a cease-fire on the western front. Pakistan's acceptance two days later marked an end to the war (Heitzman 1989). The Indian army handed over control of the territory to the Awami League political leaders who had returned from India or were released from Pakistani prisons (Pavkovic 2008, 103).

The Indian government recognized Bangladesh's independence on December 6, while it was at war with Pakistan. The Soviet Union and its fellow members of the Warsaw Pact recognized Bangladesh within weeks of India's removal of the Pakistani army from power in Bangladesh. This was followed by the Scandinavian states, Australia, and New Zealand. The United States was the fifty-fifth state to recognize Bangladesh on April 4, 1972 (Islam 1985, 220). Pakistan ultimately recognized Bangladesh in February 1974 after the Bangladesh government stopped seeking to hold a number of Pakistani officers accountable for war crimes (Pavkovic 2008, 108). It was only after Pakistan's recognition that its ally China lifted its veto to Bangladesh's admission into the UN.

c. The International Context

The conflict in Pakistan took place in the context of the Cold War at a time when the relations between China, the Soviet Union, and the United States were shifting. As will be shown, each of these actors made decisions regarding the conflict in Pakistan and ultimately chose a side to support, at least diplomatically. A brief overview of the international relations context will help inform the foreign policy decisions of each of these states regarding the conflict.

Nixon became president of the United States in 1969 while the United States continued to fight a war in Vietnam. Domestic support for the war hit an all-time low once news of the 1968 My Lai Massacre reached the public. Although the number of U.S. soldiers in Vietnam had peaked in 1968-9, 280,000 troops were still there in 1970.

This period saw somewhat of a détente between the United States and the Soviet Union. Although the relationship continued to be strained, it had improved to a point where Nixon saw action in the Security Council regarding Pakistan as a useful opportunity to litmus test U.S.-Soviet relations. At the same time, U.S.-Sino relations were in a process of transition. Nixon's National Security Advisor, Kissinger made a trip to China in July 1971 and in a televised address on July 15, Nixon announced the U.S. opening to China (Nichter and Moss 2010, 52). Pakistan had played a role in improving this relationship and the United States saw Pakistan as an important channel between the U.S. and China. It has been suggested that the U.S. decision to back Pakistan was in fact for the benefit of China, as a way to show China how serious it was about improving the relationship (Ibid.).

Sino-Soviet relations were unraveling during this period. Strains in their relationship had begun as early as the late 1950s, but they had deepened through the 1960s. After an unresolved border dispute in 1964, the Soviet Union began to build up a military presence along the border

with China. The Soviet invasion of Czechoslovakia in 1968 caused China to accuse it of "socialist imperialism" (Lieberthal 1978, 1). Relations reached a low point in 1969 when serious armed clashes broke out between them at Zhenbao (or Damansky) Island on the northeast border (Id. 5). It has been suggested that there was a concerted effort among at least some of the Chinese leadership from 1968 to normalize relations with the U.S. to facilitate opposing the Soviet Union (Gottlieb 1977).

China and Pakistan had enjoyed a close relationship. Pakistan had been one of the first countries to recognize the People's Republic of China in 1950 and remained an ally during Beijing's period of international isolation in the 1960s. China and Pakistan valued each other as a strategic hedge against India. China and India fought a border war in 1962 and both continued to claim the other was occupying large portions of its territory (Afridi 2010).

The Soviet Union signed a Treaty of Peace, Friendship, and Cooperation with India in August 1971. The treaty was signed very soon after evidence of an emerging friendship between the United States and China. While India initiated the signing of the treaty (which had in fact been drafted previously but never ratified), the Soviet Union was also looking to address the shift in the balance of power in the region.[72]

III.   Arguments for Statehood

This section will first assess the strength of Bangladesh's claim to statehood under international law, using the criteria for statehood under the Montevideo Convention and the right to self-determination. It will then assess the strength of existing political explanations for

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[72] U.S.-China talks between Kissinger and Chou took place July 9-11, 1971 (Kapur 1972, 463).

successful secessions, including: the military strength of the movement; the political organization of the state, and the level of demonstration effect.

The requirements for statehood laid out in the Montevideo Convention on the Rights and Duties of States (1933) include: a defined territory; a permanent population; a functioning government; and the ability to enter into foreign relations. Bangladesh satisfied the territorial requirement. Bangladesh was geographically quite separate from the rest of Pakistan. There was never any uncertainty of where its borders were. The borders around Bangladesh were internationally recognized, as they delineated Bangladesh from India and Myanmar.

In terms of a functioning government it is likely though not entirely clear that Bangladesh would have satisfied this requirement. It certainly had the capacity for self-government. However, every time it got close to some level of self-governing autonomy, the central government would crush it. In the first election of 1954 when the Awami League won 300 of 309 seats, the central government accused its leaders of a conspiracy to secede and after only a few months, dissolved it (Pavkovic 2008, 105). While Pakistan ostensibly had a federal structure during its military rule, it was clear that power was concentrated with the president. When the Awami League won the elections in 1970, President Yayha Kahn essentially ignored the results (Nanda 1972, 331).

Finally, in terms of the ability to enter into foreign relations, East Pakistan was not able to demonstrate this. It had no embassies, and given Pakistan's propensity to crush any autonomous government, it was not able to meet with other heads of state. It did, of course, have some relations with India, though these were hardly formal foreign relations.

Therefore, regarding the requirements for statehood under the Montevideo Convention, East Pakistan fairs somewhere in the middle, possibly a low pass. It had a clearly defined territory

and a permanent population. It had the capacity for a functioning government but was not always able to act because the central government would pull the rug out from under it every time it was able to create a government democratically. It was not able to create a truly functioning government until after India defeated Pakistan. It did not enter into foreign relations until after it had achieved international recognition.

Bangladesh could make a successful argument for self-determination. As previously mentioned, according to the UN Charter and a number of human rights treaties, only a "people" can enjoy this right. The Bengals met the requirement for what constitutes a "people." They developed a sense of identity distinct from the rest of Pakistan. Although they shared the same religion as the rest of the country, they had little in common. They spoke different languages and had a different cultural heritage. In Bangladesh, Bengal was the dominant language rather than Urdu. The population in Bangladesh identified more with Bengali culture than with the predominantly Persian and Arabic influence of West Pakistan (Nanda 1972).

The right to self-determination is enjoyed when a people can freely determine their political status and pursue their economic and social development. This right can be expressed through greater autonomy within a state, known as internal self-determination. As discussed in Chapter One, while this right does not necessarily extend to a right to external self-determination (i.e., secession), a number of scholars argue that if the right to internal self-determination is not met, then the right can evolve into a right to secession (Borgen 2007; Buchanan 1997; Birch 1984). The case for a right to external self-determination becomes stronger when there is an ongoing injustice (often gross human rights violations) that the "people" must overcome (Borgen 2007). The Bengals did lack representation. When they finally gained a majority in the general

parliamentary election of December 1970, President Yayha Kahn essentially ignored the election results, by postponing the meeting of the National Assembly indefinitely (Nanda 1972, 331).

The Pakistani government engaged in severe human rights abuses. In response to the uprisings that followed the elections, the armed forces engaged in the indiscriminate killing of civilians and general repression against all Bengalis. They also arrested, tortured and killed Awami League activists, students, professionals and businessmen and other potential leaders among the Bengalis (Commission of Jurists Report, 1972, 24-26). In this sense Bangladesh could make a strong case for a right to self-determination that could only be enjoyed through secession. They constitute a "people," whose right to internal-self-determination was not met, who were facing gross human rights violations.

The above demonstrates that Bangladesh had a fairly strong case for statehood under international law. In terms of the non-legal factors that the literature indicates should lead to success for a secessionist movement, Bangladesh comes out a mixed bag.

The Mukti Bahini were not particularly strong militarily. Without the assistance of India, the Mukti Bahini would have been easily crushed by the Pakistani Armed Forces. In this sense, Bangladesh was not able to achieve *de facto* statehood through its own abilities to keep Pakistan out. In terms of the political organization of the state, Pakistan was an ethnically concentrated federation. According to a number of scholars this type of political system provides the best chance for a successful secession (Roeder 2007; Bunce 2004; McGarry and O'Leary 2003).

Finally, scholars point to the strength of a demonstration effect within the state. If a state has a number of ethnic groups, a home state will be more determined to crush a secessionist movement because of the concern that one successful movement will provide incentives for the others (Toft 2003; Walter 2003). The Bengals were not the only ethnic group in Pakistan. Pakistan

also included, Sindhs, Pakhtuns and Balochis, among others. Accordingly, Pakistan should have been greatly concerned over a demonstration effect and determined to crush the Bengal separatists. Whether the demonstration effect was a serious concern for Pakistan or not, it certainly was determined to crush the separatists. The problem was that once India was involved, Pakistan was simply not strong enough to defeat India, no matter how determined it was.

IV.   Role of the Region

Regional actors play critical roles in secessions, yet have so often been neglected in explanations. Regional actors are so important because their proximity means that usually their interests are affected more than the interests of states outside of the region. As a result, regional actors tend to have the strongest interests in the outcome, whether that is in support of secession or in opposition to it.

As previously discussed, I have identified three mechanisms through which regional actors can affect the outcome of a secession. First, they can provide tangible support to the physical survival of a movement. Tangible support can include the provision of military or economic resources, or the provision of sanctuaries.[73] Second, they can shape the diplomatic landscape through their ability to frame how conflicts are perceived and through their ability to act as gatekeepers between a movement and the broader international community, facilitating support or obstructing it. Finally, to the extent that any of the great powers have an interest in the outcome, they will take regional actors into consideration when determining foreign policy. These considerations may include issues relating to regional stability, a great power's existing relationships in the region, or global balancing.

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[73] Regional actors can also make policies that may as an unintentional consequence provide support for one side or another in a conflict. This mechanism is primarily about intentional support, but it is important to note that regions are often interdependent and it is relatively easy for the decisions taken by one state to affect another.

Pakistan falls within the South-Asian region, often referred to as the Indian Subcontinent or simply the Subcontinent. This region includes India, Pakistan, Nepal, Bhutan, Sri Lanka, the Maldives, and (often) Myanmar. No state in the region other than India was involved directly or indirectly in East Pakistan's quest for independence. It is clear that India played a determinative role in Bangladesh's independence. While India was supportive of East Pakistan as soon as the civil war began, this support was initially for East Pakistan in a *united* Pakistan. It was not until late in 1971 that Pakistan's unwillingness to meet India's demands caused India's support to evolve into support for Bangladesh's secession. So why did India side with East Pakistan? There were a number of benefits to India of a weakened Pakistan. However, ultimately, the refugee crisis, caused by the civil war, was the proximate cause of India's support for independence.

India and Pakistan had a contentious relationship since the partition in 1947. They had already fought two wars over Kashmir prior to 1971. India had welcomed the results of Pakistan's 1970 national elections and was looking forward to establishing a relationship with Sheikh Rahman, the first democratically elected civilian prime minister of a united Pakistan (Mahajani 1974, 322). Rahman was attractive to India because his position on foreign policy included friendship with India and nonalignment. This policy specifically included the withdrawal from military pacts like the Central Treaty Organization (CENTO), the Southeast Asia Treaty Organization (SEATO), and other bilateral alliances (Ibid.).[74] India was enthusiastic about the security on its eastern and western borders that a friendly, nonaligned, democratic, and united Pakistan could provide. This enthusiasm was short-lived, however, as it quickly became clear that Pakistan had no intention of respecting the election results.

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[74] CENTO was a mutual defense and economic cooperation pact among Persia, Turkey and Pakistan. SEATO was a military alliance among the United States, France, Great Britain, New Zealand, Australia, the Philippines, Thailand, and Pakistan.

The civil war in East Pakistan was seen by a number of Indian policy makers at the time as an opportunity to dismember Pakistan. The creation of Bangladesh would simultaneously weaken a hostile neighbor to the west and create a friendly neighbor to the east. India could establish a pliable government in Bangladesh and create an extension of the Indian market (Haider 2009, 537). The director of the Indian Institute of Defense Studies, K. Subrahmanyam, stated in March 1971, "[w]hat India must realize is the fact that the breakup of Pakistan is in our own interest, an opportunity, the likes of which will never come again" (Id., 543).

The proximate cause for Indian support for an independent Bangladesh, however, was the Indian assessment that secession might be the only way to solve its refugee crisis. As soon as Pakistan's civil war began, millions of East Pakistanis fled to India. By early April, the Indian government chose to concentrate the refugees in camps close to the East Pakistani border. This marked a change in policy from previous refugee flows, where refugees had been allowed to move into India as permanent residents (Id., 542). The decision to keep them close to the border was made for two reasons. First, many of these refugees were Bengali Muslims; the Indian government was generally not inclined to accept the permanent settlement of Muslims (Sisson and Rose 1990, 147).[75] The second and more significant reason was the Indian perception that the March 25 crackdown was worse than earlier government suppressions and would likely have more long-term consequences. By mid-April, a number of Indian officials were expecting that many, if not most, of the 12-13 million remaining Bengali Hindu population in East Pakistan would eventually seek refuge in India (Ibid.). By concentrating the refugees close to the Pakistani border, India would be in a better position to ensure that they return to Pakistan once they could.

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[75] Prior refugee flows were made up primarily of Bengali Hindus.

The number of refugees was problematic for India because they caused India to incur a variety of substantial costs. Financially, state governments could not afford to maintain the number of refugees. Their budgets could not meet the expenses, and the central government had to extend loans to help cover deficits (Sisson and Rose 1990, 152-3). By the end of May, nine million refugees had arrived in the small state of Tripura, whose indigenous population was only 1.5 million (Haider 2009, 541). There were also severe health issues in the camps and among the general populations where the refugees were concentrated. By early June, approximately 9,500 cases of cholera had been reported with 1,200 deaths (Sisson and Rose, 1990, 153). By the end of September the number of cholera cases among refugees alone was 46,000, with nearly 6,000 deaths (Ibid.). Finally, and perhaps most problematically, the refugee crisis had the potential to destabilize India because of where the refugees were located. They were concentrated in some of the most troublesome areas of India for the ruling Congress Party.[76] In West Bengal (India), the Congress Party had recently invoked "President's Rule," meaning that the central government had taken direct control over the state. The central government had earlier dismissed a coalition state government in West Bengal that had included the Communist Party. The Congress-Party-supported coalition that replaced it was unable to control a terrorist campaign organized by the Communist Party directed against the state (Id., 179). In these kinds of unstable areas, India did not want millions of refugees creating further instability.

For the above reasons, India clearly had a strong interest in the outcome of the liberation war. The rest of this chapter will explain how India was responsible for the success of Bangladesh's claim to independence.

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[76] These areas included: West Bengal, Assam, and the "tribal" hill states of northeastern India, primarily Tripura and Meghalaya (Sisson and Rose 1990, 179).

a. Mechanism I: Provision of Tangible Support

Regional actors can contribute to the survival of a movement in indirect, often unintentional ways. In early 1971, the separatists in East Pakistan benefited from Indian decisions that likely had little to do with Bangladesh's independence. In January 1971, prior to the outbreak of civil war, an Indian Airlines flight was hijacked and ultimately destroyed by two Kashmiris. The Pakistani government did not condemn the attackers and, along with the press, referred to them as brave Kashmiri freedom fighters (Sisson and Rose 190, 136). The Indian government responded by banning all Pakistani flights from flying over Indian territories. This ban drastically limited Pakistan's ability to communicate between East and West and in this way assisted the separatist movement in East Pakistan (Id., 137). The story circulating in Pakistan at the time was that the hijacking had actually been carried out by Indian intelligence to create the excuse necessary to ban Pakistani flights (Ibid.).

Beyond this incidental benefit, India was the only state involved in providing intentional, tangible support to the armed forces in East Pakistan, which it did in a number of ways. Once the civil war began, India provided support to the Mukti Bahini forces that increased steadily over the course of 1971, culminating in an Indian military invasion. In early April 1971, the Indian government allowed the Awami League to establish the headquarters for a government in exile in Calcutta (Haider 2009, 540). It allowed the government to use Indian radio services for broadcasts intended for Bangladesh, and to recruit and train guerilla forces on Indian territory (Islam 1985, 218). It was through this radio station in India that the government-in-exile first declared the independence of Bangladesh (Pavkovic 2008, 108).

As well as providing support to the Mukti Bahini forces, India also worked at shaping the movement in ways that would be favorable to India. India closely supervised the government in

exile. The Awami League leaders issued public statements from time to time, but only after a representative of India's External Affairs Ministry in Calcutta had cleared them. India built a number of training camps for the Mukti Bahini on Indian territory close to the East Pakistani border (Haider 2009, 540). It was careful when establishing these camps to ensure that they were under the control of those they perceived to be the reliable leaders of the Awami League, rather than the more radical political elements in the resistance (Ibid.).

As early as May 1971, India began to make threats towards Pakistan. Prime Minister Gandhi publicly stated,

> [c]onditions must be created to stop any further influx of refugees and to ensure their early return under credible guarantees for their safety and well-being. I say with all sense of responsibility that unless this happens, there can be no lasting stability or peace on this subcontinent. We have pleaded with other powers to recognize this. If the world does not take heed, we shall be constrained to take all the measures as may be necessary to ensure our own security and the preservation and development of the structure of our social and economic life (Id., 541).

The threats continued, and in July, Indian Foreign Minister Swaran Singh declared that India had no desire to seize any part of East Pakistan, but he warned that the "activities of the Bangladesh freedom fighters [would] continue and increase" until a political settlement was reached. He added, "[w]hen freedom fighters succeed in liberating territory in Bangladesh and [when] Pakistan uses it as a pretext for attacking us, then I must make it clear that we are ready to defend ourselves" (Mahajani 1974, 328). From July through October 1971, India stepped up its support to the Mukti Bahini, providing more intensive training. In October and November, India began to use its own military. At first it backed up Mukti Bahini forces, but soon it was launching independent attacks (Sisson and Rose 1990; 213).

Ultimately the Indian army invaded East Pakistan by a massive land and air attack in support of the Mukti Bahini forces and East Pakistan was thus physically overpowered by India (Islam 1985, 218).

b. Mechanism II: Diplomatic Role

India played a significant role in obstructing external influence and involvement in support of Pakistan. India was militarily stronger than Pakistan and, provided other states did not intervene, it was confident that it could achieve a desirable outcome.

Very soon after the start of the civil war, India worked extensively to frame the conflict for the international community. India initially directed its campaign at other governments to use suspensions in economic and military aid to pressure Pakistan to revise its policy in East Pakistan (Sisson and Rose 1990, 188). Indian leaders worked relentlessly to build up world opinion against Pakistan's atrocities and thereby isolate Pakistan diplomatically (Haider 2009, 545). In a proposal submitted to UNESCO on May 17, 1971, India noted that it considered the minimum requirements for a peaceful solution to be the restoration of human rights, the introduction of rehabilitation measures in "East Bengal," and the creation of a situation there that would allow for the return of the refugees from India (Sisson and Rose 1990, 188). The submission was followed by an intensive Indian diplomatic campaign in key countries in Eastern and Western Europe, North America and Asia (Ibid.).

In the face of U.S. support for Pakistan, India signed a 20-year Treaty of Peace, Friendship and Cooperation with the Soviet Union. While an armed attack on one party was not automatically considered an attack on the other, a number of articles provided for mutual assistance in the event of war. If either party was attacked or threatened with attack, the parties were to enter immediately into consultations in order to remove such threat and to take appropriate effective measures to

ensure peace and security of their countries. Each party undertook not to give military aid to a state with which the other party was engaged in an armed conflict. Since the Soviet military aid to China and Pakistan had been terminated, the Soviet obligation was merely a continuation of the status quo (Haider 2009, 546).

India initially hoped that the alliance would strengthen its persuasive influence on the United States. With the Soviet Union as an ally, India hoped to demonstrate to the Nixon Administration that it was urging U.S. intervention on behalf of East Pakistan because it would be the "right" thing to do, given the humanitarian crisis, not because India needed help (Mahajani 1974, 332). Once it became clear that the United States was not persuaded to act in support of East Pakistan, the hope was that the alliance with the Soviet Union would deter the United States and China from intervening to help West Pakistan (Id.). According to Kissinger, the Indo-Soviet Treaty was a particular cause for concern because it enabled India to take an uncompromising stance against the instability in Pakistan (Kissinger 1979, 913).

India sent another diplomatic mission to the Muslim world with a different message. India emphasized the civil nature of the conflict. India assumed that if the Muslim world understood the conflict as an Indo-Pakistani one, it would likely side with the Muslims against the Hindus. By framing the conflict as internal, it could be seen as a conflict between two hostile Muslim communities (i.e. East and West Pakistan) and Islamic states would feel less inclined to take sides. This effort to diminish support for Pakistan among the Islamic states met with some success (Haider 2009, 546). India sent out a second wave of diplomatic missions in September 1971; these went primarily to Latin American and African countries. The priority of these missions was to brief them on the position India would present at the UN General Assembly in October and to prepare them for India's direct use of military force (Sisson and Rose 1990, 188). Without any

external interference, India was confident that it could beat Pakistan militarily. At the time it was the dominant military power in the subcontinent. Its army, navy and air force were far stronger than those of Pakistan. It did not need any foreign intervention.

India's unwillingness to concede that Indo-Pakistani relations were a substantive factor in the Pakistani civil war because of Indian support for the Mukti Bahini, while insisting at the same time that Pakistan's policy constituted "indirect aggression" against India, undermined efforts to mediate the crisis by any third power, including the UN (Id., 190-91). Pakistan tried unsuccessfully to counter Indian support by calling international attention to Indian involvement (Pavkovic 2008, 108). From mid-June 1971 until the end of the year, India opposed virtually everything UN Secretary-General U Thant tried to do on the issue. In early July, U Thant proposed to the Indian representative at the UN that the UN High Commission on Refugees (UNHCR) establish a presence in the refugee camps in India and in the "reception centers" in East Pakistan that had been set up on the border to receive returning refugees and facilitate their reentry. The Indian government refused on the grounds that no refugees could return to East Pakistan, whatever the policy position of the Government of Pakistan, until a "climate of security" was achieved through the establishment of an Awami League led government there (Sisson and Rose 1990, 189).[77]

In November 1971, Indian Prime Minister Gandhi visited Washington. While the United States continued to side with Pakistan, Nixon was hoping to help the parties reach a resolution that would end the war. He offered to take on full financial responsibility to support the refugees in India. He also offered an agreement by President Yahya Khan to unilaterally withdraw Pakistani

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[77] According to some sources one reason why India refused to allow UN observers in the refugee camps in India was its concern that this would provide the UN with the opportunity for surveillance of Indian military assistance to the Mukti Bahini operations in East Pakistan (Sisson and Rose 1990, 190).

forces from the East Pakistan-Indian border with only the understanding that India would respond in some way in the near future. Gandhi was unresponsive to either proposal (Haider 2009, 546).

Throughout 1971, the Indian government considered any political settlement that did not specifically include provisions for the return of *all* refugees, not merely the Muslims to East Pakistan, to be unacceptable. Pakistan appeared uninterested in any settlement under which the "traitorous" Hindu Bengali refugees would be allowed to return, at least on a wholesale basis (Sisson and Rose 1990, 148). The refugee question, therefore, became a major barrier to any serious negotiations and thus a peaceful resolution. Ultimately, India understood that the only way to solve its refugee crisis was to support secession. Pakistan had been unwilling to come up with a solution that addressed the refugee issue in a united Pakistan.

Once the Indo-Pakistani war was over, India continued to work on Bangladesh's behalf to gain international recognition. Just over a year later, over 90 states recognized Bangladesh.

c. Mechanism III: How Regional Actors Shape Great Power Foreign Policy

Both the United States and China were the only great powers that firmly supported Pakistan in maintaining its territorial integrity. The Nixon Administration regarded President Yahya Kahn as a military ally, and a valuable conduit for communication between the United States and China. On the other hand, Sheikh Rahman seemed particularly unattractive to the United States. His policy of nationalization of major industries threatened U.S. interests in Pakistan (Mahajani 1974, 328). China also considered Yahya Khan to be a more reliable ally than Rahman, since the former was hostile to India and had proven to be a trustworthy ally in China's negotiations with the Nixon Administration. China found Rahman as unattractive as the United States did, but for different reasons. Rahman was perceived as a "bourgeois" socialist, who had diluted the extreme left wing. His policy of nonalignment also meant there would not be an alliance with China. Further, China

was dealing with its own uprisings by minorities in Xinjiang and Tibet, and was sympathetic to what it saw as a secessionist threat to its ally, Pakistan (Id., 325). China and the United States were both military and economic donors to Pakistan. In October and November 1970, the United States sold Pakistan military supplies worth $150 million for a nominal cost of $15-20 million (Id., 323). China had given Pakistan $200 million worth of arms. In April 1971, after a four-lane highway from Xinjiang to Gilgit in Pakistani-held Kashmir opened, Chinese supplies arrived more quickly (Ibid.).

Although ultimately neither China nor the United States was inclined to intervene militarily on behalf of Pakistan, neither state made this clear early on. A number of steps short of military intervention were taken, primarily by the United States, in support of Pakistan against India. The United States suspended $87.6 million in development loans to India. It revoked all licenses earlier approved for the export to India of $13 million worth of hardware. It refused to renew licenses or grant new ones. While invoking sanctions against India, the U.S. continued to supply military aid to Pakistan through "3rd party transfers" (Id., 328).

U.S. National Security Advisor, Henry Kissinger, warned India that in case of an Indo-Pakistani conflict over East Bengal, China would not remain neutral. Further, if China were to attack India, India should not expect any U.S. support.[78] It was in response to this warning, in the context of an improving relationship between China and the United States that India sought to re-shift the balance of power by signing the Treaty of Friendship with the Soviet Union. While a number of articles simply codified existing aspects of Indo-Soviet relations, Article IX stipulated that the two sides will "abstain from providing any assistance to any third party that engages in

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[78] This sentiment was reinforced when Kissinger in a conversation with Huang Hua (the People's Republic of China's representative to the UN), said that "if the People's Republic were to consider the situation on the Indian subcontinent a threat to its security, and if it took measures two protect its security, the U.S. would oppose efforts of others to interfere with the People's Republic" (Nichter and Moss 2010, 63).

armed conflict with the other party. In the event of either party being subjected to attack or threat thereof, the high contracting parties shall immediately enter into mutual consultations in order to remove such a threat and to take appropriate effective measures to ensure peace and security of their countries" (Kapur 1972, 464). Prime Minister Gandhi later explained that even nonaligned countries had to "safeguard the national interest from the threats of military adventurism," referring to "rash adventurism on the part of Islamabad" (Mahajani 1974, 328). The Soviet Union was a logical choice since it had supported India in defense, economic development, and political disputes for several years. It had also already publicly condemned Yahya Khan's policies and stopped military aid to Pakistan (Ibid.). Despite this treaty, the Soviet Union and India were not necessarily on the same page regarding East Pakistan. Despite persistent Soviet efforts to promote a political and peaceful solution, India was willing to intervene in Bangladesh militarily, alone. Kapur suggests that even though India was able to use the Indo-Soviet Treaty to its advantage during the war, it is by no means certain that the Soviet sponsors of the treaty wanted it to be used in this manner (Kapur 1972, 465).

There was some concern in U.S. security circles that India would use this opportunity to send its troops towards Islamabad to oust the military regime there and maybe even dismember West Pakistan.[79] The United States saw its relationship with the Pakistani military as necessary to accommodate U.S. interests in Pakistan and the extended region. The United States did not want to lose an ally that was also useful for U.S.-China relations. To prevent such a scenario from happening, the United States announced a policy of "maximum intimidation" against India. To that end, U.S. naval forces were sent into the Bay of Bengal and the United States asked China to gather troops at the Indian border, to increase pressure on India. China, however, did not build up

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[79] The western press labeled the Indian intervention as an irresponsible strategy aimed at dismembering Pakistan (Haider 2009, 547).

much military pressure on its borders with India, and India ignored the presence of the U.S. fleet in its waters (Wolf 2013).

Although the UN Secretary-General (U-Thant) had raised concerns over the situation in Pakistan as early as April 1971, action was not taken in the UN Security Council until December (Islam 1985, 218). In early December, the United States and China called an emergency session in the Security Council. The U.S. Resolution called for an immediate cease-fire and withdrawal of Indian and Pakistani forces within their respective boundaries. This was vetoed by the Soviet Union on three occasions (Mahajani 1974, 342).

Although the United States clearly wanted to apply pressure on India, it had no intention of intervening militarily.[80] While it had a preference for the territorial integrity of Pakistan, its core interests were not at stake. There was only so much it was willing to do in the face of a resolute India.

In spite of U.S. interests, an independent East Pakistan was not expected to destabilize the region. If anything, it would probably be better for the stability of the region than a superficially united Pakistan that was vulnerable to protracted civil war with international repercussions (Islam 1985, 216). East Pakistan would have a friendly relationship with India and East-West Pakistan relations may improve over the long run if the existing sources of tension no longer existed (Nanda 1972, 334).

Ultimately, the great powers had no real interest in getting deeply involved in the conflict. According to Wolf, in the final analysis, the Soviet Union and the United States basically wanted to be sure that their respective adversary would not gain too much influence in South Asia and that no regional player would gain too dominant a position regionally. To that end, maintaining a

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[80] That the United States was still active in Vietnam may have provided more support for a non-intervention stance in the region.

contentious triangle among India, Pakistan and China seemed an acceptable strategy to maintain some kind of balance in South Asia (Wolf 2013).

It is clear that India played a determinative role in Bangladesh's secession. Aside from Pakistan, India had the greatest interest in the outcome of the conflict. Generally, India stood to benefit from a dismembered Pakistan both politically and economically. A weakened West Pakistan and a friendly Bangladesh would alleviate national security concerns over a united, hostile Pakistan on both India's eastern and western borders. India could also create an extension of its market in Bangladesh. More importantly, as discussed above, the Pakistani refugee flow into India created a crisis that was untenable. No other country was affected more than India in this respect.

India was necessary for the successful secession of Bangladesh for a number of reasons. First, India provided tangible support to the Mukti Bahini forces through the provision of military resources, training, and sanctuaries. Throughout 1971, India kept the Mukti Bahini alive. Given that without Indian support the Mukti Bahini were rarely able to maintain their ground once Pakistan counterattacked, it is difficult to see how they could have ever defeated West Pakistan on their own. This sentiment was evident in West Pakistan; it assumed that "if Indian involvement could be thwarted or curtailed, the Bengalis would just not be able to pull it off" (Sisson and Rose, 1990, 222). Ultimately, an Indian invasion defeated Pakistan. After the Indo-Pakistani War, it was India that allowed the Bangladesh government-in-exile to assume control over the territory in East Pakistan that it had claimed. India became the first state to recognize Bangladesh.

Second, India played a critical gatekeeper role, obstructing any external involvement in support of Pakistan. It went to great lengths to conduct a diplomatic campaign to discourage support for Pakistan. It emphasized the human rights abuses against the Bengali population, in the

hope of garnering support against Pakistan. For states that might have been inclined to support Pakistan against India, India emphasized the internal nature of the conflict, relying on the international norm of nonintervention in internal affairs to discourage action. Ultimately, the Treaty of Friendship with the Soviet Union may have had the required deterrent effect on powerful states that were not swayed by India's earlier diplomatic efforts. The Soviet Union was also able to veto any proposed Security Council Resolutions that called for greater international attention.

Finally, any great power interest in the outcome of the conflict had to take India's position into consideration. Although none of the great powers' vital interests were at stake in the conflict, the United States did articulate its preference to be a united Pakistan, and took a number of steps towards achieving that result. However, India was not easily swayed. Nixon's attempts at negotiation with Gandhi had been unsuccessful. Verbal threats by Kissinger that the U.S. would not protect India in the event of an attack by China had been unsuccessful. Even the existence of a U.S. naval fleet in the Bay of Bengal had been unsuccessful. To persuade India to withdraw from the conflict, the United States would likely have had to use military force. At the end of the day India wanted secession more than the United States wanted unity. The United States would have to settle for a result that was not altogether negative to U.S. interests, but was certainly not its first choice.

TAMIL EELAM, SRI LANKA

The Tamils are another secessionist group in South Asia; however, the secessionist movement, the Liberation Tigers of Tamil Eelam (LTTE), were defeated in 2009. What follows is a brief historical overview of the Tamils' attempts to achieve statehood and an assessment of the strength of their basis for statehood. The rest of the chapter will demonstrate that the LTTE never succeeded in gaining international recognition primarily because of the interests and actions of regional actors, namely regional power India.

I. Historical Overview

Sri Lanka, formerly known as Ceylon, is an island located in the Indian Ocean.[81] The 40-mile wide Palk Strait is all that separates its northern territory from the southeastern coast of India. Sri Lanka has a long colonial history, having been subject to almost 450 years of colonial rule. It was first colonized by the Portuguese in 1505, followed by the Dutch in 1656, and finally the British in 1815. Sri Lanka is made up of a number of ethnic groups. The vast majority are Sinhalese. Most Sinhalese are Buddhist and speak Sinhala. The largest ethnic minority is made up of Sri Lankan Tamils, who are predominantly Hindus and speak Tamil.[82] The Sri Lankan Tamil community is concentrated in the northern and eastern regions of Sri Lanka. Almost three quarters of all Sri Lankan Tamils live in seven districts of the northern and eastern provinces (Kearney 1987, 564).[83]

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[81] Sri Lanka was known as Ceylon until 1972.

[82] While the Sri Lankan Tamils have a long history (a millennium or more) in Sri Lanka, a more recent Tamil group emigrated from South India between the 1830s and 1930s. These Tamils are officially known as Indian Tamils, though they often refer to themselves as "Up-country Tamils." While they share a religion and language, the two Tamil communities retain separate and distinct group identities (Kearney 1985; Devotta 2009).

[83] Sri Lanka's all-island census conducted in 1981 provided the following breakdown of ethnicities: Sinhalese 73.95%, Sri Lankan Tamils 12.7%, Indian Tamils 5.52%, Moors (Muslims) 7.05% and Others .77% (Devotta 2009, 1024). The next all-island census did not take place until 2012.

Sri Lanka gained independence from Great Britain in 1948. A year before their departure, the British supervised the creation of a constitution (which lasted until 1972) that provided for a majoritarian political structure (Shastri 1990, 58). It was clear that after independence the Sinhalese would dominate the national legislative and executive institutions.

a. Discrimination

Very soon after independence the Sri Lankan Tamils began to feel marginalized economically, politically, and culturally. One commentator described Sri Lankan politics as evolving into an "ethnocracy" where "dispassionate governance was discarded for a government of the Sinhalese Buddhists, by the Sinhalese Buddhists, for the Sinhalese Buddhists" (Devotta 2009, 1027). The two main political parties at independence, the United National Party and the Sri Lanka Freedom Party, began competing over who could better meet Sinhalese Buddhist preferences in the country (Id., 1022).

Just as Pakistan's announcement that Urdu would be the single national language had inflamed the Bengals, Tamil resentment was first ignited by the 1956 declaration that Sinhala was to be the only official language of Sri Lanka. Not only was this culturally exclusive, but it would have a number of political repercussions as well. Tamil civil servants would now be forced to learn Sinhala to be promoted (Id., 1026). The proportion of Tamils in public services and the rapidly expanding state sector fell sharply after 1956 (Shastri 1990, 59).

The Tamils were located away from all the major development projects implemented since independence. They were provided with little development assistance, despite foreign aid earmarked for these regions (Devotta 2009, 1026). Private investment was largely attracted to the capital Colombo and other non-Tamil areas. Tamil politicians interpreted this as a general trend

of deliberate economic discrimination against them by the Sinhalese government (Hennayake 1989, 404).

Another source of major concern for the Tamils was the state-aided migration of Sinhalese to the Tamil-concentrated areas in the northern and eastern territories. Rapid population growth from the 1940s resulted in considerable population migration during this period. There was a steady growth in the Sinhalese proportion of the total population of the north and east, from less than 2% in 1911, 5% in 1946, to 13% in 1981 (Kearney 1987, 572). This was seen by the Tamils as an attempt to destroy the Tamil's national identity (Ibid.). Adding insult to injury was the elevation of Buddhism to constitutional status in 1972 (Hennayake 1989, 404). The new constitution also abolished the safeguards for minority rights that had been incorporated into the previous constitution (Bose 2002, 635).

b. Emergence of Secessionist Sentiment

Formed in 1949, the Federalist Party was the first post-independence Tamil political party and quickly became the leading political party in Tamil areas. It sought greater autonomy for the Tamils in a federal political system. Although its leaders denied supporting an independent state, its arguments that a distinct Tamil nation existed in Sri Lanka, delimited by language, territorial homeland, and a sense of sharing a common history and destiny, laid a clear groundwork for the secessionists later on (Kearney 1985, 904).

In 1972, the Federal Party, along with a number of other Tamil organizations and individuals, joined together to form the Tamil United Front. At this point, individuals associated with the organization began to speak increasingly of the possibility of a separate state. At a conference in 1976, the organization adopted the name the Tamil United Liberation Front (TULF)

and issued a demand for a separate Tamil state to be called Eelam (Id., 905). One of the driving forces behind the increasing organization and emergence of separatism was a rapidly rising militancy among Tamil youths. Many were responding to new provisions instituted by the government regarding university admissions that substantially reduced the number of Tamils in universities and were seen as clearly discriminatory (Devotta 2009, 1026).

By the mid-1970s, Tamil resentment escalated into political violence. In July 1975 an emerging Tamil extremist named Velupillai Prabhakaran and a group of Tamil dissidents capitalized on the public sentiment, and assassinated the pro-government Mayor of Jaffna, Alfred Duriappah. Jaffna was one of the northern provinces where Tamils formed a clear majority of the population. Prabhakaran founded the militant separatist movement, the Liberation Tigers of Tamil Eelam (LTTE) the following year (Linden 2009, 6).

The TULF entered the parliamentary election in 1977 on a separatist platform. TULF candidates won every constituency with a Tamil majority in Sri Lanka except for one and became the main opposition in parliament (Kearney 1985, 909). Although some commentators suggest that the TULF likely adopted the separatist platform to pressure the Sri Lankan state to compromise on ethnic issues, and to appease some of the restless Tamil youth, its new position in parliament alarmed many Sinhalese (Devotta 2009, 1028). Anti-Tamil rhetoric among Sinhalese politicians and the unrest in the north contributed to anti-Tamil riots in 1977 (Devotta 2009; Linden 2009; Kearney 1985).

The unrest turned increasingly violent through the late 1970s and early 1980s. According to government figures, between 1976 and 1983, 73 people were killed by the Tamil separatist underground, and in that period they were responsible for more than 265 bombings, robberies, assaults and other criminal acts (Kearney 1985, 906). In response, the government introduced the

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Prevention of Terrorism Act in 1978. This formalized the definition of terrorism and directly tied it to the Tamil separatist movement. The government labeled the LTTE a terrorist organization, which criminalized all of its activities (Linden 2009, 7). The Prevention of Terrorism Act allowed Sri Lankan security forces to arrest and hold anyone suspected of subversive activities without trial for up to 18 months. Numerous innocent Tamils were caught in the arrests that followed and tortured, which served to radicalize them further (Devotta 2009, 1030).

While the Tamil separatist underground had consisted of a number of different factions, the LTTE ultimately coopted the other separatists, some of which was voluntary, much of which was coerced (Kearney 906, 1985). While the TULF planned to work within the existing political framework towards autonomy for the Tamils, the LTTE viewed participating in the existing framework as compromising the objective of a separate state (Kearney 907, 1985).

In July 1983, violence swept across Sri Lanka. The LTTE had killed 13 Sinhalese soldiers in an ambush, which triggered organized violence against Tamil residents in the south. This was followed by state-wide communal violence between the Sinhalese and Tamils (Vincent 2001, 172). Sri Lanka's civil war is generally considered to have begun at this time in 1983.

II.   Civil War

Sri Lanka's civil war lasted from 1983 until the LTTE was defeated in 2009. As the 1980s progressed and the LTTE consolidated its position as the sole representative of the Tamil people, its activities increased in both size and frequency. What had once been isolated attacks on policemen and Tamil politicians who cooperated with the government became organized attacks on military units (Kearney 1985, 906). By 1986, thousands of trained and well-equipped Tamil fighters effectively controlled large areas of the northern and eastern provinces (Bose 2002, 634).

One of the obstacles Sri Lanka initially faced, when confronting the Tamil unrest, was Indian support for the LTTE. In the south Indian state of Tamil Nadu the Indian intelligence agency's Research and Analysis Wing (RAW), along with a number of former Indian military personnel, trained the Tamil insurgents at base camps (Hagerty 1991, 354). Indian Prime Minister Indira Gandhi approved this policy primarily for domestic political reasons. Indian elections were scheduled for 1985 and she was looking to avoid upsetting the 55 million Indian Tamils living in Tamil Nadu who were sympathetic to the plight of the Sri Lankan Tamils. Sri Lankan efforts to stop the movement of Tamils between South India and Sri Lanka led to a number of incidents involving Indian fishing boats and naval craft, which increased tension between the two countries. Until about 1987, Tamil efforts to gain external international support focused almost exclusively on India. The assumption was that Indian support for the "Tamil struggle" would redress the power imbalance between the Sri Lankan state and the LTTE (Uyangoda 2007, 32).

After Indira Gandhi was assassinated in 1984, her son Rajiv Gandhi replaced her as prime minister. His early diplomacy made it clear that while he supported the rights of Sri Lanka's Tamils, a solution would have to be found that would not undermine Sri Lanka's territorial integrity (Hagerty 1991, 355). As the conflict escalated, an increasing number of Sri Lankan refugees fled to India. Concerned that the influx of refugees had the potential to radicalize its own Tamil population, India looked to end the conflict (Linden 2009, 9). In 1986, India sought to find a middle ground between the Tamils and the Sinhalese. To this end, it submitted a number of proposals to the Sri Lankan government, which the government committed to in December of that year.[84]

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[84] The proposals included refining the institutional linkages between the Northern and Eastern Province and consideration of a constitutional development that would merge the Northern and Eastern provinces.

In January 1987, the LTTE began to take over the civil administration in the north, which was already under its military control. Its plan to register motor vehicles, organize traffic police, and open a secretariat was seen by Colombo as a "unilateral declaration of independence" (Rao 1988, 431). Sri Lanka responded with an economic blockade of Jaffna, the Tamil stronghold in the north. India demanded that the blockade be lifted, and in June 1987 Indian Air Force planes escorted by fighter jets entered Sri Lankan airspace and dropped relief supplies in and around Jaffna. Although Sri Lanka condemned the operation as "an unwarranted assault on our sovereignty and territorial integrity," it did lift the blockade and stopped, at least temporarily, its military operations there (Id., 433). It was around this time that the LTTE adopted the strategy of suicide bombings. The first of these attacks was in May 1987 when an LTTE member detonated a bomb killing 75 people (Linden 2009, 9).

In July 1987, India and Sri Lanka signed a Peace Agreement. It included: an immediate ceasefire, a surrender of arms by Tamil militants, and the combination of the Northern and Eastern provinces into a single administrative unit with an elected provincial council.[85] India committed to assist Sri Lanka militarily in implementing its provisions if Sri Lanka requested. India also agreed to deport Sri Lankan citizens engaged in terrorist activities or advocating territorial secession (Rao 1988, 434).[86] Sri Lanka did request help, and in 1987 an Indian Peace-Keeping Force (IPKF) of approximately 40,000 troops arrived in Sri Lanka (Ayoob 1989, 107).

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[85] The merger was temporary, however, pending the results of a referendum to be held in the eastern province by December 31, 1988, in which residents of the east would choose whether to remain part of an integrated northeastern autonomous entity or separate to form their own unit. Given that ethnic Tamils composed less than 50% of the population of the east, it was practically certain that the merger would be undone once the referendum took place (Bose 2002, 641).

[86] In an annex to the Agreement Sri Lanka agreed to a number of provisions that allayed India's security concerns, including refusing to make the Port of Trincomalee or any other port available for military use to any country in a manner prejudicial to India's interests; and Sri Lanka would ensure that foreign broadcasting facilities on its soil serve only public and not any military or intelligence purposes (Rao 1988, 434).

Although the Agreement was created to end the conflict between the Tamils and the Sri Lankan government, the LTTE had been excluded from the peace talks in an effort to delegitimize their use of violence (Linden 2009, 9). The Agreement was based on the premise that India would pressure the Tamils into compliance with its terms. The LTTE ultimately, reluctantly, agreed, although this became more rhetoric than reality as the LTTE became increasingly non-compliant. Prabhakaran complained that the Agreement fell short of what the LTTE wanted, and the LTTE began to distance itself from India. He complained that India had signed the Agreement to protect its regional interests and that the Tamil issue had not been central to it. Finally, the LTTE declared war on the IPKF in October 1987, ostensibly because it had failed to protect the Tamils from Sinhalese attacks (Ibid.).

The IPKF soon faced a number of difficulties. It quickly became apparent that it was not prepared for a counterinsurgency war. As one observer noted, "the frustration and growing sense of purposelessness among the Indian soldiers, who were not used to this kind of fighting and suffered heavy casualties, showed in their senseless retaliatory actions against the civilian population" (Hellmann-Rajanayagam 1988, 604). They were also facing a backlash from the Sinhalese in Sri Lanka. Ranasinghe Premadasa was elected Sri Lankan president in 1989 on a platform pledging to remove Indian forces from Sri Lankan territory (Hagerty 1991, 358). There was also criticism within India of the policy (Ayoob 1989, 107). The IPKF eventually pulled out of Sri Lanka, beginning in late 1989, with the last of them gone by early 1990 (Devotta 2009, 1029).

In 1991, the LTTE assassinated former Indian Prime Minister, Rajiv Gandhi. [87] Prabhakaran apparently based the decision to assassinate Gandhi on the fear that he would redeploy Indian troops against the LTTE, anger over the Indian Congress Party's alleged involvement in replacing the pro-LTTE government in Tamil Nadu in January 1991, and the subsequent crackdown against the LTTE in that state (Id., 1021). India responded by labeling the LTTE a "terrorist organization." While support for the LTTE in India had already been waning, the assassination ensured that it was effectively over. In 1993, the LTTE carried out another high profile assassination; this time it targeted Sri Lankan president Ranasinghe Premedasa (Linden 2009, 10).

By the mid-1990s, the LTTE controlled nearly a quarter of Sri Lanka's entire territory. It had an army of over 20,000, which included a navy with speedboats and ships for transporting weapons and supplies, some basic submarine capabilities, and an emerging air force (Devotta 2009, 1023). Its suicide forces were known as the "Black Tigers." The LTTE relied heavily on the Sri Lankan Tamil diaspora, which helped finance the organization through businesses, front organizations, extortion, and voluntary contributions (Ibid.). Some estimates state that approximately 60% of the LTTE's total budget came from its international network (Hoglund and Svensson 2003, 106).

In 1994, President Kumaratunga came to power in Sri Lanka pledging to end the war. He soon opened peace talks with the LTTE. The LTTE used the ceasefire to rebuild and, in 1995, when the LTTE sunk a naval craft, Sri Lanka fell back into civil war.

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[87] Rajiv Gandhi was replaced as Prime Minister by V.P. Singh in 1989. While Gandhi was no longer Prime Minister in 1991, he was president of the Indian National Congress and was campaigning for upcoming elections.

After a particularly deadly year of LTTE attacks in 1996, the Clinton Administration recognized the LTTE as a Foreign Terrorist Organization (FTO) under provisions of the Anti-Terrorism and Effective Death Penalty Act of 1996 (Linden 2009, 17).[88] Being labeled an FTO had some consequences for the LTTE. Notably, once listed, it is unlawful for a person subject to the jurisdiction of the United States to knowingly provide "material support or resources" to the LTTE. Further, any US financial institution that becomes aware that it has possession of or control over funds in which a designated FTO or its agent has an interest must retain possession of or control over the funds and report the funds to the Office of Foreign Asset Control of the U.S. Department of the Treasury.[89] While these provisions did limit the LTTE's capacity to draw upon support from the Tamil diaspora in the United States, only a small portion of the Tamil diaspora resided in the United States.[90] Great Britain classified the LTTE as a terrorist organization a few years later in February 2001. This was somewhat more consequential for the LTTE, as its international secretariat had been located in London (Wayland 2004, 218). In July 2001, the LTTE carried out its most notorious attack, when 14 suicide bombers destroyed 11 aircraft, both commercial and military, at Colombo's international airport (Hoglund and Svensson 2003, 107).[91]

Serious peace talks took place again in 2002. This time Norway acted as mediator and a ceasefire was signed in February of that year (Id., 109). The ceasefire was signed prior to direct talks between the parties and was designed to give the parties space to find a negotiated solution

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[88] In separate incidents in 1996, the LTTE shot down a bomber aircraft, attacked the Navy's command ship, a navy gunboat, and the Mullaitivu military base. It also caused an explosion on a Colombo-Alutgama train at Dehiwela, killing 60 civilians.

[89] http://www.state.gov/j/ct/rls/other/des/123085.

[90] Of the estimated 600,000 Tamils who left Sri Lanka, approximately 200,000 went to Canada, 90% of whom reside in Toronto. Another 200,000 went to Western Europe, primarily Great Britain, Germany, Switzerland, and France. Approximately 170,000 went to Tamil Nadu in India (Wayland 2004, 418).

[91] In the Spring of that year the LTTE had announced a unilateral ceasefire. As soon as it had run out, the government carried out a major military operation against the LTTE. The airport attack is generally seen as a response to the government's military operation against the LTTE (Hoglund and Svensson 2003, 108).

to the conflict. At this point, the LTTE appeared more willing than ever before to negotiate and ultimately compromise. In a speech in November 2001, Prabhakaran stated that the LTTE's goal was "internal self-determination." He said that it is only if the current peace process were to break down that the LTTE would have to seek "external self-determination" (Id., 113). He reiterated this position in an April 2002 interview, stating that the LTTE welcomed a negotiated settlement to the conflict and, if a settlement that reached his aspirations could be reached, then the LTTE would transform itself into a political party (Id., 111).

In December 2002, the parties (this time the LTTE and the Sri Lankan government) agreed on internal self-determination as a solution, based on a federal model within a united Sri Lanka (Linden 2009, 11; Hoglund and Svensson 2003, 113). However, little action was taken to implement the agreement and the peace process began to unravel. The parties did not share the same understanding of federalism. The Sri Lankan government viewed federalism in minimalist terms while the LTTE's starting point was a "maximalist construction of power sharing" (Uyangoda 2005, 17). Ultimately the LTTE withdrew from the ceasefire in April 2003 over concerns that the deal was increasingly watered down and no longer contained sincere provisions for Tamil autonomy (Linden 2009, 12). The LTTE actually used the 2002 ceasefire to rebuild their military strength (Id., 13). This was a strategy the LTTE was becoming known for, as it had done the same thing in the 1990s.

In 2004, reports began to surface of growing disunity among the ranks of the LTTE and an imminent split between the main organization in the north under Prabhakaran and a division in the east under Vinayamoorthy Muralitharan (Ibid.). The LTTE's numerous violations of the ceasefire led foreign governments to believe that the LTTE was the main obstacle to a resolution of the Sri Lankan conflict, despite the Sri Lankan government's failure to fully implement the federal plan.

Foreign officials began to crack down on the LTTE and share intelligence with Sri Lanka on the group's maritime operations. Authorities in the United States, France, and Australia detained several suspected LTTE leaders and operatives (Frontline 2007). India especially, played a major role in helping Sri Lanka's navy track down and destroy a number of LTTE vessels in 2008 (Devotta 2009, 1041).

The Sri Lankan government did not officially withdraw from the ceasefire until 2008. Once it did, military actions followed. The government's military operations were intense, and took little account of civilian lives. An LTTE attempt on the life of the Sri Lankan president's brother, defense secretary Gothabaya Rajapaksa, likely helped to reinforce this intensity. This scorched earth policy was a cause of concern for a number of foreign actors. The U.S. had suspended military aid to Sri Lanka in December 2007 because of the human rights violations. U.S. officials announced that they were seeking to delay an IMF loan to Sri Lanka in an attempt to alter the government's policy. In the end the Sri Lankan government simply ignored the U.S. threat in favor of an aggressive push to end the conflict (Linden 2009, 19). In January 2009, government troops captured the LTTE-controlled town Kilinochchi, where LTTE headquarters were based (Id., 15). By May 2009, the LTTE's military capabilities were crushed. The Sri Lankan army surrounded the remnant forces, and compelled them to surrender. The LTTE finally laid down their arms and Sri Lankan military officials declared the death of LTTE leader Prabhakaran on May 19, 2009 (Id., 16).[92]

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[92] The defeat of the LTTE does not necessarily spell the end of separatism in Sri Lanka. Robert Tampler, Asia program director of the International Crisis Group, has stated that the dream of an independent Tamil homeland in Sri Lanka resonates powerfully across the Tamil diaspora and will certainly live on even after the defeat of the LTTE as a conventional military force unless the government works toward a more lasting solution (CRF.org May 18, 2009). However, for the purposes of this study, until sentiment evolves into organization, the secessionist attempt has failed.

III. Arguments for Statehood

This section will first assess the strength of the Tamil claim to statehood under international law, using the criteria for statehood under the Montevideo Convention and the right to self-determination. It will then assess the strength of existing political explanations for successful secessions, including: the military strength of the movement; the political organization of the state, and the level of demonstration effect.

The requirements for statehood laid out in the Montevideo Convention on the Rights and Duties of States (1933) include: a defined territory; a permanent population; a functioning government; and the ability to enter into foreign relations. It is likely that the Tamils did satisfy the territorial requirement. The LTTE controlled large areas of northern and eastern Sri Lanka. This included the entire districts of Mulaithivu and Kilinochchi. The territorial borders were clearly delineated. According to Stokke, "travelling from government-controlled to LTTE-controlled areas resembles a border crossing between two nation-states, with well-guarded border control posts where travelers are required to show identity cards, goods are inspected and customs fees are collected" (Stokke 2006, 1022). The LTTE also began to make claims to sovereignty over the sea and skies linked to the areas under its control (Uyangoda 2007, 40). These areas have a permanent majority population of Sri Lankan Tamils.

In terms of a functioning government, it is likely that the LTTE would have met this requirement. Throughout the 1990s, the LTTE engaged in an extensive state building project. The Tamil Eelam police were formed in 1991. Both the Tamil Eelam penal code and civil code were enacted in 1994 (Stokke 2006 1027).[93] The LTTE had its own tax regime. Although it developed

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[93] These were based on pre-existing laws that were updated and extended to cater for the social issues that LTTE chose to focus on, such as women's rights and the caste systems.

gradually and unevenly, it included a range of direct and indirect taxes in both the areas it controlled and in territories held by the Sri Lankan government (Id. 1034).[94] Uyangoda has referred to the LTTE's "state-like thinking and acting" (2007, 40). Finally, in terms of the ability to enter into foreign relations, the LTTE was never able to do this. It arguably had the capacity to do so, but no external states ever sought to engage with the LTTE in this way.

Therefore, regarding the requirements for statehood under the Montevideo Convention, the LTTE's Tamil Eelam faired quite well. It had a defined territory and permanent population. It had a functioning government that provided a variety of services to its population. The ability to enter into foreign relations is the only obstacle, and this may depend on how one interprets ability. Is it about the internal capacity of a government, or is it about the willingness of outsiders to interact with it? If it is the former then the LTTE also met this requirement. If it is the latter, then to some extent, and in a rather circular way, Tamil Eelam should not achieve international recognition because it has not achieved international recognition.

The LTTE could make the argument for self-determination. As outlined in the previous section on Bangladesh, according to the UN Charter and a number of human rights treaties, only a "people" can enjoy this right. The Tamils certainly meet the requirement for what constitutes a "people." The Sri Lankan Tamils have developed a sense of identity distinct from the rest of Sri Lanka. The Tamils are a distinct ethnic group, who speak the same language and are generally united through their practice of Hindu. As a resolution by a Federal Party convention as early as 1951 declared,

> The Tamil-speaking people in Ceylon constitute a nation distinct from that of the Sinhalese by every fundamental test of statehood, firstly that of a separate historical past in this island at least as ancient and as glorious as that of the Singalese [sic],

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[94] Regarding its uneven development, Uyangoda has noted that Tamil Eelam was overdeveloped in terms of its military structures and underdeveloped in its civilian structures of governance.

secondly by the fact of their being a linguistic entity entirely different from that of the Sinhalese, with an unsurpassed classical heritage and a modern development of language which makes Tamil fully adequate for all present day needs, and finally by reason of their territorial habitation of definite areas which constitute over one third of this Island (Kearny 1985, 905).

The right to self-determination is enjoyed when a people can freely determine their political status and pursue their economic and social development. This right can be expressed through greater autonomy within a state, known as internal self-determination. As discussed in the previous chapter, while this right does not necessarily extend to a right to external self-determination (i.e., secession), a number of scholars argue that if the right to internal self-determination is not met, then the right can evolve into a right to secession (Borgen 2007; Buchanan; Birch 1984). The case for a right to external self-determination becomes stronger when there is an ongoing injustice (often gross human rights violations) that the "people" must overcome (Borgen 2007). The Tamils did lack representation, and even when the government made concessions to the Tamils by granting them some level of autonomy, the government never fully implemented them. Peace did not last because the Tamils did not find these concessions to be credible. The Sri Lankan government engaged in severe human rights abuses against those they suspected of affiliation with the secessionist movement. As time went on, the government became increasingly indifferent to civilian casualties. After the resumption of hostilities in 2006, the Sri Lankan government was responsible for unlawful killings, enforced disappearances, and other serious human rights violations. The ethnic Sri Lankan Tamils endured the brunt of these violations (Human Rights Watch Report 2007).[95] According to a UN report, the Sri Lankan

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[95] While government forces continued to pursue their military offensive, the LTTE refused to allow civilians to leave the conflict zone, effectively using them as shields (UN Report 2012).

government unilaterally declared a series of no fire zones within the conflict area and told civilians to move into them.

> From as early as 6 February 2009, the SLA [Sri Lanka Army] continuously shelled within the area that became the second NFZ (No Fire Zone), from all directions, including land, sea and air. It is estimated that there were between 300,000 and 330,000 civilians in that small area. The SLA assault employed aerial bombardment, long range artillery, howitzers and MBRLs [unguided missile systems] as well as small mortars, RPGs [Rocket Propelled Grenades] and small arms fire … (UN Report 2012).

To the extent that the concessions of autonomy were not genuine, the Tamils would have a strong argument for a right to external self-determination. They constitute a "people," whose right to internal self-determination was not met, who were facing gross human rights violations. However, if the autonomy concessions were genuine, then the right to internal self-determination would have been met, so the self-determination discussion would end before any discussion on shifting territorial borders.

The above demonstrates that Tamil Eelam had a fairly strong case for statehood under international law. There are a number of other factors that, according to a number of scholars, should indicate the potential for successful secession. The LTTE was militarily very strong. According to Stokke, at times the LTTE created a certain military parity of status with the Sri Lankan government (Stokke 2006, 1022). It was strong enough to gain control over fairly large areas of territory and keep the state out. This achievement of *de facto* statehood, however, never led to recognition, as Crawford would suggest (2000). Despite Tamil requests for a federal political system, Sri Lanka has remained a unitary state. According to a number of scholars, a secessionist group in an ethnically concentrated federal system has a better chance of success (Roeder 2007; Bunce 2004; McGarry and O'Leary 2003). While Sri Lanka is ethnically concentrated, it does not have a federal structure. Given that the LTTE did engage in an extensive

state-building project in the Tamil-controlled areas, the Tamils likely overcame the organizational obstacles that a unitary system often provides.

Finally, scholars point to the strength of a demonstration effect within the state. If a state has a number of ethnic groups, it will be more determined to crush a secessionist movement because of the concern that one successful movement will spur on others to do the same thing. In Sri Lanka, the Tamils were really the only group with secessionist aspirations and so the lack of demonstration effect does not really help explain the outcome.

Despite a fairly strong basis for statehood, Tamil Eelam has never achieved statehood status. Bangladesh, on the other hand, had an equally strong basis for statehood under international law and achieved international recognition as an independent state. The Mukti Bahini in Pakistan was significantly weaker than the LTTE in Sri Lanka. It also faced a much stronger adversary in the Pakistani army; the Pakistani and Sri Lankan armies were not comparable. I argue that the difference between these two cases that can best explain the variation in outcomes is the role of regional power India. The following section lays out the different role that India played regarding the Tamils than the one it had played regarding Bangladesh.

IV. Role of the Region

In this case, as in the case of Bangladesh, the region refers to South Asia. This includes: India, Pakistan, Sri Lanka, Nepal, the Maldives, Bhutan, and after 1972, Bangladesh. This section will explain how interests and actions within the South Asian region played a major role in obstructing the secession of Tamil Eelam. In the case of the Tamils, as in the case of Bangladesh, the regional power India played the prominent role. Whereas India supported the secession of Bangladesh and played a crucial role in its success, India ultimately opposed the secession of Tamil

Eelam. I argue that while there were other contributing factors, Indian opposition to the secession was the most determinative factor in the failure of the Tamils.[96] By examining the role of the region through the three mechanisms discussed in the Bangladesh case, the distinction between the two cases should be clear.

Once the Tamil unrest began in Sri Lanka, it was foreseeable that India would have an interest in Sri Lankan affairs, and, given India's role as a regional power, that interest would likely turn into action. This was the case for at least two reasons. First, as an Indo-centric region, serious ethnic upheavals in any country in South Asia would inevitably have effects in India. India's large Tamil population in its southeastern state of Tamil Nadu felt a connection with the Sri Lankan Tamils and were sympathetic when the riots began in 1983 (Rao 1988, 419).

Second, Sri Lanka's location ensured Indian interest in its affairs. Sri Lanka is only 40 miles off the southern tip of India and lies directly north of the busiest shipping routes in the Indian Ocean. Not only would unrest in Sri Lanka potentially destabilize India through an influx of refugees, but the unrest could lead to the involvement of other external actors. The Sri Lankan government requested help from a number of states perceived to be hostile to Indian interests, including Pakistan, China, South Africa, and Israel (Bose 2002, 264). The possibility of powerful and/or hostile states on India's doorstep raised national security concerns and ensured both India's interest and involvement in the crisis. Ultimately, the desire to prevent other states from getting involved in Sri Lanka was the main driver behind Indian foreign policy on the Tamil issue.

The Sri Lankan civil war lasted 26 years, punctuated by a number of ceasefires of varying duration. Over this period India's approach evolved from initially supporting the Tamils to

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[96] Contributing factors include the LTTE split in 2004, and, after 2006, a number of states took actions against various members of the LTTE within their territory, including Australia, the United States, and France.

ultimately helping the Sri Lankan government defeat them. At no point, however, did the Indian government ever express support for an independent Tamil state.

a. Mechanism I: the Provision of Tangible Support

India initially provided tangible support to the Sri Lankan Tamils. Prime Minister Indira Gandhi allowed Sri Lankan Tamils to train in the Indian state of Tamil Nadu. The militants were permitted to build up arms, ship them to Sri Lanka, run training camps, set up communication facilities, and move freely between India and Sri Lanka (Hagerty 1991). Gandhi's attitude had less to do with genuine support for the Tamils, and more to do with not wanting to upset the Indian Tamil population in Tamil Nadu. Indira Gandhi had a political stake in Tamil Nadu and was looking toward the 1985 national elections. According to one commentator, her strategy appeared to be to use the militants "to harass Colombo only to the extent of forcing it to reach an agreement acceptable to New Delhi" (Rao 1988, 424). Although India provided material support to the Tamils, India did not support Tamil independence. As early as 1983 Indira Gandhi unequivocally rejected calls in the Indian parliament for a full-scale Bangladesh-style Indian military intervention in Sri Lanka (Bose 2002, 637).

In 1987, after the Sri Lankan government imposed a blockade on the Tamil province of Jaffna, India dropped relief supplies in and around Jaffna in Operation Eagle. The Sri Lankan response, although hostile, was to lift the blockade. Although Operation Eagle was a major step in support of the Tamils against the Sri Lankan government, it soon became clear that India was not aligned with the LTTE. The 1987 Indian-Sri Lankan Peace Agreement was undertaken without any consultation with the LTTE. In it, India gained some concessions from Sri Lanka to increase the rights of the Tamils, although these were a far cry from what the LTTE sought. As part of the Agreement, India would deport Sri Lankan citizens advocating territorial secession.

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In the period up to 1987 Pakistan had actively supported the Sri Lankan effort to suppress the Tamils (Ayoob 1989, 123). During a 5-day visit to Sri Lanka in 1985, Pakistani President Zia-ul Haq was clear on Pakistan's support for Sri Lanka's war against "terrorism," and called on the neighbors and friends of Sri Lanka to support its unity and integrity (Rao 1988, 425). Pakistan provided counterinsurgency and military training to Sri Lanka's armed forces. In response to Pakistan's involvement, India's approach to the Tamils evolved. The new strategy was to use political and, where necessary, military pressure on Tamil separatists to force them to accept the territorial integrity of Sri Lanka (Ayoob 1989, 124). Pakistan's support ended in 1987 when Sri Lanka agreed to stop seeking external support under one of the provisions of the Indo-Pakistani Peace Accord (Id., 125).

The 1991 LTTE assassination of former Indian Prime Minister, Rajiv Gandhi, instantly wiped out much of the solid base of support it had enjoyed in Tamil Nadu and turned the Indian government hostile (Devotta 2009, 1041). India quickly labeled the LTTE a terrorist organization.

After the LTTE used the 2002 ceasefire to rearm, its submersibles and air wing began to concern India. This concern influenced New Delhi's decision to support Sri Lanka's war to the end, despite protests in Tamil Nadu (Ibid.). To that end, in 2007 India played a major role in helping Sri Lanka track down and destroy a number of LTTE vessels.

Ultimately, in terms of tangible support for the LTTE, India was the only external state to provide it. This support was temporary as the LTTE declaration of war on the IPKF, and ultimately, the LTTE assassination of former Prime Minister Rajiv Gandhi, completely alienated the Indian government. This support never translated into support for an independent Tamil state. By 2007, India was providing tangible support to the Sri Lankan government to defeat the LTTE.

b. Mechanism II: Diplomatic Role

India played a significant role in obstructing external involvement in the Sri Lankan conflict. Whether external actors supported the Sri Lankan government or the Tamils was of little consequence to India, who perceived any external military presence in a state only 40 miles off its coast as a threat to national security.

After the initial uprising in 1983, the Sri Lankan government sought assistance from a number of states, including the United States, Great Britain, Pakistan, and Bangladesh (Rao 1988, 420). After a "flurry of diplomatic activity" in the Indian foreign office, New Delhi warned each of these governments and others that it would not tolerate outside intervention in Sri Lankan affairs (Hagerty 1991, 354). In the following weeks, India Prime Minister Indira Gandhi, in a statement to the Indian Parliament, said "we want the unity and integrity of Sri Lanka to be preserved." However, she warned Sri Lanka that "any external involvement will complicate matters for both countries" (Rao 1988, 420). India then announced the "Indira Doctrine," the Indian equivalent of the Monroe Doctrine. "India will neither intervene in the domestic affairs of any states in the region, unless requested to do so, nor tolerate such intervention by an outside power; if external assistance is needed to meet an internal crisis, states should first look within the region for help" (Id., 422).

The 1987 Agreement between India and Sri Lanka codified India's wishes to keep other states out of Sri Lanka. The first provision ruled out Sri Lanka's continued reliance on Pakistan, and other direct outside assistance to its security forces. The second and third provisions were directed at the United States. India suspected the United States of coveting the port at Trincomalee for strategic naval purposes (Hagerty 1991, 356). Indian officials emphasized that "the strategic

harbor of Trincomalee is now effectively in Indian control and no longer capable of becoming another Diego Garcia."[97]

The 2002 ceasefire had been negotiated by Norway. Norway had taken cautious steps towards a peace in Sri Lanka and held meetings with the Indian Foreign Secretary, the National Security Advisor, and the intelligence agency, RAW. India was consulted and involved in the Sri Lanka peace process "at every step" though none of this was made public at the time (Swamy 2011, 2). The Norwegian minister and the former Special envoy to Sri Lanka, Erik Solheim recalled that the Indian government accepted Norway's role but made it clear that they did not want "any major (Western) player to get sucked into Sri Lanka" (Swamy 2011, 3). India was very clear right from the start of these meetings that it would never accept any break up of Sri Lanka.

The denial of external involvement in South Asia was a consistent and overriding current running through India's South Asian policy since the Sri Lankan civil war began. Despite the domestic political pressure Tamil Nadu was able to exert, Indian foreign priorities ultimately trumped Tamil Nadu preferences. While India did accept Norway's role in mediating the unsuccessful ceasefire in 2002, India was involved in the process behind the scenes and ensured that no other state would get involved. That Norway met with India on numerous occasions indicates that had India not found Norway to be an acceptable mediator, Norway may not have been involved at all.

Although much of the foreign assistance India prevented would have been in support of Sri Lanka against the Tamils, the motivation behind Indian policy was not contingent on which side

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[97] Diego Garcia is a British island located in the central Indian Ocean. The British leased it to the U.S., who built a large naval and military base there.

an external actor stood. India's ability to deter foreign involvement left India, as regional power, in the best position to ensure a desirable outcome.

c. Mechanism III: How Regional Actors Shape Great Power Policy

None of the great powers had a particularly strong interest in the outcome of the Sri Lankan civil war. Nonetheless, the Sri Lankan government sought support from both the United States and Great Britain, among others (Pakistan, Israel, and Bangladesh), once the war broke out in 1983. Even without a particular interest, Sri Lanka hoped that the maintenance of the norm of territorial integrity and the status quo of the international system might encourage their support. However, the fact that India warned these governments that it would not tolerate outside intervention in Sri Lankan affairs, ensured that the relationship with India would factor heavily into their policy decisions on the region.

The United States had a number of reasons for valuing its relationship with India. At the time the war broke out, 15% of all Indian exports went to the United States. India's labor market had become valuable to the American economy. India was also one of the few stable democracies in the region (Linden 2009, 20). U.S. decision-makers were aware that any South Asian policy might adversely affect this important relationship, and was therefore reluctant to get too involved in the conflict.

During this period the United States adopted a consistent policy of noninvolvement. In fact, there was an implicit recognition by the United States that the Sri Lankan conflict should be left to the management of the region's predominant power, India. There was also a general appreciation of India's mediation. Deputy Assistant Secretary of State Robert Peck told a subcommittee of the House of Representatives in March 1987, that the U.S. carried on an active

dialogue with the Indian government on Sri Lanka, and "we have been gratified in the last year or two that our policies and the policies of the Government of India are very much running parallel" (Rao 1988, 425).

Although the United States had labeled the LTTE a Foreign Terrorist Organization in October 1997, the United States continued to remain uninvolved in Sri Lanka (Devotta 2009, 1022). George W. Bush announced that his administration, like Clinton's before him, would continue to list the LTTE as a terrorist group until they renounced political violence. Even after 9/11 and the "War on Terror" began, the Sri Lankan conflict was never a significant interest in Bush's foreign policy strategy, which generally focused on addressing religious extremism (Linden 2009, 18). Though the consequences to being listed as an FTO did limit the LTTE's capacity to draw support from its diaspora in the United States, the effects were not particularly consequential as most of the Tamil diaspora resided outside of the U.S. As it had done in previous ceasefires, the LTTE took it as an opportunity to rebuild. By 2006, the LTTE was strong.

Though the United States did not engage in direct negotiations between the relevant decision makers, the Bush Administration did become more involved in the early 2000s through USAID and the Tokyo conference, consisting of the EU, Japan, and Norway.[98] In 2003, USAID provided the Sri Lankan government with $40.4 million (Linden 2009, 18). As of 2004, future U.S. aid was made contingent on the progress of the Norwegian-negotiated peace process, which was suspended in April 2003 (Linden 2009, 19).

By 2009, the U.S. became increasingly concerned about the Sri Lankan Government's human rights violations. Then US ambassador to the UN, Susan Rice, remarked that the US was

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[98] The Tokyo Conference on the Reconstruction and Development of Sri Lanka was a donor conference in June 2003.

appalled at the Sri Lankan government's treatment of civilians. One week later, US officials announced that they were seeking to delay an IMF loan to Sri Lanka in an attempt to dissuade the government from its scorched earth campaign (Linden 2009, 19). Having gathered some momentum, the Sri Lankan government ignored the threat and continued its campaign to end the war militarily.

India's position against external involvement, combined with the fact that none of the great powers' core interests were at stake in the Sri Lankan conflict, ensured that the likelihood of foreign involvement was minimal. Any great power would have to consider its relationship with India before making any foreign policy decisions regarding Sri Lanka.

Conclusion

This comparison of Bangladesh and the Tamils has highlighted the limitations of existing explanations of when secessionist movements will achieve statehood. International law on territorial integrity, the Montevideo Convention's criteria for statehood, and the rights to self-determination, cannot explain the outcome in these cases. Both Bangladesh and Tamil Eelam had equally strong arguments under the Montevideo Convention and the right to self-determination.

Domestic explanations on exerting authority over territory, the strength of a demonstration effect, or the makeup of the home state (in terms of ethnically concentrated federations), are also limited in their ability to distinguish between these cases. The LTTE certainly posed a greater military threat to Sri Lanka than the Bengals ever did against Pakistan. India had significant Bengali and Tamil populations, yet ultimately Indian's foreign policy goals had little to do with concerns over a demonstration effect. Both Pakistan and Sri Lanka had a number of ethnic groups within their territories, so there was no variation in the threat of a domestic demonstration effect.

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While explanations that focus on international politics tend to have greater explanatory power, their exclusive emphasis on the role of the great powers neglects the hugely significant role that regional actors play in secessions. The United States had a preference for upholding the territorial integrity of both Pakistan and Sri Lanka. Identifying those preferences does not explain why Pakistan broke apart. These explanations become even less useful in cases where there is no great power interest one way or the other.

Regional power India supported Bangladesh's secession. Its support included the provision of sanctuaries, military training, and eventually a military intervention into Pakistan. In Sri Lanka, India never supported the secession of Tamil Eelam, despite India's initial protection of the Tamils. By late 1987, the IPKF was fighting against the Tamils. Ultimately, India chose to support the Sri Lankan government in defeating the LTTE, which it did in 2009.

In terms of a diplomatic role, India was active in both cases. Regarding Bangladesh, India worked hard to garner international support for the Bengals against Pakistan, and discourage those, who may have supported Pakistan, from taking concrete steps to do so. Regarding Sri Lanka, India worked hard to keep external actors from interfering with Sri Lanka, despite the Sri Lankan government's calls for assistance.

In terms of shaping great power policy, India ensured that great powers would have to take their relationship with India into account when formulating policy. Regarding Bangladesh, the United States certainly had a preference for the territorial integrity of Pakistan, but given that its core interests were not at stake, there was only so much it was willing to do in the face of a resolute India. The same can be said for the U.S. position regarding Sri Lanka. The U.S. was generally in support of the territorial integrity of Sri Lanka. Had India not been so opposed to external

involvement, it is possible that the Sri Lankan government may have found more sympathetic ears when it appealed for support in the mid-1980s.

Ultimately, both the United States and India wanted to maintain the territorial integrity of Sri Lanka, so disentangling the independent influence of each is a challenge. That said, there are various instances that indicate that India's influence was more effective, likely because India had a stronger interest in the outcome and was willing to take action. When the Sri Lankan government blockaded the Tamil area of Jaffna in 1987, India demanded that the blockade be lifted. Indian planes then entered Sri Lankan territory and dropped supplies for the Tamils. Although the Sri Lankan government was furious, it nonetheless lifted the blockade in short order. That the 1987 Peace Agreement was between India and the Sri Lankan government implies that both parties had the view that the Indian government could pressure the Tamils to act in one way or another.

On the other hand, when the United States suspended military aid to the Sri Lankan government in 2004, agreeing only to resume it if the Norwegian-negotiated peace process progressed, the process continued to stall. When the U.S. threatened to delay an IMF loan in 2008 if the Sri Lankan government did not stop its policy of attacking civilians, the Sri Lankan government chose to ignore the threat, in favor of finishing the war.

This chapter has sought to demonstrate the significance of regional power India in the secession of Bangladesh and attempted secession of Tamil Eelam in South Asia. India is inevitably affected by any ethnic conflict in the region and in both the case of Bangladesh and Sri Lanka, India had an interest, got involved, and worked toward an outcome desirable to India. Without Indian support, the secession of Bangladesh simply could not have happened. If India had decided to support the independent state of Tamil Eelam, there is little Sri Lanka would have been able to do by way of opposition on its own. India's ability to dissuade external actors from getting

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involved, suggests that India may well have been able to achieve the opposite outcome (i.e., Tamil secession), if it had so desired.

Chapter 5: Secession in Europe

Introduction

This chapter discusses secession in Europe, focusing on the cases of Slovenia and the Basque Country in Spain. Slovenia declared independence in June 1991, and by May 1992, it was internationally recognized and admitted to the United Nations. Secessionists in the Basque Country in northeast Spain, on the other hand, have sought to create an independent state of Euskadi since the beginning of the twentieth century. No state has ever recognized Euskadi as independent from Spain, and, in 2011, the movement most associated with Basque independence, Euskadi Ta Askatasuna (ETA), announced an end to its use of violence.

Both Slovenia and the Basque Country were the more industrialized areas in their respective states. Unlike any of the other cases discussed so far, the Basque Country and Slovenia were economically better off than the rest of their states and both had economic reasons for wanting independence. Slovenia's push for independence was driven almost entirely by economic motives, while the Basque Country also had a number of concerns about the loss of the Basque culture. The Basque Country at times had a significantly stronger basis for self-determination than Slovenia, yet the Basque Country was never able to translate that into independence.

Although there are a number of differences between the Basque Country and Slovenia, I argue that the most significant consistent difference that can explain the success of one and ongoing failure of the other has been the role of regional actors. In Slovenia there was a high degree of regional involvement and ultimate support for the secession. In the Basque Country, however, there has been extremely limited regional involvement, and no support for secession.

This chapter discusses the movements in Slovenia and the Basque Country separately, providing some historical context, before focusing on the specific ways in which regional actors facilitated or obstructed secession. The purpose of this chapter is to distinguish between the roles that regional actors played in each case and to demonstrate the significance of these roles in determining whether each secessionist movement would achieve internationally recognized statehood.

SLOVENIA

Slovenia declared independence from Yugoslavia on June 25, 1991. By January 15, 1992, the European Community, along with a number of individual countries, recognized Slovenia, and by May 22, 1992, Slovenia was admitted into the United Nations. This case study demonstrates that Slovenia's secession is best explained through regional politics in Europe. This case is divided into four sections. Part one will provide a brief overview of Slovenia, providing some context for the emergence of secessionist sentiment in the 1980s. Part two focuses on the context within which Slovenia declared independence and the events between that declaration and its admission to the United Nations. Part three addresses alterative explanations for the recognition of Slovenia. Finally, part four focuses exclusively on the role of regional actors in the period leading up to the declaration of independence, through Slovenia's admission to the United Nations.

I.   Historical Overview

Yugoslavia was created in December 1918, when the Kingdom of Serbia and Montenegro joined with provinces of the dissolved Austro-Hungarian Empire (Croatia and Slovenia) (Bagwell

1991, 493).[99] The country broke up under the Axis occupation during WWII, but was reunified at the end of the war when the Communist-led partisan force of Josip Broz Tito liberated the country.

The founding (constituent) peoples of Yugoslavia were Croats, Macedonians, Montenegrins, Serbs, and Slovenes, and, after the 1963 constitution, Muslims (in the sense of a political community, rather than a religion) (Woodward 1995, 31). Each of these nations was assigned a federal republic; the homeland of the Muslims was Bosnia-Herzegovina. Although Muslims had a majority, it was shared with Serbs and Croats (Pavkovic and Radan 2008, 143).

In June 1948, under Tito's leadership, Yugoslavia was expelled from the communist bloc by the USSR. Yugoslavia would now be socialist and independent of Moscow (Woodward 1995, 25). The regime survived as a result of U.S. military aid, U.S. orchestrated economic assistance, and the restoration of trade relations with the west after August 1949 (Id., 24). Despite support from the United States, Yugoslavia sat firmly within the nonaligned movement during the Cold War (Trbovich 2008, 240).

Beginning in 1949, Yugoslavia began a process of decentralization. Between 1958 and 1965, Yugoslavia reformed its economy to meet the conditions for full membership in the General Agreement on Tariffs and Trade (GATT) (Woodward 1995, 26). A number of marketizing reforms gave a large degree of autonomy to the republics, each having administrative and budgetary autonomy over their economies, education, and culture (Id., 31). While a standing army, air force, and navy (the Yugoslav People's Army (YPA)) existed at the federal level, an all-people's civilian militia, known as the territorial defense forces (TDF), was under the control of the republics and

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[99] It was initially named the Kingdom of Serbs, Croats, and Slovenes. It changed its name to the Kingdom of Yugoslavia in 1929 in order to symbolically reflect the union of South Slav people (but not Bulgaria) into a single state (Trbovich 2008, 104).

localities. The TDFs were created to provide an organized, guerrilla resistance to any invader (Id., 26).

The 1945, 1952, and 1963 Constitutions also guaranteed a number of cultural protections, including the right of nationalities to use their own language in public forums, to have their own newspapers and other media, to form cultural associations and to be educated in their own language (where they were locally concentrated) (Id., 37).

Changes in the international context in the late 1970s initiated Yugoslavia's economic decline. The Yugoslav government's reliance on foreign borrowing to fuel growth during the 1970s meant that the international debt crisis and IMF structural adjustment policies would have significant consequences on its economy. By the end of 1979, the Yugoslav government introduced a number of austerity measures. Those, combined with conditions attached to further IMF loans in the 1980s, had a dramatic effect on most citizens' welfare. The population was affected by the abandonment of food subsidies in 1982, significant price increases in gasoline and heating fuel, food, and transportation in 1983, and import restrictions. Savings were rapidly depleted for 80% of all households (Id., 51). The terms of the IMF programs also led to major political disputes between the republics and the federal government over the federal budget, taxation, and jurisdiction over foreign trade and investment (Id., 48-50).

Slovenia was the wealthiest of the Yugoslav republics. With only one-twelfth of the population, it accounted for more than one-third of the country's exports to the west (Zapp 1993, 57).[100] Beginning in the 1960s, there were demands within Slovenia for greater autonomy. Slovene politicians and economists called for less interference by the federal government and

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[100] By 1990, Slovenia had a population of 1.94 million, 88% of whom were ethnic Slovenes. The overall population of Yugoslavia was estimated at 23.7 million (Weller, 1992, 569).

decentralization of its authority over the republics. Once development policy was decentralized in 1961-63, and replaced at the federal level by a federal fund, redistribution from richer republics to poorer republics happened through taxation. Many Slovenes felt that the federal government took too much of their income for development projects in the other republics (Id., 58).

Both Slovenia and Croatia were far more integrated into European networks than the other republics. This was due to a number of factors, including the Habsburg legacy, geographic proximity, and industrial policy favoring export production (Woodward 1995, 29).

II. Independence and Recognition

a. Emergence of Secessionist Sentiment

In the 1980s, Slovenian demands for autonomy evolved into demands for independence. In 1987, a special issue of the Slovenian journal *Nova Revija* published a number of essays arguing for separate Slovene statehood (Pavkovic and Radan 2008, 144).[101] The essays argued that Slovenians had no need for a state other than that of Slovenia, and, therefore, Yugoslavia should no longer be a political option (Ibid.). Trbovich suggests that the primary motivation behind these demands was economic (2008, 184). After experiencing a certain level of economic growth, the Slovenes were particularly critical of a number of reforms required by the IMF as Yugoslavia entered an economic crisis in the 1980s. After 1985, the IMF conditioned loans on strengthened federal control of monetary and foreign exchange policy. Slovenes were unhappy with the policies of redistribution of their earnings to maintain federal commitments to guaranteed minimum wages, development credits for less developed areas, and defense expenditures. They saw the solution to

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[101] This special issue was apparently a response to a 1986 Draft Memorandum of the Serbian Academy of Arts and Sciences, authored by dissident Serb writers and academics, which repudiated the allegedly anti-Serb policies of (non-Serb) Communist leaders of Yugoslavia and called for a political unification of the Serb nation as well as for a re-centralized Yugoslavia (Pavkovic and Radan, 2008, 144).

the economic crisis as strengthening the rights of republics over their incomes (Woodward 1995, 60-61).

In 1988, a youth media outlet *Mladina* attacked the only visible federal institution in Slovenia, the Yugoslav Federal Army (Zapp 1993, 58). Their demands included the right to conscientious objection, the right to be posted in one's home republic, the creation of ethnically homogenous units, and implementation of the existing but rarely practiced right to use the Slovene language at any time in the military (Woodward 1995, 75).

At a federal parliamentary committee meeting for national defense in June 1988, three journalists, Janez Janša, Ivan Borstner, and David Tasić were placed under house arrest for revealing army secrets as part of a campaign against arms sales and charges of counterinsurgent activities by the YPA (Id. 95). Their trial soon became a focal point not only for mass demonstrations in Slovenia, but also for the creation of a mass secessionist movement (Pavkovic and Radan 2008, 145). In 1989, the army leadership made some concessions to the Slovenian demands regarding local positions, language, and control over some weapons stockpiles (Woodward 1995, 95-96).

In February 1989, a mass meeting was called in the Slovenian capital Ljubljana, in support of the Kosovo Albanian miners' strike. The participation of the Slovenian Communist party leader, President Kučan, caused the televised rally to become a symbol of Slovene political unity in defiance of the Milošević regime in Serbia (Pavkovic and Radan 2008, 145). President Kučan linked Albanian civil rights with the constitutional principle of territorial sovereignty and the right

of secession claimed by Slovenes (Woodward 1995, 98). Massive public protests in Serbia erupted in March 1989.[102]

Beginning in the mid-1980s, greater opportunities for trade and finance opened up in Western Europe.[103] This combined with Gorbachev's foreign policy and specific actions, such as Austria's opening of four bank affiliates in Ljubljana in 1988, caused Slovenia to be more optimistic about a future outside of the federation (Woodward 1995, 97). During 1989, Slovene leaders began to speak openly about the idea of a confederation. They proposed that Yugoslavia be organized as a voluntary union of separate states cooperating on issues of mutual interest and with a monetary union only to facilitate the states' eventual inclusion in the European Community (EC) (Id. 100). In September 1989, the Slovenian parliament passed a number of amendments to its own constitution. While the amendments touched upon various areas, the major theme unifying them was Slovenian sovereignty (Hayden 1992a, 13). Among them was the declaration of the "complete and unalienable right" to "self-determination, including the right of secession" and specifying the conditions under which federal legislation and decisions would be invalid in Slovenia (Woodward 1995, 110).

A further significant development was the Slovenian assertion of the right to independently maintain relations with other states and international organizations. The Yugoslav Constitutional Court declared these provisions to be contrary to the Socialist Federal Republic of Yugoslavia (SFRY) Constitution (Ibid.). While the Court rejected Slovenia's claim to confederal status,

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[102] The Slovenian foreign minister after April 1990, Dimitrij Rupel, admitted at a conference in Berlin in March 1992 that Slovene nationalists had "used Kosovo" to achieve their goal (Woodward 1995, 440).
[103] The European recession in the 1970s had hit Yugoslav trade.

Slovenia rejected the Court's jurisdiction to decide the question, using reasoning that also precluded action by any other federal institution (Hayden 1992a, 23).

When Slovenia voted to pursue a confederation, Milošević attempted, in December 1989, to organize mass meetings in Ljubljana, to "bring the truth" of Serbian views to the Slovenes and simultaneously to warn Slovenia that it should not continue on this path. Slovenia responded by closing the border and banning the demonstrations (Woodward 1995, 112). The Serbian branch of the Yugoslav League of Communists' mass organization, the Socialist Alliance of Working People, immediately called for a boycott of all Slovene goods in Serbia; the Serbian parliament secretly approved the request. Slovenia responded by refusing to pay its assessed share of the federal fund for underdeveloped regions (Id. 115).

In January 1990, at what would be the last Congress of the Yugoslav party, Slovene delegates continued to pursue a confederation of "free and independent republican communist parties." When the Slovene delegation failed to win support for its idea of an "asymmetric federation," it walked out (Woodward 1995, 115).[104] Later that spring, both Slovenia and Croatia held multi-party elections in their republics (Zapp 1993, 59).

The elections in Slovenia were held in April 1990, and were won by a coalition of six parties called DEMOS (Democratic-United Opposition of Slovenia), which had formed in December 1989. Though the coalition included social democrats, greens, and right-wing parties, DEMOS was unified by two common goals: independence from Yugoslavia and multiparty democracy in their elections (Zapp 1993, 59). While the DEMOS coalition took 53% of the vote,

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[104] An asymmetric federation would be an arrangement where each republic would negotiate its own terms of power sharing and power distribution with the central government (Woodward 1995, 444).

it only did so as the combined total of six parties, the largest of which received less of the popular vote than the reformed Communist party (Hayden 1992b, 654).

In July 1990, the new Slovene parliament voted to fulfill the campaign promise of the DEMOS coalition and declared complete sovereignty. Although it did not declare independence, in an interview three days later with the Italian newspaper *La Repubblica*, the new Slovene foreign minister, Dimitrij Rupel, announced "Yugoslavia no longer exists" (Hayden 1992a, 24).

On September 27, 1990, the Slovenian Parliament declared that legislation enacted by the federal institutions would no longer be applied within Slovenia (Weller 1992, 569). In December 1990, the Slovenian government organized a plebiscite on the question "Should the Republic of Slovenia become an autonomous and independent state?" If a majority voted yes, the parliament would be obliged to adopt, within six months, the constitutional acts and interstate agreements confirming this independence and enabling the republic to join a confederation of the other Yugoslav peoples if they so wished. 88.5% of the voters (in a 93.5% turnout) supported "independent and sovereign Slovenia" (Trbovich 2008, 181).

The federal presidency quickly moved to restore constitutional order and to negotiate with the republican presidencies on the future of the country. On January 9, 1991, it ordered the disbanding of the Slovenian (and Croatian) armies, which it called illegal paramilitary forces. Slovenia (and Croatia) refused to obey, however, claiming their forces were legal (Woodward 1995, 139). On March 12, the army requested the state presidency to declare a state of emergency if, after 48 hours, the Slovene and Croatian governments did not implement the decisions of January 9, and restore YPA authority over the TDFs and army recruitment (Id. 141).

The presidency, as a collective body representing the republics and provinces, was now split three ways. Slovenia, Croatia, and Kosovo Albanians were independence-oriented confederalists; Macedonia and Bosnia-Herzegovina wanted to retain Yugoslavia but with an even more reduced common state; and Serbia, Montenegro, and the federal army wanted to retain a united federation (Id. 140).

b. Slovenian Declaration of Independence

On June 25, 1991, the Slovenian parliament passed a declaration of independence.[105] On the same day, the Slovenian territorial defense forces took over the international border crossings to Slovenia and erected border crossings with Croatia. They blockaded the barracks of the Yugoslav Federal Army (YPA) in Slovenia and prevented its units from reaching the international border crossings (Pavkovic and Radan 2008, 147). The Slovene minister of defense, Janez Janša, was well-prepared for a confrontation. He had arranged for the purchase abroad of sophisticated weapons and formed a network of pro-Slovene military officers and conscripts within the YPA (Woodward 1995, 166).

In response to these attacks, on the orders of the Yugoslav federal government, the YPA moved armored units with air support from Croatia to Slovenia to force the Slovenian defense forces to withdraw from the international border crossings (Pavkovic and Radan 2008, 147). Unlike the Slovene forces, the YPA was not well prepared. It relied on conscripts who had completed training exercises only two weeks prior. Of the 20,000 troops stationed in Slovenia, only 2,000 were used. The YPA had been trained to disable an invading enemy by knocking out communications while giving time for the TDFs to mobilize a guerrilla-based defense. When

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[105] The Croatian Parliament chose to preempt Slovenia's declared date of declaration of June 26 and declared independence a day earlier without warning, forcing Slovenia to do the same (Woodward 1995, 459).

faced with an internal enemy, the YPA appeared to be an invading army to Slovene citizens, which played well into Slovenia's propaganda (Woodward 1995, 166). Over the course of ten days, 37 Yugoslav soldiers were killed and 163 wounded; 12 Slovene soldiers were killed and 144 wounded (Id. 167).

The Brioni Agreement of July 7, 1991, ended what became known as the 10-Days War between Slovenia and Yugoslavia. It was drafted by the Yugoslav foreign minister, though the mediation was carried out by a joint European Community (EC) and Conference on Security and Cooperation in Europe (CSCE) mediation team. The Agreement provided for the withdrawal of the YPA forces in Slovenia to their barracks and the disarming of the Slovenian militia. It also provided for the presence of a team of 30-50 civilian cease-fire observers, called the European Community Military Monitors (ECMM) (Weller 1992, 573). On July 18, 1991, the Yugoslav state presidency (without its Slovenian member) unilaterally started to withdraw YPA units from Slovenia. The presidency acknowledged its inability to protect YPA troops and their families (Woodward 1995, 171). In response to the declarations of independence, the Agreement introduced a 3-month moratorium on the independence of Slovenia and Croatia (Pavkovic and Radan 2008, 148).

After violence in Croatia dramatically worsened in July and August, the EC announced on August 27, 1991, that it was establishing a Peace Conference on Yugoslavia and an Arbitration Commission, which would advise the Conference on legal matters. The Arbitration Commission was made up of five presidents from among the various constitutional courts of the EC countries. It soon became known as the Badinter Commission after the name of the French lawyer appointed as its president (Rich 1993, 40).

The mandate of the Conference (drafted by the EC ministers of foreign affairs) included among its general principles, "[n]o unilateral change of borders by force, protection for the rights of all people in Yugoslavia and the need for full account to be taken of all legitimate concerns and aspirations" (Zucconi 1996, 242). The Peace Conference opened at The Hague on September 7, 1991, with Lord Carrington (former British foreign secretary and former secretary-general of NATO) as its president.

At the Hague Peace Conference, the EC mediators advanced a specific constitutional solution, replacing the federal state with a confederation of sovereign states (Zucconi 1996, 242). The Peace Conference formally stated for the first time on October 4, 1991, "recognition would be granted in the framework of a general settlement" (after October 18, 1991). On October 25, 1991, Lord Carrington made a detailed proposal, which included, among others, the following points: (1) [i]n the framework of a general settlement, recognition of the independence, within existing borders, unless otherwise agreed, of those republics wishing it; (2) [a] free association of the republics within an international personality as envisaged in these arrangements; and (3) [c]omprehensive arrangements, including supervisory mechanisms for the protection of human rights and special status of certain groups and areas (Id., 244).

After Serbia and Croatia rejected the proposal on autonomy for Albanians and Serbs within their republics, respectively, the EC Council imposed trade sanctions on Yugoslavia, and asked the UN Security Council to order an oil embargo.[106] The sanctions were later lifted and economic

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[106] The UN Security Council had already imposed an arms embargo on Yugoslavia through Resolution 713 on September 25, 1991. The Security Council did not impose an oil embargo until May 1992, which was directed solely at Serbia and Montenegro, the two republics that had not sought independence from Yugoslavia.

aid established for Slovenia, Croatia, and Bosnia and Herzegovina (Ibid.). The sanctions remained in place against Serbia and Montenegro.

The Badinter Commission, having been created to advise the Peace Conference on legal matters, began to issue opinions in late November 1991.[107] In some ways it relied on established legal principles and in other ways it introduced novel interpretations. The Badinter Commission's first opinion was issued on November 29, 1991, on the legality of a republic breaking away from Yugoslavia. It found that the federal government organs had become unable to function, and, therefore, the SFRY no longer met the criteria of a "state" under international law. It concluded that the SFRY was in the process of dissolution (Zucconi 1996, 245).[108]

By framing the context as one of dissolution rather than secession, the Badinter Commission completely sidestepped the question of whether the republics had a right to unilateral secession.[109] In a series of cases addressing the issue of secession, the SFRY Constitutional Court had held that, while the republics did have the right to secede, the arrangements and procedures for exercising that right were the concern of the federal constitution. Since the constitution said nothing on the subject, the provisions of the Slovenian constitution giving itself the right to make its own arrangements and procedures for secession were held unconstitutional (Hayden 1992a, 21). Therefore, according to the SFRY Constitutional Court, there was no right to unilateral secession. The Badinter Commission simply ignored these decisions.

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[107] The Badinter Commission had been created to decide on matters of Yugoslavia's dissolution, primarily the distribution of economic assets and financial obligations (Woodward 2008, 414).

[108] The criteria of a "state" under international law can be found in the Montevideo Convention on the Rights and Duties of States (1933). These include: a defined territory, a permanent population, a functioning government, and the ability to enter into foreign relations.

[109] The term "dissolution" had been proposed early by Slovene leaders. They based it on the argument that the 1945 federal constitution was a voluntary pact among separate nations which could, therefore, be dissolved by a voluntary act of one or more of the republics (Woodward 2008, 414). However, the strategy behind this proposal was to avoid using the term secession, one which is clearly contentious internationally.

The Commission's second significant opinion was its recognition and simultaneous limitation of the right to self-determination. It recognized that the republics had the right to self-determination but at the same time it held that the republics' boundaries could not be altered without their consent, thus relying on the principle of *uti possidetis* (Caplan 2005, 68). Therefore, upon independence, the internal boundaries between republics would become international frontiers, and minorities within each of the republics would not enjoy a right to self-determination interpreted as independence.

On December 15, 1991, in response to the Badinter Commission's opinions, the EC invited those federal republics of Yugoslavia who sought recognition to submit requests for recognition to the Badinter Commission within five days. A decision would be taken by January 15, 1992. The following day, the EC Foreign Ministers meeting in Brussels issued a "Declaration on the Guidelines on the Recognition of the New States in Eastern Europe and in the Soviet Union." Accompanying this Declaration was a "Declaration on Yugoslavia" (Rich 1993, 42). The Declaration began by referring to the Helsinki Final Act and the Charter of Paris, "in particular the principle of self-determination."[110] It then affirmed the readiness of the EC countries to recognize new states "subject to the normal standards of international practice and political realities in each case" (31 I.L.M. 1485, 1992).

Whether there ever was a "normal standard" of practice for state recognition is certainly open to question, but what followed was something undoubtedly novel in terms of requirements for recognition. An arbitration commission reviewing applications for recognition is not

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[110] Both the Helsinki Final Act and the Charter of Paris are broad documents addressing a variety of topics, including democracy, territorial integrity, security, and human rights. The issues the Helsinki Final Act addresses are divided into four "baskets." The first includes political and military issues, dispute resolution, and territorial integrity. The second focuses on economic issues. The third emphasizes human rights, while the fourth formalizes details for implementation procedures.

something normally seen in recognition practice. Moreover, the EC Guidelines set out a list of preconditions for recognition that went well beyond the criteria in the Montevideo Convention. These included:

- Accepting the provisions laid down in the Draft Convention of the Conference on Yugoslavia of 4 November 1991 – especially those in Chapter II on human rights and the rights of national or ethnic groups – under consideration by the Conference of Yugoslavia.

- Continuing support for the efforts of the UN Secretary-General and Security Council and the Conference on Yugoslavia.

- Committing to adopting constitutional and political guarantees ensuring that it had no territorial claims toward a neighboring Community State (31 I.L.M. 1485, 1992).

The Guidelines concluded with the warning that the EC countries "will not recognize entities which are the result of aggression" (31 I.L.M. 1485, 1992). Slovenia and Croatia submitted applications for recognition on December 19, 1991. Bosnia and Herzegovina and Macedonia submitted applications the following day. Serbia and Montenegro did not seek recognition, and would later declare themselves to be the successor state to Yugoslavia (Caplan 2005, 35).[111]

Before the Badinter Commission received any applications for recognition, Germany had already decided to recognize Slovenia and Croatia. The Vatican had openly lobbied for the independence of Croatia and Slovenia (both predominantly Roman Catholic). This had a decisive influence on the Bavarian wing of the ruling German party, the Christian Social Union (CSU) and, as a result, on Chancellor Kohl's Christian Democratic Union (CDU) (Woodward 1995, 149). While the Vatican was primarily interested in recognition for Croatia, Slovenia nonetheless

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[111] Serbia continued to challenge the legality of the other republics' unilateral declarations of independence and argued that the EC's policy represented unlawful "interference in the internal affairs of a sovereign state" (Caplan, 2005, 35).

significantly benefited. After all, if Croatia was recognized, due to the geographical position of Slovenia and Croatia, Slovenia would no longer have any contiguous borders with Yugoslavia.

At the Council of Ministers meeting on December 16, 1991, Vice-Chancellor and Foreign Minister of Germany, Hans-Dietrich Genscher, stated that while Germany would accept the conditions for recognition, it would not feel bound by the findings of the Badinter Commission. On December 18, 1991, the German Federal Government formally announced its intention to recognize Slovenia (and Croatia) on December 23, 1991 (Caplan 2005, 38).

Slovenia supported its request for recognition with documents on its electoral system, its mechanisms for the protection of minorities and its foreign policy, and with materials relating to the plebiscite on independence.[112] In addition to renouncing territorial claims, it affirmed its adherence to international law, to preexisting treaties valid for Yugoslavia, and to standards established by international organizations, in particular those relating to international peace and security and human and minority rights.[113] Finally, Slovenia confirmed its acceptance of the principles enunciated in the Carrington draft treaty (Weller 1992, 595). On January 11, 1992, the Badinter Commission delivered four opinions in response to each of the applications for recognition. The only opinion relative to recognition that was not contentious was its judgment that Slovenia had satisfied the EC's requirements (Caplan 2005, 38).

On January 15, 1992, the EC decided to extend recognition to Slovenia. A number of European states, along with Australia, Argentina, and Canada, followed suit over the next few days. Other countries, including the United States, Russia, China, India, and Japan, extended

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[112] The minorities subject to protection were limited. The 1989 amendments to the Slovenian constitution granted cultural rights only to the Hungarian and Italian minorities, which are relatively small (Hayden 1992b, 658).
[113] These were affirmed in theory, not necessarily in practice.

recognition to Slovenia over the next few months. Slovenia was admitted to the United Nations on May 22, 1992.

III.   Arguments for Statehood

This section will first assess the strength of the Slovenian claim to statehood under international law, using the criteria for statehood under the Montevideo Convention and the right to self-determination. It will then assess the strength of existing political explanations for successful secessions, including: the military strength of the movement; the political organization of the state; and the level of demonstration effect.

The requirements for statehood laid out in the Montevideo Convention on the Rights and Duties of States (1933) include: a defined territory; a permanent population; a functioning government; and the ability to enter into foreign relations. Slovenia, for the most part, satisfied each of these requirements. Most of Slovenia's territorial borders were clearly delineated. To the north, northwest, and northeast, Slovenia's borders were international, abutting Italy, Austria, and Hungary. None of these borders were contested at that time. To the south and southeast, Slovenia borders Croatia. While the federal organization should have made the boundary between the two clear, Slovene claims on territory against Croatia meant that some of Slovenia's borders were contested. Despite those ambiguities, Slovenia did have a permanent population.

Slovenia also had a functioning government. Yugoslavia had begun a process of decentralization as early as the early 1950s. The Slovenian government had a high degree of autonomy under the constitution. In September 1989, the Slovenian Assembly asserted the right to independently maintain relations with other states and international organizations. Although the SFRY Constitutional Court deemed this assertion unconstitutional, Slovenia did not back

down. In December 1991, the president of Slovenia (along with the president of Croatia) visited Germany, where Chancellor Helmut Kohl made a promise that Germany would recognize both of them (NYT Dec. 8, 1991). So not only did Slovenia have a functioning government, but it had also granted itself the ability to enter into foreign relations. Therefore, Slovenia meets the Montevideo Convention's requirements for statehood quite comfortably.

Regarding the right to self-determination, Slovenia might not fair as well. As outlined in previous chapters, according to the UN Charter and a number of human rights treaties, only a "people" can enjoy this right. The Slovenians most likely meet the requirement for what constitutes a "people". By the early 20th Century, the Slovenes developed a sense of identity distinct from the rest of Yugoslavia. There was certainly a belief in the linguistic and cultural distinctness of the Slovene nation (Pavkovic 1997, 80).

The right to self-determination is enjoyed when a people can freely determine their political status and pursue their economic and social development. This right can be expressed through greater autonomy within an existing state, known as internal self-determination. As discussed in previous chapters, while this right does not necessarily extend to a right to external self-determination (i.e., secession), a number of scholars argue that if the right to internal self-determination is not met, then the right may evolve into a right to secession (Borgen 2007, Buchanan 1997, Birtch 1984).

The case for a right to external self-determination becomes stronger when there is an ongoing injustice (often gross human rights violations) that the "people" must overcome, often termed remedial self-determination (Borgen 2007). Prior to declaring independence, Slovenia had a high degree of autonomy. Slovenes had equal rights to decision-making at the center (through the collective presidency and representation in the National Assembly). There were also a large

number of Slovenians in federal offices. Therefore, Slovenes already enjoyed a right to internal self-determination. Slovenia implicitly argued that the unilateral steps it took toward greater autonomy were to avoid federal intervention that could violate their rights to internal self-determination.[114] However, this is problematic since remedial self-determination requires the existence of human rights violations rather than the prediction that there may be violations in the future. Therefore, the Slovenian case for secession based on the right to self-determination was weak.

The recognition process that the EC instituted had the external appearance of a legal one, as evidenced through the establishment of the Badinter Commission, comprised of judges from various constitutional courts across Europe. However, the Badinter Commission was ultimately driven by, at the very least, a combination of legal and political considerations, though largely political ones. The Commission had been created in order to resolve economic disputes on the assumption that Yugoslavia *was already* in the process of dissolution. Therefore, it did not engage in any legal analysis to determine whether Yugoslavia still met any requirements for a functioning state. More importantly, to the extent that the Badinter Commission applied legal principles to determine whether the various republics in Yugoslavia should be recognized, the EC ultimately made decisions regarding recognition that were not always consistent with its opinions.

The Badinter Commission reviewed the applications for recognition submitted by four of the six republics. It determined whether each of the republics met the requirements outlined in the Declaration on the Guidelines on the Recognition of the New States in Eastern Europe and in the Soviet Union, and the Declaration on Yugoslavia. While the Commission may have also

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[114] The Federal Presidency had declared emergency measures for the Serbian province of Kosovo earlier that year. The steps taken by the Slovene Assembly included provisions requiring the Assembly's agreement before federal authorities could intervene in Slovenian affairs as a result of any alleged "emergency" situation.

considered the requirements expressed in the Montevideo Convention, the Guidelines included much more than any legal considerations previously seen regarding statehood. These requirements were determined by the European Community and reflected their political interests rather than legal considerations. Thus, the Badinter Commission was a legal body applying politics rather than existing law.

Moreover, the Badinter Commission's Opinions ultimately did not determine EC recognition policy. Germany unilaterally announced that it would recognize both Slovenia and Croatia before the Commission was able to assess either of their applications. Further, once the Commission made its decisions, the EC did not necessarily follow them. While the Commission determined that Slovenia met the requirements and should be recognized, it determined that Croatia did not. Yet, the EC went on to recognize both Slovenia and Croatia. The Republic of Macedonia was not recognized despite the Commission's determination that it had fulfilled the requirements.[115] Ultimately, while the recognition process certainly had an external legal aura, the decisions that were made were based on various European political interests.

There are a number of non-legal factors identified in the literature that should indicate the potential for successful secession. According to some scholars, a secessionist group in an ethnically concentrated federal system has a better chance of success than one in an ethnically dispersed unitary state (Roeder 2007; Bunce 2004; McGarry and O'Leary 2003). Yugoslavia could be described as an ethnically concentrated federal system, though the level of ethnic concentration varied from republic to republic.

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[115] The Republic of Macedonia was ultimately recognized in 1993 though not by that name. It was recognized as the Former Yugoslav Republic of Macedonia.

From 1953 until 1981, almost all of the territories of Yugoslavia became increasingly heterogeneous; in almost all republics the percentage of the population comprised of the majority national group declined (Hayden 2012, 9).[116] Slovenia had a population that was 90.5% Slovene in 1981 and 87.6% Slovene in 1991 (Hayden 2012, 89). Despite this increase in heterogeneity, Slovenia remained the most concentrated nation in Yugoslavia; in 1991, 99.3% of the Slovenes in Yugoslavia lived in Slovenia (Id. 89). The federal system certainly helped Slovenia meet the requirements of the Montevideo Convention. It allowed for clear territorial borders, a permanent population, and a functioning government. However, as earlier cases have shown, meeting those legal requirements of statehood does not necessarily lead to recognition as a state.

An ethnically concentrated federation also makes it easier for secessionist groups to organize. The secessionist momentum in Slovenia benefitted from the ability of the population to express its views at the polls. Were the Slovenes dispersed across the republics, they would not have been a majority and would have been limited in how much change they could effect through their vote. As Hayden points out, "the republics' constitutional status as separate polities afforded secessionists the opportunity to manipulate fully developed state structures in their quests for independence from the federation" (1992a, 1). Ultimately, the structure of Yugoslavia's political system did help Slovenia. It certainly was not a determining factor, but it may well have been a necessary but insufficient factor for Slovenia's success.

Others suggest that military strength is indicative of success. Military strength can provide a movement with *de facto* statehood, which, according to some, may lead to *de jure* statehood

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[116] The exceptions were the two autonomous provinces in Serbia, and Bosnia-Herzegovina. In Kosovo, the majority Albanian population increased its percentage markedly. In Vojvodina, the majority Serb population increased slightly (Hayden 2012, 9). Between 1981 and 1991, heterogeneity increased in Montenegro, Macedonia, Slovenia, and Serbia, but decreased in Croatia and Bosnia Herzegovina (Hayden 2012, 9).

(Crawford 2000; Horowitz 1985). Slovenia did possess military strength. It made successful efforts to improve its military position in the lead up to its declaration of independence. The preexisting territorial defense units were expanded with new recruits and transformed into a well-organized force capable of fielding more than 100,000 soldiers (Pavkovic 1997, 133). Slovenia's minister of defense Janez Janša had purchased sophisticated weapons and formed a network of pro-Slovene military officers and conscripts within the YPA (Woodward 1995, 166). When the Yugoslav collective presidency ordered the YPA to withdraw from Slovenia on July 18, 1991, it acknowledged its inability to protect YPA troops and their families (Woodward 1995, 171).

While Slovenia did possess some military strength, a clear link does not exist between its military strength and the international recognition of its statehood. Once the YPA pulled out of Slovenia, Slovenia was not immediately recognized. The EC mediated a ceasefire after only ten days. Following the ceasefire, military strength was not relevant to the recognition process that followed. None of the above explanations can fully explain why Slovenia was able to achieve statehood.

IV.   Role of the Region

As the previous case study chapters have demonstrated, regional actors play critical roles in secessions, yet have so often been neglected in explanations. Regional actors are so important because their proximity means that their interests are often affected more than the interests of states outside of the region. As a result, regional actors tend to have the strongest interests in the outcome, whether that is in support of secession or in opposition to it.

I have identified three mechanisms through which regional actors can affect the outcome of a secession. First, they can provide tangible support to the physical survival of a movement.

Tangible support can include the provision of military or economic resources, or the provision of sanctuaries. Second, they can shape the diplomatic landscape through their ability to frame how conflicts are perceived and through their ability to act as gatekeepers between a movement and the broader international community, facilitating support or obstructing it. Finally, to the extent that any of the great powers have an interest in the outcome, they will take regional actors into consideration when determining foreign policy. These considerations may include issues relating to regional stability or a great power's existing relationships in the region.

The former Yugoslavia fell within the European region. Its contiguous neighboring states included: Albania, Greece, Bulgaria, Romania, Hungary, Austria, and Italy. Although Yugoslavia was not a member of the European Community (and of its neighbors only Italy and Greece were), it had an association with the EC beginning in 1961, and as the narrative above demonstrates, the EC played a critical role in the secession of Slovenia.[117] Given the support for the maintenance of state sovereignty and territorial integrity, as outlined in the Helskinki Final Act and the Charter of Paris, among others, why did the EC ultimately support the breaking apart of Yugoslavia? The rest of this case study will examine the significance of the role the EC played in the secession of Slovenia, including why the EC involved itself at all, and why it chose to support recognition. The role of the regional actors (both institutional and state) will be examined through the three mechanisms mentioned above.

The timing of Slovenia's declaration of independence was particularly relevant to Europe's response. The Maastricht Treaty, which outlined the terms of a closer economic and political

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[117] EC members between 1990-1992 included: France, Germany, Italy, Belgium, The Netherlands, Luxembourg, Denmark, Ireland, the United Kingdom, Greece, Spain, and Portugal.

union in Europe, was to be signed on December 9-10, 1991. This was a moment where Europe was looking to coordinate foreign policy.

Both Austria and Germany played important roles in the EC decision to ultimately recognize Slovenia. Austria's only border with Yugoslavia was with Slovenia. It was in Austria's national security interest to prefer an independent Slovenia and the Yugoslav army at a distance (Woodward 1995, 164). Austria's long and contentious relationship with Serbia meant that Austria would favor any steps that would weaken Serbia. Austria and Serbia had been at odds in what is known as the Pig War in 1906, the Bosnian Crisis in 1908, and of course, World War I, when Austria-Hungary declared war on Serbia. Austria had developed economic ties with Slovenia from the mid-1980s, and had also developed relationships with both Slovenia and Croatia (as well as Italy) regarding tourist and cultural organization of regions along their borders, called Alpe-Adria (Woodward 195, 72).

While Germany did not border Slovenia, there are a number of explanations offered as to why Germany had an opinion one way or the other, and why it was willing to make some effort to determine the outcome. The Slovenes and Croats carried out extensive and quite successful public relations campaigns that portrayed their actions as a "fight for freedom and democracy." The Vatican had lobbied for the independence of both Slovenia and Croatia (both being predominantly Roman Catholic republics). The Catholic Church wing of the governing Christian Social Union Party in Germany was also active in promoting propaganda (Id. 185).

Germany had recently unified and part of the domestic argument for unification was based on the people of East Germany's right to self-determination (Crawford and Lipschutz 1994, 6). As early as July 1, 1991, the Christian Democratic Union Party secretary-general stated, "we won our unity through the right of self-determination. If we Germans think everyone in Europe can

follow a status quo policy and do not recognize the right of self-determination in Slovenia and Croatia, then we have no moral credibility" (Zucconi 1996, 263). The Slovenian and Croatian independence issue became a really important one for Germany domestically. Woodward suggests that it became a test of the new German role in Europe and proof of its new form of statecraft (1995, 186-7). In early 1991, the head of the foreign affairs committee of the parliamentary caucus of the opposition German Social Democratic Party (SPD), Karsten Voigt, initiated the preparation of an analysis of the Yugoslav context and its lessons for Soviet developments. On the basis of the report, Voigt decided that Yugoslavia could no longer be saved, and began a campaign to persuade the German Parliament that recognition of Slovene and Croatian independence would be a signal to Gorbachev: be more accommodating toward the Baltic states and Ukraine, or expect a preemptive strike from Germany (Woodward 1995, 177).

Germany may also have been concerned about stability within its own borders. Germany had relatively liberal immigration policies and was concerned about its vulnerability to an influx of economic migrants and refugees (Caplan 2005, 46). Germany made the argument that recognition of Slovenia and Croatia would bypass the need for consent from Yugoslav authorities for an EC force in Croatia (Woodward 1995, 186).

Finally, Germany was accused by some of having expansionist aims. The former Yugoslav secretary of national defense and chief of staff of the Yugoslav armed forces from 1988-1992, Veljko Kadijević, described a new Germany, emboldened by unification, acting "on all fronts" to achieve its goal of gaining "economic, political and later if need be military control of the Balkans as a region for direct German expansion . . ." To achieve this goal, he believed Germany thought it necessary to break Yugoslavia into "statelets" (Caplan 2005, 42). Echoes of this view could be

heard within the EC. Writing in *Le Monde* in June 1993, senior French General Pierre Gallois warned against a "German predominance in Europe" (Ibid.).

The above provides some insight as to *why* the parties involved had an interest in getting involved. The following sections address *how* these parties determined the final outcome.

a. Mechanism I: the Provision of Tangible Support

In the Slovenian case, the provision of tangible support played the least significant role in its secession. Slovenia did not receive much by way of tangible support, nor had it sought much tangible support from actors within the region or beyond it. Due to the Slovenian defense strategy, it had a strong territorial defense force, and, therefore, did not have to build up an army from scratch. Slovenia did purchase arms abroad during the fall of 1990. For the most part, these purchases were made clandestinely through Austrian intermediaries (Woodward 1995, 137). The war with the YPA lasted only ten days before the EC-CSCE-mediated ceasefire.

Ultimately, it was not through this mechanism that regional actors determined the outcome of Slovenia's secession.

b. Mechanism II: Diplomatic Role

The most important role that regional actors played in the Slovenian secession was a diplomatic one. The way in which the conflict was framed would ultimately inform the response. Austria played a critical role in framing the conflict and influencing the EC to frame the conflict in the same way. The EC ultimately determined that recognition would happen and how it would happen, thus paving the way for Slovenian recognition.

Austria was not the only state to support Slovenian independence early on. Switzerland, Hungary, Denmark, and Germany all openly supported Slovenian independence. While this

section will address the relevant actions of various European states, it will focus primarily on the roles of Austria, Germany, and the EC, as these were the most significant.

The Slovene government was aware of the significance of external support for recognition, and the political strategy of the DEMOS coalition government (elected in April 1990, was to win international opinion over to its position. To that end, it sent delegations to Western capitals to present the case for independence, and to frame the context as one where Yugoslavia, as an artificial state, had no future (Woodward 1995, 149).

Austria

Austria helped Slovenia in a number of ways and was key to Slovenia's independence. Austrian economic initiatives after 1985 emboldened the Slovene party and government leadership (Woodward 1995, 13). Austria's opening of a number of bank affiliates in Slovenia in 1988 gave Slovenia more confidence in thinking about the possibilities of leaving the federation (Id. 97).

Austria was supportive of Slovenian secession even before Slovenia declared independence. Over a year before Slovenia's declaration, Austrian Foreign Minister Alois Mock toured European capitals with urgent appeals to recognize the impending Yugoslav crisis. Those that did not dismiss his concerns as baseless saw his pleas as part of Austria's support (initially behind the scenes, but increasingly open) for Slovene independence (Woodward 1995, 148). By the end of 1990, the leader of the Austrian People's party, Erhard Busek, reportedly urged Ljubljana to secede (Zucconi 1996, 241). By October 1990, Austria was secretly printing a new currency for Slovenia (Id. 130). The official Austrian position was that Yugoslavia had always been an artificial state and that denial of the Slovene right to secede threatened war. The view that the war was an act of aggression by Serbia originated with leaders in Austria, Slovenia, and Croatia (Woodward 1995, 7).

Austrian support for independence became more assertive during the spring of 1991. Austrian foreign minister Alois Mock made a number of public statements in early May and began promoting a Croatian proposal for a council of elder European statesmen to mediate the crisis (which was rejected by the Yugoslav foreign minister). Austrian armed forces were also placed on high alert and moved toward the Slovene border in the second week of May 1991 (Id. 159). When Slovenia declared independence, the Austrian consul general and several provincial governors attended the independence celebrations on June 26 (Id. 162).

In August 1991, the Austrian Vice-Chancellor Erhard Busek stated that "the collapse of communism in the USSR modifies the situation in Yugoslavia and there is no more reason not to recognize the independence of Slovenia and Croatia (Id. 178). Although later in the year Austria somewhat tempered its rhetoric, over concerns that this might impede its admission to the EC, it continued to support Slovenian independence.

Germany

Although Germany had not supported Slovenian independence as early as Austria, Germany played an important role in supporting Slovenian independence and pressuring the EC to do the same. In late March 1991, the Slovene president Kučan was in Bonn having talks with the German foreign minister Hans Dietrich-Genscher (Id. 159).

After July 1991, Genscher pushed relentlessly for recognition of Slovenia and Croatia. He argued that this could be used as a tool to threaten Serbia to stop what Genscher called its "aggression." Genscher argued that by recognizing these two states, the EC would no longer need the consent of the Yugoslav authorities for the deployment of an EC force in Croatia (Id. 186). The German press launched an aggressive campaign in favor of Slovenia and Croatia. The influential *Frankfurter Allgemeine Zeitung* in particular, portrayed Croatia and Slovenia as

committed to "European" values, while Serbs were caricatured as being hardly European at all (Crawford and Lipschutz 1994, 7).

On August 24, 1991, Genscher told the Yugoslav ambassador that Germany would recognize Slovenia and Croatia if the Yugoslav army did not cease its violence (Woodward 1995, 159). By mid-November 1991, German Chancellor Kohl announced that Germany would recognize Slovenia and Croatia by Christmas. By early December 1991, Germany was already making plans to open embassies in the Slovenian and Croatian capitals (NYT Dec. 8, 1990).

Italy

Italy had initially supported Yugoslav unity. In early March 1991, almost 20,000 Albanians had fled to Italy, causing concerns over the prospect of more refugees. The Italian foreign minister Gianni De Michelis was active in pushing for EC involvement to manage the crisis and keep Yugoslavia together. However, as the dominant opinion shifted among the EC members, so did Italy's position (Woodward 1995, 159). By June 1991, this shift became evident. The presidents of both Slovenia and Croatia made official visits to Italy, and Italian president Francesco Cossiga made public Italy's sympathy for Slovene and Croatian independence (Id. 161). By mid-November, when German Chancellor Kohl announced that Germany would recognize Slovenia and Croatia by Christmas, Italian Prime Minister Giulio Andreotti convened talks in Rome to coordinate the common position of Germany, Austria, and Italy (Id. 183).

European Community

The EC was initially opposed to Slovenian independence. In early meetings of the European Council of Ministers, France, Great Britain, Spain, and Italy expressed the most vocal opposition. Spain was most concerned about setting a precedent for self-determination, given its history of domestic separatist movements (Crawford and Lipschutz 1994, 7). France and Great

Britain were concerned that the breakup of Yugoslavia would be highly destabilizing and violent (Woodward 1995, 164). In February, 1991, French President François Mitterrand and British Prime Minister John Major argued, "the territorial integrity of a single Yugoslavia must take precedence . . . over the aims of Croatian and Slovenian nationalists" (Crawford and Lipschutz 1994, 6).

Slovenia's drive for independence gained momentum on March 13, 1991, when the European parliament passed a resolution declaring "that the constituent republics and autonomous provinces of Yugoslavia must have the right freely to determine their own future and in a peaceful and democratic manner and on the basis of recognized international and internal borders" (Woodward 1995, 158-9). Even though most EC states continued to support the Yugoslav federal government, the resolution signified the success of Slovenia and Croatia's framing of the conflict (Id. 158). In an official visit to Belgrade early in May 1991, even EC president Jacques Delors, who had insisted on a united Yugoslavia, agreed to meet separately with Slovenian president Kučan (Id. 159).

In July, the Brioni Agreement did more for Slovenian independence than intended at the time. Woodward suggests that on top of effectively recognizing the Slovene military victory, it made Slovenia and Croatia *de facto* subjects of international law and cleared the way for their eventual recognition (Id. 168).

In spite of these developments, the EC was not united in support of recognition. In December, 1991, Lord Carrington, the EC's chief negotiator at the Peace Conference, complained to the Dutch foreign minister Hans van der Broek, who held the EC's rotating presidency, that German recognition would destroy the Peace Conference. He believed that it would prompt Serbia

to leave the negotiations and cause Croatia and Slovenia to lose interest in the proceedings (Crawford and Lipschutz 1994, 9).

Germany, however, stood its ground. With the threat of unilateral German recognition of Slovenia and Croatia, which would destroy European efforts to construct a common foreign policy, the EC declared conditional diplomatic recognition of Croatia and Slovenia, placing the blame for the conflict on Serbia. The declaration was made after an all-night EC Council of Ministers meeting on December 16, 1991 (Id. 12).

According to Woodward, a combination of factors contributed to the EC states' increased vulnerability to German assertiveness. These included the EC's lack of a common policy, its unwillingness to deploy troops without the consent of all parties on the ground, and concerns about the Maastricht negotiations (1995, 183). The EC officially recognized Slovenia on January 15, 1992.

Through the Peace Conference and the Badinter Commission, the EC would determine if and when any of the republics would achieve recognition. That the four republics that wanted independence applied to the Badinter Commission for recognition demonstrates that they saw the EC as an opportunity for success. Slovenia had already declared independence in June 1991, yet it submitted extensive materials to the Badinter Commission in December, presumably because it saw EC recognition as a crucial precursor to general recognition.

c. Mechanism III: How Regional Actors Shape Great Power Foreign Policy

The Soviet Union was preoccupied throughout much of this period with its own domestic political developments that would lead to the break-up of the Soviet state. Although Yugoslavia had been of strategic consequence to NATO and the United States during the Cold War, after Gorbachev came to power, the United States had demoted Yugoslavia in terms of its geostrategic

importance in 1989, placing it alongside other southeast European peripheral countries, no longer of significance (Woodward 2013, 6). In the summer and fall of 1990, the United States was far more preoccupied with the events in Hungary, Poland, the German Democratic Republic, and the Soviet Union, than Yugoslavia (Id. 154-55).

Despite the lack of geostrategic interest, both the United States and the Soviet Union supported the territorial integrity of Yugoslavia and were opposed to the recognition of republics outside of the context of a large peace settlement. In November, 1990, NATO voted not to take any preventive action in Yugoslavia. The United States and the Soviet Union vetoed CSCE action, arguing that the Yugoslav conflict was an internal matter (Dyker and Vejvoda 1996).

In the UN Security Council, the USSR delegation highlighted the "significance of a political settlement, not only for inter-governmental conflicts, but also for intra-State conflicts. They show how dangerous is the growth of separatist and national extremism, not only for each individual country, but for entire regions" (Weller 1992, 579 citing UN Doc. S/PV.3009, at 25 (1991)).

On June 21, 1991, in Belgrade, U.S. Secretary of State Baker characterized the possible move toward independence of Slovenia and Croatia as "unilateral secession . . . illegal, illegitimate." He ruled out recognition of the breakaway republics (Zucconi 1996, 240). However, at about the same time, he also acknowledged, "we don't have a dog in this (i.e. Yugoslav) fight" (Trbovich 2008, 250). Slovenia and Croatia had made Baker a promise not to act unilaterally; however, four days later, they declared independence.

The pressure of Austria and Germany for speedy recognition was initially resisted, not only within the EC. Calls for delay came from the United States, the UN Secretary-General, and the

Secretary-General's envoy to Yugoslavia, Cyrus Vance, who argued that premature recognition would lead to an increase in violence and might frustrate the peace talks (Weller 1992, 579).

Until January 1992, the U.S. had insisted that some sort of Yugoslav confederal arrangement be established (Ibid.). U.S. Secretary of State Baker and Ambassador Zimmerman argued that the breakup of Yugoslavia would be highly destabilizing and could not occur without horrendous carnage (Woodward 1995, 164).

All of these events were occurring within a broader context whereby the United States had, at least since May 1989, encouraged Europe to take greater responsibility for its security (Woodward 1995, 158). With respect to Yugoslavia, President George H.W. Bush pushed for a larger role for Germany in his "Partners for Leadership" speech in Mainz on May 31, 1989. The U.S position that Germany (and the EC as a whole) should take the lead in Eastern Europe was reiterated by Secretary of State Baker in a speech in Berlin in December 1989. He argued, "the promotion of political and economic reforms in the East is a natural vocation for the European Community" (Woodward 1995, 456).

The U.S. ultimately accepted the EC recognition policy on Yugoslavia, having granted Europe the political lead in this matter (Trbovich 2008, 250). Its recognition was conditional on all the republics being recognized, a concession to pressure from the Croatian lobby in the United States. On April 7, 1992, the United States recognized Slovenia. Russia had already recognized Slovenia in February of that year.

This case has demonstrated the significance of regional actors in Slovenia's secession. The success of Austria's ability to frame the conflict and Germany's determination to recognize Slovenia each played critical roles in the EC's ultimate decision to do the same.

While the EC did establish what had the semblance of a legal process in the Badinter Commission, the way in which EC recognition unfolded was a reflection of regional politics rather than European or international law. Once the EC decided to extend recognition to Slovenia, it set a domino effect in motion, and within five months, Slovenia was recognized by most states in the international system (including all of the great powers) and was admitted to the United Nations.

THE BASQUE COUNTRY, SPAIN

The Basque Country is another territory in Europe that has sought and continues to seek independence. Unlike Slovenia, to date it has not achieved international recognition. What follows is a brief historical overview of the Basque Country's attempts to achieve statehood as well as an analysis of its case for independence. The rest of the chapter will focus on regional state actors and institutions, emphasizing the distinction between the role they played in Slovenia and the role they played in the Basque Country.

The Basque region covers territory in both Spain and France. It covers approximately 8,000 square miles (slightly smaller than the state of New Jersey) and has a population of over two million (Shepard 2002, 59). About 90% of the total Basque population and about 85% of the total Basque land area are concentrated on the Spanish side of the border (Foster 1980, 78). The French Basque region includes three provinces, Labourd, Basse Navarre, and Soule. On the Spanish side, the Basque region is made up of four provinces, Vizcaya, Guipúzcoa, Navarra, and Alava. The Spanish Basque region as a whole contains about 6,800 square miles, which is approximately 3.5% of Spain's entire territory.[118]

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[118] Navarra opted to become its own region, independent of the rest of the Spanish Basque region, in 1979 (Douglass and Güell 2004, 138).

The Basque Country has a long history. Evidence suggests that Basques were living in the area between 5000 and 2000 BC, making the Basques one of Europe's ancient cultures (Foster 1980, 79). The Basques are predominantly Catholic and the Basque language is Euskera.[119] Euskera is the only remaining language of those spoken in southwestern Europe before the region was Romanized in the second through first century BCE (Encylopedia Britannica).

I.   Historical Overview

a. Franco and discrimination

The Spanish Civil War, which lasted from 1936 to 1939, marked the beginning of an era of persecution for the Basque people. The Basque Country had aligned itself with the Republicans and the left, against the Franco-led right (Alfonso Pérez-Agote 2004, 179). During the first nine months of the Civil War the Basque Country had created a government of a newly declared state called Euskadi (Douglass and Zulaika 1990, 243). For this period, Euskadi fielded an army, coined a currency, and issued passports (Id., 141). However, the bombing of Guernica by Franco's Nazi ally in 1937, crushed the Basque nationalists defending the region (Woodworth 2001, 4). Faced with defeat, the Basque government went into exile in France (Douglass and Güell 2004, 141).

From the fall of Euskadi in 1937 until the early 1950s, the Spanish national policy toward Basque culture was one of suppression. This was carried out primarily through attacks on the Basque language, Euskera. Libraries and documents held by social and cultural organizations were seized by troops and there was a mass burning of books in Euskera (Williams 1984, 199). The use of Euskera in public was made illegal. No mass media were allowed to operate in Euskera and the publication of books, magazines, and newspapers in Euskera was prohibited (Foster 1980,

[119] For the rest of the chapter any reference to the Basque Country is a reference to the Spanish Basque Country, unless otherwise indicated.

81). It was illegal to teach Euskera, and priests were denied the right to use Euskera in sermons. All public documents were altered to erase Basque names and all inscriptions in Euskera were ordered removed from tombstones, funeral markings, and public buildings (Williams 1984, 199). This policy gradually liberalized from 1960. After Vatican II allowed the use of Euskera in Mass, it was used for the religious ceremonies of the church. After 1968, the teaching of Euskera in Basque language schools was permitted, though not encouraged (Ibid.).[120]

Franco also instituted a policy of settling the Basque Country with non-Basque populations. The large influx of Spanish-speaking migrants during the industrialization of the 1950s and 1960s had a disruptive effect on traditional rural ways of life of many of the Basques (Mansvelt 1999, 109).[121] It is estimated that by Franco's death in 1975, over 40% of the population in the Basque Country had no Basque parent (Shepard 2002, 59).

The Basque Country was also heavily impacted by Spanish taxation. From 1968 through 1973, the Basque Country paid Madrid significantly more in taxes annually than the value of public services received by the region from the Spanish government (Foster 1980, 85). Further, there was at least the perception that most of the funds spent in the Basque Country paid for mechanisms of control, including the Guardia Civil, the courts, and prisons (Ibid.). The gap between the amount of taxes paid and services the Basque region received led to a sense that they would be better off without the rest of the state.

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[120] According to Williams, the radicalization process after Vatican II affected the entire Spanish Church and played a significant role in the revival of Basque Culture (1984).

[121] Industrialization in the Basque Provinces was uneven. In the 1950s and 1960s, the Arabia and Navarre provinces industrialized. Biscay had industrialized in the mid-19th Century, while Gipuzkoa industrialized at the end of the 19th Century.

b. Emergence of Secessionist Sentiment

Basque nationalism emerged in the late 19th Century. The first Basque Nationalist Party was founded in 1895 by a Bilbao journalist named Sabino de Arana. Nationalism emerged out of a perception that Basque culture was in imminent danger of extinction (Douglass and Zulaika 1990, 243). Industrialization and urbanization of the Basque Country, particularly Gipuzkoa, had converted it into a popular destination for migration from throughout the Iberian Peninsula.[122] The migrants became a minority in key Basque economic centers. At the same time, Basque culture, and particularly use of the language, Euskera, was retreating (Ibid.). Arana believed that complete isolation was necessary to preserve the Basque cultural identity (Spencer and Croucher 2008, 138). The Party made Euskera the focal point of its political program and created symbols that continue to represent Basque political and ethnic nationalism today, including the flag and the name of the new regional unit, Euskadi (Woodworth 2001, 4).

During the Franco years, the Basque nationalists pursued their aims in international fora. The exiled Basque president, José Antonio Aguirre, collaborated with the Allies during World War II and was confident that the fall of Mussolini and Hitler were the precursors to the fall of Franco. After World War II, Aguirre moved to New York to push the Basque case before the UN (Douglass and Zulaika 1990, 244). However, in 1952, as part of its Cold War strategy, the United States negotiated an agreement with Madrid that established three American air bases and one naval base in Spain (Douglass and Güell 2004, 141).[123] The international political and economic boycott of the Franco regime was lifted (Douglass and Zulaika 1990, 244).

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[122] The Iberian Peninsula covers the southwest corner of Europe, including Portugal, Gibraltar, Andora, Spain, and parts of France.

[123] These included air bases in Torrejón, Zaragoza, and Morón, and a naval base in Rota.

The Basque Nationalist Party was the major political arm of the Basque separatist movement until younger, more radical members split off to form Euskadi Ta Askatasuna (ETA). ETA was founded in 1959 out of a student group that was frustrated with the inaction of the Basque nationalists. The name translates to Basque Homeland and Freedom (Woodworth 2001, 5). ETA found considerable support in the Basque Country. Given the oppressive political circumstances, ETA became involved with the democratic movement (Moreno 1997, 69). Its leaders initially described the movement as "patriotic and democratic" (Foster 1980, 92). While it indicated a willingness to use arms from the outset, it was not responsible for any deaths until almost a decade later. Prior to 1968, ETA focused on recruiting members and building the organization (Ibid.). Ideologically, it evolved quickly from Catholic social radicalism through a spectrum of anti-colonialist positions, and ultimately defined itself as a Marxist-Leninist movement committed to socialism and Basque independence (Woodworth 2001, 5). While the founder of the Basque Nationalist Part, Arana, had focused on ethnicity to represent "Basqueness," ETA focused on a cultural identity, basing Basqueness on the use of Euskera. This allowed for the inclusion of the immigrant population (Woodward 2007, 174).

ETA became increasingly violent during the 1960s. Recognizing that direct military confrontation would lead to certain failure, ETA opted for guerrilla tactics that were designed to provoke state repression of the general population. This would raise the population's political consciousness and resentment, which could then be channeled into support for ETA (Douglass and Zulaika 1990). In theory, more support would make more dramatic and frequent armed actions possible. This would generate more repression, and the cycle would continue (Woodworth 2007, 176). ETA's tactics included: bank robberies, kidnappings, sloganeering through public graffiti, the imposition of taxes on targeted Basque businesses, bombings, and assassinations (Id. 238).

Some of these actions were carried out to finance the organization, while others had the purpose of provoking a reaction. The first death associated with ETA took place in 1968. A young ETA member who had refused to stop at a roadblock had been killed by the Guardia Civil. In retaliation, ETA assassinated a local police chief (Foster 1980, 93). The state responded quickly and violently. The repression that followed included a number of arrests and torture of detainees, many of whom had not been involved with ETA (Woodworth 2007, 176). During this time, Basque pressure for an independent state intensified (Shepard 2002, 57).

Between 1968 and 1973, the Spanish authorities charged ETA with eight murders. By 1974-5, this number rose to 36. By the end of 1979, ETA had killed 234 people (Foster 1980, 93). During this period (and particularly prior to Franco's death in 1975), ETA targeted figures who had been identified with the Franco regime and the repression of the Basques. The assassination of such figures gave ETA an anti-fascist image, which gained some sympathy beyond Spain. In 1970, a number of governments had petitioned the Spanish government not to execute convicted ETA murderers (Shepard 2002, 58).[124] Throughout this period, France provided sanctuaries to ETA members, refusing to extradite any ETA members the Spanish authorities were looking to arrest.

In 1973, ETA assassinated Franco's Prime Minister, and would be successor, Luis Carrero Blanco (Woodworth 2001, 4). During the 1970s, the Spanish police state under Franco suspended constitutional guarantees. Basque individuals who had expressed political dissent were tried in military courts and imprisoned (Foster 1980, 93).

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[124] Two years after the 1968 killing of the police chief, sixteen defendants were tried by a military tribunal and six received death sentences. In the face of international protest, including personal appeals to Franco by the Pope and several heads of state urging clemency, the death sentences were commuted (Douglass and Güell 2004, 141).

The Basque National Liberation Movement (MNLV) emerged from ETA. It was established in 1974 as an umbrella organization for various Basque resistance groups. The core of the MNLV has been ETA and the political party Batasuna (which will be discussed in the following section).

II. Secessionism after Franco

a. Democratic Transition and Basque Autonomy under the New Constitution

Franco died in 1975, and his successor as head of state, King Juan Carlos, facilitated a democratic transition to a constitutional monarchy. By 1978, Spain had a democratic constitution (Woodworth 2001, 5). The Basque Country gained a significant amount of autonomy through the 1978 Constitution and the 1979 Basque Autonomy Statute. The Basque Autonomy Statute organized the political system of autonomous communities envisioned in the new Spanish Constitution. It was ratified by referendum in October 1979.[125]

The new constitution provided for a federal-like state through the adoption of a model based on symmetrical devolution (Guibernau 2006, 62).[126] The constitution divided Spain into seventeen "autonomous communities." Some of these were historically and culturally distinct, e.g., Catalonia, the Basque Country, and Galicia, while others were artificially created where no sense of a separate identity had previously existed, e.g., La Rioja and Madrid (Ibid.). Title VIII of the Constitution made it possible for any of the autonomous communities to be self-governing. This would depend on the will expressed by the inhabitants of each nationality or region, or by their political representatives (Moreno 1997, 70).

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[125] This ratification occurred even though 40% of the Basque population abstained from voting.
[126] The Basque Country did not endorse the Constitution. 70% of the population either abstained from voting or voted against it for not including the "right to self-determination" (Aretxaga 2004, 166).

Through the Constitution, the Basque Country achieved a level of self-governance it had not experienced since the late 19ᵗʰ Century.[127] The Constitution made regional languages "co-official" with Spanish in each language's respective region (Foster 1980, 82). The Basque Community now had its own parliament, police force, tax collection system, health system, and public education system in Euskera. Madrid would maintain control over foreign policy and national security, including control over border crossings, airports, and seaports (Shepard 2002, 61).[128] The Basque Community also reached a new tax revenue arrangement with Madrid, the *Concierto Economico*. According to the agreement, it would collect all taxes and only give Madrid the funds necessary for specific central government duties (control over airports, borders, national defense, and courts). All other tax revenue would be retained by the Basque Government and spent as it saw fit (Bieter 2013, para. 37).

b. Secessionism after the Democratic Transition

Given that the Basque Community gained a significant amount of autonomy through the democratic transition, many anticipated an end to ETA's violent tactics. However, after 1978, not only did the violence continue, but it intensified. In 1980, ETA claimed 91 victims (Woodworth 2001, 5). In fact, more than 700 out of a total 800 ETA killings took place during the democratic period. The reason for this was that from ETA's perspective, the real enemy was Madrid. Any Basque natives willing to settle for less than independence would also find themselves afoul of ETA. It was irrelevant to ETA whether the suppression of Basque statehood came from a dictator

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[127] Up until 1876, the relations between the Basque Provinces and the central government were carried on under the jurisdiction of the foral law system, where each province (and each township) was granted substantial powers of self-governance by the reigning monarch (Foster 1980, 79).

[128] The provisions for autonomous communities in the Spanish constitution differs from U.S. federalism. The Basque Autonomous Community enjoys its status by grant of the Spanish government meaning that the Spanish government can amend or withdraw this status.

or a democratically elected leader (Douglass and Güell 2004, 143). In this sense, ETA viewed the Spanish state as a colonizer of the Basque people. ETA used this colonial interpretation to justify its violence against the Basque police, who could no longer be considered Basque due to their subordination to the Spanish state (Aretxaga 2004, 172).

The government response to ETA was extremely repressive. Whether the harsh response was indicative of the threat it faced in ETA or whether it justified ETA's claims that the Basque people faced an existential threat, will dependent on perspective. A series of emergency legislation in the Basque Community allowed the violation of the civil and human rights of anyone accused of having any relationship with ETA (Id. 166).

In December 1983, in a case of mistaken identity, Segundo Marey was kidnapped in the French Basque region by an extralegal group of paramilitaries, the *Group Antiterroriste de Liberation* (GAL).[129] The GAL was responsible for machine-gunning bars and car bombing busy streets. It killed 27 people and injured many more, a number of which were unconnected to ETA Woodworth 2007, 179). The Spanish government claimed that GAL was a mercenary group hired by the population at large that was tired of paying ETA's "revolutionary taxes." However, it was ultimately shown that GAL had been funded by the Spanish government. Although the Spanish Supreme Court refused to lift Prime Minister Gonzalez's parliamentary immunity from prosecution, in 1998, the Spanish interior minister, the Secretary of State for Security, and the Civil Governor of Vizcaya were each convicted and sentenced to ten years for their activities in connection with the Marey kidnapping (Id. 60).

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[129] Segundo Marey was mistaken for Mikel Lujua, an alleged ETA leader. Marey actually had no connection with ETA.

The GAL set out to disrupt France's provision of sanctuaries to ETA. ETA members were able to plan attacks from French soil and return to France once attacks were carried out. By attacking ETA members in France, the GAL hoped that French public opinion would begin to demand the extradition or imprisonment of ETA suspects on French soil (Woodworth 2007, 179). The strategy met with some success, as France began to collaborate against ETA in 1986. However, the GAL's activities also invigorated ETA and increased support for the movement.

By the mid-1990s, ETA's target list began to broaden beyond the police and political figures of the Franco era to include young Spanish politicians, journalists, and essentially any public figure who opposed ETA (Shepard 2002, 61).[130] Over the years ETA has made several attempts on the life of King Juan Carlos. Since the late 1990s, ETA adopted a new strategy known as "socializing the suffering." In theory, this meant all of society must share some of the pain suffered by the militants and prisoners. This resulted in the expansion of "legitimate targets" (Woodworth 2001, 6).

Basque electoral politics has included both national parties and Basque parties. The national parties are the conservative Popular Party and the Spanish Socialist Workers' Party. The Basque parties are the Basque Nationalist Party (PNV), the Eusko Alkartasuna, and until 2000, Herri Batasuna. Herri Batasuna began as a faction that split off from the PNV and later changed its name to Euskal Herritarrok and then to Batasuna. The PNV regularly gained the greatest support of any single party in the autonomous elections and has been an influential force in every Basque government in the post-Franco period. While maintaining a somewhat ambivalent position on independence, the PNV was forced to maintain some level of pro-independence rhetoric

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[130] Even entertainers were not safe from ETA's attention. Imanol Larzabal, a popular Basque singer who opposed ETA, announced in October 2000 that he was leaving the region due to repeated death threats and the "suffocating atmosphere of fear and repression in the Basque region" that ETA had created over the years (Shepard 2002, 61).

because of competition for votes from Batasuna (Keating and Bray 2006, 351). Batasuna has been generally viewed as ETA's political arm. While it denied this, it "shared ETA's political agenda for Basque independence, refused to condemn terrorist attacks, and openly organized rallies in homage to ETA 'martyrs'" (Woodworth 2001, 2).

The latter half of the 1990s saw a number of developments. ETA took the unprecedented step of declaring an unconditional ceasefire in September, 1998. This was likely in response to popular demonstrations against ETA after it killed Miguel Ángel Blanco, a young local Popular Party politician.[131] The murder made headlines worldwide (Bieter 2013, para. 44). The ceasefire, combined with more peaceful discourse from Batasuna, was beneficial for Batasuna. It attracted a number of new voters and in the 1998 regional Euskadi elections Batasuna (then called Euskal Herritarrok) won, receiving 18% of the valid votes (Mansvelt 1999, 110).

The ceasefire lasted until December 1999, when ETA announced an end to the truce (Shepard 2002, 63). ETA's position was that the political process had been unproductive since representatives had only met with the Spanish government once. ETA was responsible for 35 more killings from the end of the ceasefire until September 2001 (Ibid.). In late October, ETA hinted that it would stop fighting if Spain were to hold a vote on Basque independence. Spanish Prime Minister Azner refused, stating . . . "they must be defeated, because the only aim of killers and fanatics is to kill and exclude those who don't think as they do" (Id. 55). In response, ETA set off a car bomb in a busy commercial district of Madrid in November 2001. The following day it assassinated a provincial judge in the Basque region (Id. 67).

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[131] ETA had kidnapped Blanco and demanded that the Spanish government transfer all ETA prisoners to prisons in the Basque Country within 48 hours. Less than an hour after the deadline passed, Blanco was shot and left in a field to die.

When the Popular Party had come to power in Spain in 1996, it did so without a majority. In order to appeal to Basque nationalists it followed a relatively moderate line. After gaining an absolute majority in the Spanish national parliamentary elections in 2000, the Popular Party took a tougher position on independence politics (Keating and Bray 2006, 353). By 2002, there were thought to be approximately 200 active ETA members and a support network of perhaps 2000 people. Sympathizers, judging from the numbers who voted for Batasuna in regional elections, may have numbered another 150,000-180,000 (Shepard 2002; Mees 2003).

On June 27, 2002, Spain passed legislation that would make it possible for the Supreme Court to order the dissolution of certain political parties. The new law was created to address Batasuna. Within weeks of the law coming into force, the parliament passed a motion urging the government to bring a case against Batasuna for violating various articles of the law.[132] In August, the government passed a three-year ban on Batasuna; by March 2003, the ban was made permanent.

In 2004, the Basque Parliament approved the so-called Ibarretxe Plan, which involved the creation of a Basque State "freely associated" with Spain. This development was primarily symbolic, given the opposition to the proposal by Spain's central government (Keating and Bray 2006, 347). Although the Plan did not explicitly call for secession, it did claim the right for Basque residents to vote on their relationship with the Spanish state (Id. 348).

ETA called for a ceasefire again in 2006. The government of Spanish Prime Minister Jose Luis Rodriguez Zapatero tried to negotiate a peace with some involvement from the governments of Norway and Switzerland. The ceasefire was broken nine months later, when ETA carried out

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[132] The motion was based on Batasuna's refusal to condemn ETA's attack on August 4, 2002, in Santa Pola (Alicante) in which a car bomb exploded, killing two bystanders (Turano 2003, 730).

a deadly car bomb attack at the Madrid airport. This left the government resolved to renew its fight against ETA (Minder, Jan. 11, 2011).

Beginning in the mid-1980s, France had begun to extradite ETA members to Spain. Over the years, France began to cooperate more closely with Spain. Between 1986 and 2004, France extradited or returned to Spain over 200 alleged members of ETA (Douglass and Zulaika, 1990, 247). After ETA marked its fiftieth anniversary with a series of high profile and deadly bombings in 2009, Spain intensified its cooperation with France. In May 2010, joint Spanish-French operations resulted in the French arrest of ETA's military leader, Mikel Kabikoitz Carrera Sarobe (known as Ata), and his second in command (Minder, May 20, 2010). Joint operations also resulted in the seizure of a number of arms caches (U.S. Dept. of State 2009). In early 2011, a coordinated raid resulted in the capture of ETA's leading technology expert, thought to be responsible for the encryption used by the group to maintain its communications (Minder, Jan. 11, 2011). The pace and level of arrests caused ETA to struggle to maintain an operational capacity (Minder, May 20, 2010).

ETA announced its final ceasefire to date in 2011. It announced "the definite cessation of its military activity," and appealed for a "direct dialogue" with the governments in Madrid and Paris (Burns, Oct. 20, 2011). While this ceasefire came very soon after negotiations with former UN Secretary-General Kofi Annan, former Norwegian Prime Minister Grø Harlem Brundtland, and Gerry Adams, the leader of the Irish Nationalist group Sinn Fein, many give credit to the joint French and Spanish operations. Burns noted that "the negotiators effectively made it possible for ETA's leaders to present themselves as responding to an international push for peace, rather than to the French and Spanish security crackdowns (Ibid.). The U.S. State Department also credited the ceasefire announcement to French and Spanish coordination (U.S. Dept. of State, 2011). ETA

has since been weakened. As of 2014, security experts believe that it has about 50 active militants capable of organizing an attack (Minder, Feb. 21, 2014).

III.   Arguments for Statehood

This section will first assess the strength of the Basque claim to statehood under international law, using the criteria for statehood under the Montevideo Convention and the right to self-determination. It will then assess the strength of existing political explanations for successful secessions, including, the military strength of the movement, the political organization of the state, and the level of demonstration effect.

The requirements for statehood laid out in the Montevideo Convention on the Rights and Duties of States (1933) include: a defined territory; a permanent population; a functioning government; and the ability to enter into foreign relations. It is likely that the Basque Country satisfies each of these requirements. That Spain is organized in a political form that approximates a federation means that the Basque Community has clearly delineated internal territorial borders, which are not contested. The rest of the Basque Country's borders are international borders with France.

The Basque Community also has a functioning government. It has its own parliament, police force, tax collection system, health system, and public education system. In terms of the ability to enter into foreign relations, the Basque Community seems capable, though according to the Spanish constitution this ability is limited to the central government. The Basque Community's governing body has a Ministry of Foreign Affairs, though much of its focus is on relations with Basque diasporas. Basque presidents, members of parliament, and ministers frequently travel abroad to conduct "state" business, and the Basque Community sends out trade missions,

particularly to Latin America (Douglass and Güell 2004, 139). The Basque Community has opened a center in Brussels, which monitors EU legislative initiatives that affect Basque interests (Current Events 2005).

Regarding the right to self-determination, the Basque has, at times, had a strong claim. As outlined previously in this chapter, only "a people" can enjoy the right to self-determination.[133] The Basque population meets the requirements for what constitutes a "people." The Basque language Euskera is the last surviving non-Indo-European language in Western Europe and forms the basis of the Basque culture (Bieter 2013). The Basque culture has a number of distinct traits, including sports like competitive rock lifting and *pelota*, and a living tradition of orally composed poetry (Woodworth 2001, 4). Most inhabitants of the Basque Community identify themselves as Basques rather than Spaniards (Mansvelt 1999, 115).

The right to self-determination is enjoyed when a people can freely determine their political status and pursue their economic and social development. This right can be expressed through greater autonomy within an existing state, known as internal self-determination. While this right does not necessarily extend to a right to external self-determination (i.e., secession), a number of scholars argue that if the right to internal self-determination is not met, then the right may evolve into a right to secession (Borgen 2007; Buchanan 1997; Birtch 1984).

The case for a right to external self-determination (i.e., secession) becomes stronger when there is an ongoing injustice (often gross human rights violations) that a "people" must overcome. Borgen has referred to this as remedial self-determination (2007). The Basque Country had a strong case for self-determination in the early Franco years as it faced a sustained policy of

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[133] This right is outlined in the UN Charter as well as a number of human rights treaties.

discrimination. Franco sought to punish the Basques for supporting the Republicans against him during the civil war. Franco collaborated with the Nazis to bomb Guernica, a central meeting place for the Basques, in April 1937. After the Civil War, many who had supported the Republicans against Franco's nationalists were arbitrarily imprisoned. The language Euskera was banned in public. This combined with Franco's policy of resettling the region with non-Basque populations constitutes an ongoing injustice. While some of these policies were loosened in the 1960s, more than half of the native-born Basques believed that the Basque Country was a persecuted and punished region by the Spanish government well into the 1970s (Foster 1980, 79). Despite this strong claim for external self-determination, the Basque Country did not get any closer to independence during this period.

The argument for self-determination becomes weaker after the democratic transition. The Basque Community had a high degree of autonomy and was essentially able to determine its own political status and pursue social and economic development. In this sense, it already enjoyed a right to internal self-determination. While there were times that the Spanish government restricted rights and clamped down on the Basque Community, this was in response to ETA's violent actions. Therefore, the Basque case for self-determination was at one time strong, but since the democratic transition after 1978, it has become substantially weaker.

As mentioned previously, there are a number of non-legal factors identified in the literature that should indicate the potential for successful secession. According to some scholars, a secessionist group in an ethnically concentrated federal system has a better chance of success than one in an ethnically dispersed unitary state (Roeder 2007; Bunce 2004; McGarry and O'Leary 2003). The Basque Community has existed in a federal system. While a federal structure should

help secessionist movements in terms of their ability to organize and demonstrate "state-like" qualities, this has not been sufficient for Basque independence.

Others suggest that military strength is indicative of success. Military strength can provide a movement with *de facto* statehood, which according to some, may lead to *de jure* statehood (Crawford 2000; Horowitz 1985). The Basque separatists were never particularly strong militarily, though they were capable of causing considerable disruption. Given the domestic and European response to ETA violence, it is difficult, however, to imagine that more violence would have led to greater support for the movement. That said, counterfactuals are difficult to prove, and looking at the Basque case in isolation, it is not possible to assert with certainty that ETA's lack of military power had no effect on its failure.

IV. Role of the Region

The Basque Country falls within the European region. The only state that it borders outside of Spain is France. In contrast to Slovenia, regional actors have not supported Basque independence. Although a number of countries may have had some sympathy for ETA when it was operating under the fascist Franco dictatorship, this sympathy did not extend to support for recognition. After Spain's democratic transition, any existing sympathy began to wane. No regional state or institutional actor has expressed support for Basque independence.

What follows is an analysis of the ways in which regional actors have obstructed the Basque Country's secessionist goals, through both action and inaction, though primarily through inaction. The most notable aspect of the region in this case is its near complete absence from the equation. Without regional support, the Basque Country would not be able to achieve

independence. By explaining the role of regional actors through the three mechanisms discussed in the Slovenian case, the distinction between the two cases should be clear.

a. Mechanism I: Provision of Tangible Support

France has been the only state actor to provide any kind of tangible support to the Basque separatists. After WWII, ETA was able to capitalize on European discomfort with the Franco dictatorship. Prior to Franco's death, most of ETA's targets were members of Franco's security forces, and, therefore, ETA appeared to have an antifascist dimension. France provided sanctuaries to various political dissidents. The French Basque region became a haven for political activists who had been identified and targeted by Spanish authorities (Douglass and Zulaika, 1990, 245). Shepard refers to an unspoken pact where there would be no violence committed by Basque nationalists in France, and French authorities would not arrest any Basques who had committed crimes in Spain, or permit their extradition (2002, 60).

After the democratic transition in Spain, France's position changed. In the past, France had relied on a human rights justification for refusing to send ETA operatives back to Franco's Spain. French President Mitterrand found this justification much harder to use in a democracy, particularly after 1982, when Spain was governed by a fellow socialist. France began to actively cooperate with Spanish authorities, rounding up ETA activists, and allowing their extradition to Spain (Shepard 2002, 60). Between 1986 and 2004, France extradited or returned to Spain over 200 alleged members of ETA (Douglass and Zulaika, 1990, 247). After 2009, coordinated French and Spanish operations picked up pace; a number of high profile ETA members were arrested and weapons caches destroyed. Although France had initially helped ETA through its provision of sanctuaries, this support had never translated into French support for Basque independence. As the above illustrates, starting in the mid-1980s, France began to cooperate with Spain against ETA.

b. Mechanism II: Diplomatic Role

No regional state actor has taken any diplomatic steps to support an independent Basque Country. While Norway and Switzerland did act as intermediaries in negotiations between the Spanish Prime Minister Zapatero and ETA in 2005, leading to a short-lived ceasefire in 2006, this involvement did not extend to any support for independence. No EU members were involved in these negotiations, let alone any support for Basque independence.

The Basque Country has not made extensive efforts with European institutions. Studies have shown that the Basque people were generally less enthusiastically pro-European Union than people in other parts of Spain. Keating and Bray conclude that the EU is not seen by voters in the Basque Country as the best forum within which to explore new ideas of Basque sovereignty (2006, 359.) However, the Basque Country has opened a center in Brussels to monitor EU initiatives that may affect them. The EU has not been open to any calls for independence from the Basque Community; Spanish sovereignty has been respected. When ETA announced an end to its armed activity in 2011, then President of the European Council, Herman Van Rompuy, made a statement,

> The announcement by ETA to end its armed activity is heartening news. It represents a defeat for terror and a victory for democracy, liberty and the rule of law.
>
> For too many years, Spanish society has been suffering from violence and terror, an undeserved drama, to which now comes to an end [sic]. In this particular moment, my thoughts go to all the victims and their families, as well as to the resilience shown by the Spanish state and society during those years.
>
> The other Member States and the institutions of the European Union have always shown their solidarity with Spain during this long period of violence. Today we share with the Spanish authorities and its people this moment of legitimate satisfaction (EUCO 106/11, October 21, 2011).

The EU's designation of ETA as a terrorist organization in December 2001, underlined its support for Spain and helped to delegitimize ETA's demands.

c. Mechanism III: How Regional Actors Shape Great Power Foreign Policy

None of the great powers have expressed any particular interest in the Basque Country and its quest for independence, though the United States did label ETA a terrorist organization in 1997. It is difficult to demonstrate that European inaction affected the position of the great powers. One could argue that had Europe supported Basque independence, great power recognition would have been more likely, though counterfactuals are inherently difficult to prove. The more significant point here is not how regional actors shaped great power foreign policy, but more that looking to great powers to explain a secessionist movement's success is not helpful when the great powers have no real interest in the outcome.

In conclusion, the most significant trait of the region in this case has been its lack of action. That the secessionists in the Basque Country were militarily weak and their tactics often offended the local population may suggest that they were unlikely to find success, but the lack of regional support ensured failure. These weaknesses, combined with ETA's inability to gain any support from beyond the region, meant that regional actors did not have to take any obstructionist action; inaction was sufficient. Without regional support, a secessionist movement will not achieve independence.

Conclusion

This comparison of Slovenia and the Basque Country has highlighted the limitations of existing explanations of when secessionist movements will achieve statehood. International law on territorial integrity, the Montevideo Convention's requirements for statehood, and the laws of self-determination cannot fully explain the outcome in these cases.

While both the Basque Country and Slovenia met the requirements for statehood under the Montevideo Convention, only Slovenia became a recognized state. Under the right to self-determination, the Basque Country under Franco's rule had a strong argument for statehood, certainly stronger than that of Slovenia, yet it was unable to translate that into independence. Domestic explanations on the ethnic concentration of a state and its political organization are also limited in their ability to distinguish between these two cases. Both the Basque Country and Slovenia existed in federal-like states, and both areas had concentrations of one ethnicity. While explanations that focus on international politics have greater explanatory power (Coggins 2014, Sterio 2013), their exclusive emphasis on the role of the great powers neglects the significant role that regional actors play in secessions. The United States had a preference (albeit a weak one) for upholding the territorial integrity of Yugoslavia. U.S. Secretary of State Baker acknowledged that "we don't have a dog in this fight," (Trbovich 2008, 250). Identifying this weak preference and mixed statements does not explain why Yugoslavia ultimately broke apart. Great power explanations become even less useful in cases where there is no great power interest one way or the other, which was the case regarding the Basque Country.

Ultimately, regional actors were supportive of Slovenia's independence and unsupportive Basque independence. Slovenia received more tangible support, in terms of arms. While the Basque Country was able to benefit from sanctuaries in France, these sanctuaries were temporary and never translated into support for independence. Once France stopped providing sanctuaries, it actively cooperated with the Spanish authorities to arrest members of ETA.

Regarding a diplomatic role, regional state and institutional actors were heavily involved in Slovenia's secession. Austria's campaign for Slovenian independence and Germany's determination to recognize an independent Slovenia played a crucial role in the EU's ultimate

decision to recognized Slovenia. Once the EU recognized Slovenia, a domino effect was set into motion, and four months later Slovenia was admitted to the UN. In contrast, no regional state actor or institution has supported an independent Basque Country.

In terms of the region shaping great power policy, the United States gave mixed signals. It articulated a preference for the territorial integrity of Yugoslavia, though was unwilling to take any action to ensure its integrity. At other times it articulated a more neutral position. Ultimately, it aligned itself with the European Union and recognized Slovenia. Regarding the Basque, none of the great powers have had any interest in Basque independence, and the EU's rhetorical support for Spain and opposition to ETA has ensured that there has been no shift in thinking on the issue.

CHAPTER 6: CONCLUSION

I.   Puzzle and Question

This dissertation examines state secession. While most secessionist movements fail, some movements succeed in achieving internationally recognized statehood.   Why these particular movements should achieve statehood is not immediately clear. States are the fundamental unit in international politics, and yet the path to statehood remains obscure.

The puzzle that sparked this research was the juxtaposition of South Sudan's successful secession in 2011 and Somaliland's inability to do the same. Somaliland has had a functioning government for over twenty years; it has free and fair elections, its own currency and flag, and even conducts limited foreign policy. Yet despite its declaration of independence in 1991, the international community has refused to recognize it. South Sudan, on the other hand, emerged from Africa's longest running civil war in 2005 as one of the least developed areas on the continent, with no history of self-governance and no formal institutions. Yet as of January 2011, South Sudan was recognized by the world as the newest state in the international system and was quickly granted membership into the United Nations. The purpose of this dissertation has been to account for the success of South Sudan and failure of Somaliland through an explanation that can also be applied to cases beyond the Horn of Africa.

To attempt to develop a generalizable theory, this dissertation has examined six secessionist movements across three regions. Chapter 3 focused on South Sudan and Somaliland; Chapter 4 focused on Bangladesh and the Tamils in Sri Lanka; and Chapter 5 focused on Slovenia and the Basque Country in Spain.

II.   The Argument

The main argument of this dissertation is that regional state actors play critical roles in state secessions. Without the support of regional state actors, a secessionist movement will not achieve international recognition.

Regional actors are so important because their proximity to the secessionist movement ensures that their interests are more likely to be affected. Regional actors tend to have a stronger interest in developments within their region and, therefore, have more incentive to take greater measures to effect a desirable outcome. Proximity also means that states have often had long relationships, whether contentious or friendly. Regional actors are often best situated to address conflicts in the region, and, in many cases, states beyond the region will defer to the region regarding regional specific matters.

I have outlined three mechanisms through which regional actors can influence the outcome. These are: (a) providing tangible support; (b) playing a diplomatic role; and (c) shaping great power foreign policy. Providing tangible support will most often include the provision of sanctuaries, economic resources, military training and supplies, and, in the most extreme cases, fighting alongside the secessionist movement or against the movement. While the provision of tangible support to either side of the conflict is not limited to states in the region, these actors tend to play this role more frequently than actors outside the region (Heraclides 1990).[134] There are a number of reasons for this. First, as mentioned above, regional states' interests tend to be more greatly affected by developments in the region. Second, if a state wants to support a secessionist movement without the knowledge of the home state, neighboring states are particularly well placed

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[134] Heraclides demonstrates that neighboring states find it particularly difficult to avoid becoming involved in nearby conflicts (1990).

to provide clandestine support. Finally, states in the same region, particularly neighboring states, often have longstanding histories that will influence action one way or the other.

The second mechanism is a diplomatic one. It refers to: (a) the ways in which regional actors can frame the context of the conflict and its resolution; (b) how regional actors can facilitate or obstruct the involvement of actors beyond the region; and (c) regional states making decisions regarding recognition. There are a number of ways in which regional actors can do this. They can mediate a conflict and are often seen as best situated to do so. In the course of a mediation they have the opportunity to shape a desirable outcome. Apart from a negotiating process, regional actors (particularly regional powers) can frame the conflict to the international community in ways to encourage or discourage involvement. Finally, regional state actors can choose to recognize a new state or withhold recognition. Recognition by states in the region can raise the legitimacy of a movement's quest for statehood, and, particularly when state actors beyond the region have chosen to defer to the region, can be determinative.

The third mechanism refers to the ways in which regional actors can shape great power foreign policy. The scholars that discuss the role of external actors to explain when secessions happen focus exclusively on the role of great powers. Sterio (2013) points to the ability of the great powers to logistically and strategically help secessionist movements as well as influencing international organizations to intervene on one side or the other, while Coggins points to the strength of the great powers' ability to persuade other states to act. In this sense, if the great powers decide to recognize a state, this will "initiate a cascade of legitimacy throughout the system's remaining members" (Coggins 2011, 449). This mechanism focuses on how great powers take regional politics and preferences into account when formulating foreign policy regarding a secession. These considerations may include issues relating to regional stability or a great power's

existing relationships in the region. In some cases a great power may choose to defer entirely to the region.

These three mechanisms provide the link between regional actor preferences and the outcome of a secessionist conflict. While each of these is often in operation, the extent of the role each plays will vary from case to case. The first mechanism is common but not always strictly necessary. In each of the cases addressed here, the secessionist movement received some tangible support from actors in the region. Secessionist movements are usually weaker than the home state, and, without external tangible support, a home state will often be able to crush the movement. While tangible support can be necessary to keep a movement alive in some cases, alone it will not translate into success. There is no inevitable path between the longevity of a movement and state recognition. Even if the tangible support allows the movement to control territory, *de facto* statehood does not necessarily result in recognition.

In all successful cases, secessionist movements will receive diplomatic support from regional state actors. While it is necessary for states in the region to be willing to recognize a new state, the extent of framing or gatekeeping will depend on the level of outside interest in the secession. In some cases there may be more necessity for framing or gatekeeping than others. In cases where great powers have opted to defer entirely to the region, recognition by regional states may be sufficient. The third mechanism (the way in which regional actors shape great power foreign policy) is more relevant when great powers have some interest in the outcome. In those cases where great powers have no interest in the outcome, there may be no great power policies to shape.

While existing explanations on why secessions happen may appear to explain secession in a particular case, each of these explanations becomes less persuasive when applied to a broader

set of cases. The military strength of a movement has been offered as a possible explanation for success. One could point to the cases of the Basque Country and Slovenia for support. ETA was militarily weak while Slovenia was militarily strong. ETA failed to achieve independence while Slovenia won the Ten-Day war and went on to gain recognition. However, once other cases are included in the analysis, this explanation becomes less persuasive. The Mukti Bahini in Bangladesh was militarily weak and could easily have been defeated by Pakistan. The Tamil Tigers in Sri Lanka, on the other hand, were strong and controlled large areas of territory in Sri Lanka. Yet Bangladesh achieved international recognition, and Tamil Eelam has not.

The same can be said for the right to self-determination. Bangladesh had a strong claim to self-determination. The Bengals met the requirements for "a people" and lacked representation. When they did gain a majority in parliamentary elections, the results were ignored. They were also subject to severe human rights abuses by the Pakistani government. Could this explain why Bangladesh achieved independence? Again, this explanation becomes problematic when it is applied to more cases. Both the Tamils and the Basques (at times) had a strong case for self-determination, yet they were unable to translate this claim into independence. Somaliland also had a claim for self-determination, albeit somewhat weaker, yet it, too, has not achieved recognition. South Sudan had a weaker claim to self-determination than the Tamils or the Basques, and Slovenia had no claim to self-determination, yet both South Sudan and Slovenia achieved independence.

Those who have suggested that the political organization of a state can influence the success of a movement point to ethnically concentrated federations as being particularly conducive to secessions. This fails to explain why a secessionist movement in an ethnically concentrated federation should have failed to achieve independence. The Basques existed in an ethnically

concentrated federation yet they did not achieve independence.[135] While this type of political organization cannot explain why certain movements succeed, each of the cases of successful secession were federations. Bangladesh and Slovenia were ethnically concentrated, while South Sudan had a number of ethnicities. In this sense, this particular organization of a state could be at best a necessary but not sufficient factor for secession. In fact, given that five of the six movements studied existed in federations, this research indicates that perhaps the type of political structure is more useful in accounting for environments conducive to the *emergence* of secessionist movements rather than their success.

Others have pointed to the existence of multiple ethnic groups within an ethnically concentrated federation to explain when secessionist movements are more, or less, likely to succeed. The extent to which one successful secession can inspire other groups within the home state has been termed the "demonstration effect." The more potential secessionist groups that exist in a state, the more threatening the demonstration effect will be. Therefore, in an ethnically concentrated federation (or even in non-federations) with more than two ethnically concentrated units, states will fight harder to prevent secession than those with two or fewer groups (Toft 2003; Walter 2006).

The cases show the limitation of the demonstration effect's explanatory power. The demonstration effect should have existed in Pakistan, Spain, and Yugoslavia. In each of these cases there were multiple sub-national ethnic groups, some already pushing for independence. Pakistan had a number of sub-national ethnic groups, including the Sindhs, Pakhtuns, and Balochis, among others. It certainly did not want to lose East Pakistan. Was that because of the

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[135] Although Spain is not entirely ethnically concentrated, the Basque Community is.

demonstration effect? That was never explicitly stated by the government, but it is not clear why that motivation would have any stronger explanatory power than simply not wanting to lose territory. Pakistan was not ambivalent about losing East Pakistan and fought hard to maintain its territorial integrity. Despite this fight, it ultimately lost what had been East Pakistan. Ultimately, if the demonstration effect has significance, Bangladesh and Slovenia should not have seceded.

In the case of Somaliland, it has been suggested that secession is unlikely in cases where there is no state to secede from (Walls and Kibble, 2011). Referring to state weakness, or as some have argued (I think incorrectly), the absence of the state in Somalia, this argument suggests that Somaliland was unable to secede because there was no entity with which to negotiate a secession. The implication here is that recognizing a seceding state without any interaction with the home state (whether that be through negotiation or persuasion) is somehow more problematic for the sovereignty norm. While this argument may sound persuasive, it fails when applied to Slovenia. The Badinter Commission stated that Yugoslavia was in a process of dissolution. It was no longer a functioning state and, therefore, this was not a secession. In this case the weakness of the home state was used in some way to justify what came next. It was not seen as the obstacle that Walls and Kibble (2011) have suggested it might have been for Somaliland.

Finally, the assertion that it is the great powers that determine whether a secession will happen is also limited in its ability to explain every case. The United States had a preference for the territorial integrity of a united Pakistan, yet Bangladesh nonetheless seceded. Further, this explanation does not account for those cases where the great powers do not express an interest one way or the other. None of the great powers has expressed any interest in the Basque Country. With respect to Somaliland, the United States has explicitly stated that the region must decide whether it should gain independence. In these cases, looking to the great powers tells us very little.

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Through six case studies across three regions, this dissertation has illustrated the significance of regional actors in contested secessions. Where regional actors supported a secessionist movement, the movement was successful. Where there was no regional support for the secessionist movement or active opposition to it, there was no secession.

Chapter 3 addressed two cases of secession in the Horn of Africa - South Sudan and Somaliland. Somaliland has looked far more like a state than South Sudan, yet that seemed to have little to do with whether it would achieve statehood. In South Sudan, regional state and institutional actors played pivotal roles in allowing for the secession. In terms of tangible support, more regional actors provided greater tangible support over longer periods of time to the SPLM/A in South Sudan than they did to the SNM in Somaliland. Ethiopia provided the SPLM/A with military supplies, sanctuaries, and access to radio waves. Uganda provided them with sanctuaries, and, at times, they fought alongside the SPLM/A. Finally, Eritrea provided the SPLM/A access to training bases. In South Sudan, the separatist movement would have likely been crushed in the 1980s had regional actors not provided military support, economic resources, and sanctuaries. In contrast, the SNM in Somaliland received temporary support from Ethiopia in the form of sanctuary. No other state provided them with tangible support, and Djibouti actively worked against them, cooperating with the Somali government and returning any SNM members seeking sanctuary to Somalia.

Regarding their diplomatic role, a number of regional actors were involved in negotiating an end to Sudan's civil war that included the possibility for secession. The regional organization IGAD initially paved the way for self-determination to be interpreted as secession. Some years later, it worked hard to bring the warring parties to the negotiating table and to keep them there. It ultimately provided a useful framework that the U.S. could piggyback on once it was more

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inclined to get involved.[136] In contrast, although a number of regional actors were involved in the Somali peace process, each saw the end of the civil war and Somaliland's independence as two separate issues; they could work on the former without addressing the latter. Most of the states in the region are silent on recognition or openly opposed to it. Kenya is the only state that has indicated an openness to Somaliland's independence. However, it has not officially recognized Somaliland and has not taken any steps to persuade other states to do so.

In terms of the region shaping great power policy, the United States had an important relationship with Ethiopia. One of the most significant aspects of U.S. counterterrorism policy in the Horn of Africa was the almost unconditional support for the Ethiopian government. The fact that Ethiopia supported South Sudan's independence meant that U.S. support for the process would not negatively affect its relationship with Ethiopia. While counterfactuals are difficult to demonstrate, it is likely that if Ethiopia had been strongly opposed to secession, the U.S. would likely have stayed away from it. Regarding Somaliland, to the extent that the great powers have addressed the issue, they have stated that Somaliland needs to be recognized by the region before they will consider recognition. As a result, the decision is left to a number of states that either do not have a special interest in recognition, or who are actively opposed to it. Looking to the role of regional state actors and institutions explains the variation in the outcome of these two cases.

Chapter 4 addressed two cases of secession in South Asia - Bangladesh and the Tamils in Sri Lanka. In many ways the Bengals and the Tamils were similarly situated. They both had strong claims to self-determination, they both had large Indian minority populations in India, and once civil unrest began, there were large flows of refugees from both Pakistan and Sri Lanka to

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[136] When the U.S. had offered to host a negotiating process, Sudan had refused.

India. The Tamils posed a greater military threat to Sri Lanka than the Bengals ever did to Pakistan, and yet Bangladesh successfully seceded.

The cases demonstrate that the critical difference between these two movements was that one had the extensive support of the regional power, India, while the other did not. While India did provide tangible support to both the Tamil and Bengal secessionist movements, it provided significantly more support to the Bengals. Its support for the Tamils was not only less significant, but also temporary. India provided the Bengali secessionist movement with sanctuaries. It allowed the Awami League (the political arm of the movement) to establish its headquarters for a government in exile in India and gave the government access to Indian radio services. India built a number of training camps for the secessionist forces (the Mukti Bahini). Ultimately, the Indian army invaded East Pakistan by a massive land and air attack in support of Bangladesh.

India did provide tangible support to the Tamils in Sri Lanka, although this support was temporary and never translated into support for secession. India allowed Sri Lankan Tamils to train in India where they were able to build arms, ship them to Sri Lanka, and set up communications facilities. When the Sri Lankan government imposed a blockade on the Tamil province of Jaffna, India dropped relief supplies in and around Jaffna. While this support helped keep the movement alive, it ended in 1987. As part of the Indian-Sri Lankan Peace Agreement (undertaken without any consultation with the Tamil secessionist movement), India agreed to deport Sri Lankan citizens advocating secession. After the LTTE assassinated the former Indian Prime Minister, the Indian government turned hostile. Once the LTTE's submersible and air capabilities began to concern India, it played a major role in helping Sri Lanka track down and destroy a number of LTTE vessels.

India played an enormously important diplomatic role in the secessionist aspirations of both the Bengals and Tamils. Very soon after the start of the civil war in Pakistan, India worked extensively to frame the conflict for the international community. Indian leaders worked relentlessly to build up world opinion against Pakistan's atrocities against the Bengals and isolate Pakistan diplomatically. In the face of U.S. support for Pakistan, India signed a 20-year Treaty of Peace, Friendship, and Cooperation with the Soviet Union. While an armed attack on one party was not automatically considered an attack on the other, a number of articles provided for mutual assistance in the event of war. India sent a different message to the Muslim world. Concerned that Muslim states might feel sympathetic toward Pakistan if the conflict was viewed as one between India and Pakistan, India went to great lengths to frame the conflict as internal. If it could be seen as a civil conflict between two hostile Muslim communities (East and West Pakistan), Islamic states would feel less inclined to take sides. Once the Indo-Pakistani war was over, India continued to work on Bangladesh's behalf to gain international recognition. Just over a year later, over 90 states recognized Bangladesh.

India played a very significant role in obstructing any involvement in the Sri Lankan conflict. Whether the external actors supported the Sri Lankan government or the Tamils was of little consequence for India, who perceived any external presence in a state only 40 miles off its coast as a threat to national security. After the initial uprising in 1983, the Sri Lankan government had sought assistance from a number of states. India warned each of these states that it would not tolerate outside intervention in Sri Lankan affairs. The denial of external influence in South Asia was a consistent and overriding current running through India's South Asian policy since the Sri Lankan civil war began. In the first provision of the 1987 Peace Agreement between India and Sri Lanka, Sri Lanka agreed to a prohibition on its continued reliance on Pakistan and any other direct

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outside assistance to its security forces. While Norway did play a mediating role in the 2002 ceasefire, this was done with India's approval. The Norwegians consulted with India throughout the process, and India made it clear from the start that it would not accept any break up of Sri Lanka.

In terms of shaping great power foreign policy, India was able to overcome both the United States and China's opposition to the breakup of Pakistan. Both China and the United States provided tangible support to Pakistan. The United States suspended development loans to India and imposed sanctions. The United States warned India that China would not stay neutral, and, if China were to attack India, the United States would not support India. In fact, the United States went as far as sending naval forces to the Bay of Bengal. India ignored all U.S. efforts. Ultimately, while both China and the United States did not want Bangladesh to secede, they were unwilling to intervene militarily to ensure that did not happen. Despite their preferences, the determination of India resulted in both recognizing Bangladesh's secession.

With respect to the Sri Lankan civil war, none of the great powers had a particularly strong interest in the outcome. However, the fact that India had warned the states Sri Lanka had sought out for help (including the United States and Great Britain) that it did not want their presence in Sri Lanka ensured that each of their relationships with India would factor heavily into their policy decisions on the region. At this time, the United States had a number of reasons for valuing its relationship with India, including trade and the fact that India was one of the few stable democracies in the region at the time. As a result, during this period, the United States adopted a consistent policy of noninvolvement. In fact, there was an implicit recognition by the United States that the Sri Lankan conflict should be left to the management of the region's predominant power, India.

India's position against external involvement, combined with the fact that none of the great powers' core interests were at stake in the Sri Lankan conflict, ensured that the likelihood of foreign involvement was minimal. Any great power would have to consider its relationship with India before making any foreign policy decisions regarding Sri Lanka. Understanding the role of India in both these cases explains why Bangladesh achieved independence and Tamil Eelam has not.

Chapter 5 addressed two cases in Europe – Slovenia and the Basque Country in Spain. Slovenia's independence can be attributed to the role of Austria and to a lesser extent Germany. The Basque Country has not achieved independence and has received no regional support for independence.

In terms of tangible support, Slovenia received arms from Austria, which helped it to win the Ten-Days War. Austria moved armed forces toward the Slovene border in May 1991. As early as October 1990, Austria had been secretly printing a new currency for Slovenia. France provided the Basque Country with sanctuaries until the mid-1980s when it began to return ETA members to Spain. In the 2000s, France and Spain began to actively cooperate in attacking ETA. After 2009, coordinated operations picked up pace, and these are given significant credit for ETA finally putting down its arms in 2011.

Diplomatically, regional actors were critical to Slovenia's secession. Austria, Switzerland, Hungary, Denmark, and Germany all openly supported Slovenian independence. Austria was pivotal in framing the conflict and influencing the EC to frame the conflict in the same way. Austria initiated the view that the war was a Serbian act of aggression. Austria encouraged Slovenian secession. When Slovenia declared independence, the Austrian consul general and several provincial governors attended the independence celebrations on June 26, 1991.

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Germany also supported Slovenian independence, though this was more a consequence of its support for Croatian independence than anything else. After July 1991, German Foreign Minister Genscher pushed relentlessly for recognition of Croatia and Slovenia, arguing that recognition could be used as a tool to threaten Serbia to stop what Genscher called its "aggression." By November 1991, German Chancellor Kohl announced that Germany would recognize Slovenia and Croatia by Christmas. By early December 1991, Germany was already making plans to open embassies in the Slovenian and Croatian capitals.

While the EC was initially opposed to Slovenian independence, it eventually succumbed to pressure by Germany. A unilateral German recognition of Slovenia and Croatia would destroy European efforts to construct a common foreign policy, which the EC was not prepared to accept. With that threat on the table, the EC declared conditional diplomatic recognition of Slovenia. The EC officially recognized Slovenia on January 15, 1992.

By contrast, no regional state or institutional actor has taken any diplomatic steps to support an independent Basque Country. The EU has not been receptive to any calls for independence from the Basque Country; Spanish sovereignty has been respected. The EU's designation of ETA as a terrorist organization underlined its support for Spain and has helped to delegitimize ETA's demands.

Regarding the case of Slovenia, the Soviet Union was too preoccupied for much of the period with its own domestic political developments to get seriously involved in Yugoslavia. Russia recognized Slovenia in February 1992. The United States was inconsistent in the

preferences it expressed. At times it appeared to support Yugoslavia's territorial integrity.[137] Until January 1992, the U.S. had insisted that some sort of Yugoslav confederal arrangement be established. All of these events were occurring within a broader context whereby the United States had, at least since May 1989, encouraged Europe to take greater responsibility for its security (Woodward 1995, 158). The U.S. ultimately accepted the EC recognition policy on Yugoslavia; it recognized Slovenia on April 7, 1992.

None of the great powers have expressed any interest in Basque independence. It is difficult to demonstrate that regional state actors or institutions shaped great power foreign policy on the Basque Country. There has been no great power foreign policy, either in support of or in opposition to an independent Basque Country. The important point here is that looking to the great powers does not provide any insight into why the Basque Country has failed to secede. In each of these cases, it was the action or inaction of regional state actors and institutions that best explains why some secessionist movements achieved international recognition and others failed.

III.   Implications and Conclusions

The aim of this research has been to shed some light on an area that has been largely neglected. While many aspects of secessionist movements have been studied at length, very few scholars have specifically analyzed why some secessionist movements achieve statehood while the majority fail.[138] Through these six cases, this research has demonstrated the pivotal role of regional politics in secessions. These findings suggest that secessionist movements should not be studied in isolation. To ignore the regional context within which they operate will result in an

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[137] When U.S. Secretary of State Baker in an impromptu trip to Belgrade in June 1991, stated that the independence of Slovenia would be "unilateral secession . . . illegal, illegitimate" (Zucconi 1996, 240). However, around the same time he acknowledged that "we don't have a dog in this (i.e., Yugoslav) fight" (Trbovich 2008, 250).
[138] Notable exceptions are Coggins (2011, 2014) and Sterio (2013).

inability to generalize across secessionist movements, leaving scholars to analyze success on a case-by-case basis. These findings also suggest that in contested secessions, movements should look to the region for support, rather than the broader international community. Great power support will be less helpful if the region is hostile to secession.

This research also adds further support to the claim that international law has little to do with when states are recognized (Sterio 2013). To the extent that there are any initiatives to institutionalize the process of state recognition in contested secessions, it is important to understand that the starting point is one that is entirely political, even though many states dress their political decisions with legal rhetoric. Further, to the extent that institutions need to be created, this research indicates that the most effective level is likely regional, rather than domestic or global.

While the argument outlined at the beginning of this dissertation focused on the role of state actors and institutions in the region, the cases suggest that contiguity might be even more significant than previously thought. In each successful case, the most important regional state actors were neighboring states. India played the most significant role in Bangladesh's secession and India sat between East and West Pakistan. Austria played the most important role in Slovenia's secession, and Austria borders Slovenia. Finally, in East Africa, while a number of states played a role in South Sudan's secession, arguably South Sudan's neighbor Ethiopia played the most significant one. Further research is necessary to compare the roles of contiguous states with non-contiguous regional state actors in secessions.

While the cases in this dissertation demonstrate the significance of the preferences of regional state actors vis à vis great powers, the assertions made here would benefit from a broader, quantitative study addressing this relationship in secessions and attempted secessions.

This research has also raised a number of interesting questions relating to timing, tactics, and perception. Each of the cases was selected on the basis that the secessionist movement had been active after 1945. The establishment of the United Nations and the accompanying norm against conquest changed the consequences of statehood in such a way as to make this time period significantly different from the period before 1945 (Fazal and Griffiths 2014). The norm against conquest means that a successful secession will have longevity; prior to 1945, there was far more uncertainty around the strength of the sovereignty norm. I made no other distinctions regarding timing. However, the findings of this research indicate that timing may be consequential. Slovenia gained independence at the same time that European states were signing the Treaty of Maastricht. It was a very specific moment where European Community states were consciously trying to adopt and project an image of a united foreign policy. This is significant. Had this not been the case, would Germany's intransigence have had the same effect? It is hard to say what would have been with any certainty, but it seems unlikely that other European states would have felt the same pressure to adopt a policy that would ultimately recognize Slovenia if a united front had not been a priority. If EC states did not feel such pressure to form a consensus, there would likely have been a divide between Germany, on the one hand, and the UK and France, on the other. It is not entirely clear which side would have prevailed. The importance of timing does not undermine the importance of regional actors, but understanding its significance does shed some light on the outcome when there was no consensus among regional actors.

In a similar vein, how significant was the context of the Cold War for the secession of Bangladesh? Miller and Kagan point out that when multiple great powers are interested in a region, states in the region are often empowered to play them off each other. Because of the intense superpower rivalry during the Cold War, the ability of regional actors to manipulate the great

powers was especially powerful in the postwar era (Miller and Kagan, 1997, 59). Outside of the context of the Cold War, would India have been able to play the superpowers off each other in the way that it did? Would the Soviet Union have signed the Treaty of Friendship with India?

The second question this research has raised refers to the tactics of secessionist movements, particularly the use of terrorism. Of the six cases, both the Tamil Tigers (LTTE) in Sri Lanka and ETA in the Basque Country used terrorist tactics. Both groups failed to achieve independence. Both were labeled terrorist organizations within and beyond the region. How did this label affect them? Did their tactics cause them to fail? A number of scholars have looked at whether terrorist tactics work within the context of civil wars and beyond them. Pape has argued that suicide terrorism in particular has been used with increasing frequency because it has achieved success in terms of political concessions (Pape 2003). Fortna, on the other hand, has argued that in the context of civil wars, terrorist tactics may be successful in prolonging the war, but they are not successful in terms of achieving a movement's political goals (2015). Fazal has looked specifically at the targeting of civilians by secessionist movements. She argues that this is a tactic that secessionist movements are less likely to use because they care more about reputation than rebel groups that do not seek independence. Implicit in her argument is the fact that terrorist tactics are likely to negatively affect a secessionist movement's goal of statehood. If Fazal is correct, then the LTTE and ETA will stand as examples of what not to do when seeking secession.

The findings of this research are inconclusive. While Fazal's work is certainly informative, more cases would need to be studied. However, the issue does raise some interesting questions. The term terrorism is highly contested; there is no consensus on one definition. Ultimately, what constitutes terrorism is largely political. As discussed above, India protected the LTTE in Sri Lanka for a number of years, providing the group with sanctuaries and dropping supplies in Tamil

Eelam during Sri Lanka's blockade of the area. It was not until the LTTE assassinated India's former Prime Minister Rajiv Gandhi in 1991, that India labeled the group a terrorist organization. The LTTE had been carrying out assassinations since the mid-1970s. The LTTE's tactics had not changed, but India's opinion of the group changed.

Regarding ETA in the Basque Country, France provided the group with sanctuaries until the 1980s. When France shifted course and began to cooperate with the Spanish authorities, it was not in response to a change in ETA's tactics. ETA had targeted civilians and carried out assassinations since the 1960s. France responded to the regime change in Spain. ETA in the context of Franco's regime appeared different from ETA in the context of a democratic regime. This raises questions about framing and how groups are perceived. It appears that terrorist tactics alone may not determine the outcome of a secession, but regional actors opposed to a secession can capitalize on the use of these tactics to delegitimize a movement regionally and internationally.

This relates to one final question this research has raised. How important is the role of perception? Specifically, what happens when a secession is perceived as a step toward annexation rather than an end in itself? This issue was not raised in any of the six cases in this dissertation. There seemed to be a general perception that each group seeking independence did, indeed, want independence rather than a temporary independence before incorporation into another state. This has, however, been raised with respect to a number of secessionist movements in the proximity of Russia. Crimea's secession was not recognized. Ostensibly this was because it was not perceived to be a secession. It has been viewed by many as an annexation by Russia. The UN General Assembly passed a resolution essentially declaring Crimea's referendum on seceding from Ukraine invalid. It called on "all States, international organizations, and specialized agencies not to recognize any alteration of the status" of Crimea and Sevastopol (A/RES/68/262). U.S.

Ambassador to the UN Samantha Power said all countries supported the idea of self-determination but that Russia had used its military to forcibly annex Crimea (Reuters Mar. 2014).

This issue was also raised with respect to South Ossetia's attempt to secede from Georgia. Russia has been supportive of the secession while other states in the region have been opposed to it. There have been a number of assertions that Russia's interests are not in the independence of South Ossetia, but really about the annexation of South Ossetia. The ambassador of Georgia, Kaha Imnadze, remarked, "[w]hat happened in Ukraine reminds us of what we saw in Georgia in 2008, when Russia seized Georgia's Abkhazia and Tskhinvali regions" (Id.). The fact that Russia's rhetoric on self-determination has not been matched with consistent actions, as indicated by its unwillingness to recognize Transnistria's independence, has strengthened these suspicions. Whether Russia really has annexation interests is less significant than the perception by other states that it does. The international norm against annexation is far stronger than the norm against secession. Annexation is illegal under international law and the international community has not been afraid to enforce this prohibition.[139] The illegality of annexation is quite different from the norm against secession. Secession is not illegal under international law. What role the perception of annexation versus secession plays in the outcome of a secession needs to be addressed in further research. Addressing these questions will add some needed depth and nuance to this area of study.

In conclusion, this research has demonstrated that to understand why secessions happen, it is necessary to look beyond the secessionist movement and the state from which it hopes to secede.

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[139] The speed with which the international community responded to Iraq's invasion of Kuwait in 1990 demonstrates the consensus on the prohibition of annexation. The Security Council unanimously voted for the use of military force against Iraq.

The interests and actions of regional state actors and institutions hold the key to explaining variation in the recognition of secessionist states.

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