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Polityka i Społeczeństwo nr 4 (11), 139-158

2013

Artykuł został opracowany do udostępnienia w internecie przez Muzeum Historii Polski w ramach prac podejmowanych na rzecz zapewnienia otwartego, powszechnego i trwałego dostępu do polskiego dorobku naukowego i kulturalnego. Artykuł jest umieszczony w kolekcji cyfrowej bazhum.muzhp.pl, gromadzącej zawartość polskich czasopism humanistycznych i społecznych.

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Iryna Chervinka

THE ROLE OF INTERNATIONAL ORGANIZATIONS IN THE SETTLEMENT OF SEPARATIST ETHNO-POLITICAL CONFLICTS

Introduction

Creating a serious threat to global security ethno-political conflicts need to be comprehensively studied in order to find ways to settle them and to reduce tension, to overcome differences and to establish relationships among parties to the conflict. Among the many possible causes of modern ethno-political conflicts – economic, political, cultural, social ones etc. – we should highlight the desire of stateless nations for self-determination (separatism). It's the most difficult and typical for such conflicts factor that arises at the intersection of all reasons listed above and stands out from them with its inconsistency. This inconsistency lies in the fact that at present the interpretations of the concept of self-determination vary considerably causing a constant debate among researchers. And contradiction between the principles of self-determination of nations and territorial integrity remains unsolved till now. In general, separatist ethno-political conflict is ethno-political conflict caused primarily by the desire for self-determination of one party to the conflict, implementation of which is contrary to the interests of the other party. It is a potential threat to global security, therefore, such conflicts require special attention.

An important factor complicating the settlement of separatist ethno-political conflicts is the fact that today the world community does not consider the phenomenon of separatism objectively – as a stateless nations' desire to secede and create their own state, as a need that is caused by certain preconditions and has the right to exist in certain circumstances. Usually it is regarded in terms of possible negative consequences for the territorial integrity and sovereignty of states. There-

fore, separatism is seen as a negative phenomenon that if turned into a trend could threaten peaceful coexistence of peoples.

This prejudice arises from the fact that the basis for the understanding of separatist processes is formed by the state interests that cause biased and one-sided assessment of the phenomenon of separatism. That's why such issues should be resolved under the jurisdiction of international organizations because they are unbiased and objective basing their opinion on the universal values and norms. Thus, the role of international organizations in addressing such issues should be extended. Moreover, it's necessary for them to have the key, not intermediary functions in conflict settlement.

It can be argued that such changes could lead to unpredictable consequences. But we believe that changes, particularly in the world politics, are natural phenomena and arise from changes in thinking and consciousness of people. Indeed, global society and the world in general are in a constant state of development, and evolution processes affect absolutely all spheres of life. However, states try to prevent any change in the political map of the world making every effort to maintain the existing status quo in international relations.

However, as history shows, a world order can not last forever, and changes accumulated in all spheres of life eventually lead to the overthrow of the existing system. For example, the Versailles-Washington system was replaced by the Yalta-Potsdam one, which, however, was able to exist only till the end of twentieth century. The modern system of international relations also will have its own time frame, and efforts aimed to save it just delay in time its destruction. If changes are inevitable, states should be interested that these changes occur gradually and with their participation. And maintaining the existing status quo by force could lead to undesired and uncontrolled explosive changes resulting for states in losing much more than they can lose in consequence of voluntary concessions. Besides, globalization has led to reducing government's role and increasing the role of non-state actors in the world politics. This caused the idea of the archaism of a state (i.e. authorities, state apparatus) and its inhibitory effect on further development of mankind.

With this in mind the main objectives of the article are: to consider the activities of international organizations in the settlement of separatist ethnopolitical conflicts and mechanisms used by them for this purpose; to investigate the right of nations to self-determination as the main cause of such conflicts; to consider the contradiction between the

principles of territorial integrity and self-determination of nations and the possibility of their reconciliation; to analyze the possibility of a positive impact of the satisfaction of nations' desire for self-determination on the ethno-political conflicts settlement; to consider ethno-political conflicts in Catalonia, Scotland and Kurdish problem in Turkey and the prospects for their settlement involving international organizations. So we'll try to find the answer on following questions: What role do international organizations play in the settlement of separatist ethno-political conflicts? What mechanisms are used by them in this process? And what mechanisms are the most efficient? To this end we'll mainly use such methods as comparative and historical analysis, systems approach, statistical method, generalization etc.

Study of international documents relating to human rights and the right to self-determination is very important for researching the influence of international organizations on the solving of self-determination problem and ethno-political conflicts settlement. Besides, while writing the article the views of W. Wilson, A. Smith, M. Guibernau, R. Müllerson, K. Knop, U. Schneckener, P. van Houten, S. Wolff, R. Vaubel, J. Desquens were examined.

International organizations' mechanisms of ethno-political conflicts settlement

International organizations use different mechanisms in ethno-political conflicts settlement. For example, negotiations are used at different stages of conflict confrontation: preventively, in order to eliminate potential sources of future conflict; to address urgent issues and find compromise solutions; to overcome the consequences of the conflict and prevent its renewing. In general, numerous examples of using negotiations as a mechanism of conflict resolution can be seen in the activities of international organizations in various regions of the world. It is an integral part of the resolution of any conflict. For example, the UN effectively uses negotiations in combination with peacekeeping operations.

For the maintenance of peace and conflict resolution providing good services by international organizations also is very important. The effectiveness of good offices is very high, usually they give a positive result – help to establish a dialogue. An example of effective use of good offices by international organizations is activities of the UN Sec-

retary General. For example, he has provided good offices to resolve the conflict in Cyprus. In 1999-2000 and 2002-2003 due to the good offices of Secretary General the talks between the parties were held. Secretary General prepared proposals for a comprehensive settlement, according to which in 2004 a referendum was held. Security Council resolution 1475 supported a plan of Secretary General. Although in the referendum Greek Cypriots voted against the agreement, the good offices of the Secretary General were successful as establishing dialogue between the parties and giving them an opportunity to start the process of conflict de-escalation.

An important mechanism of international organizations in the field of conflict resolution is mediation. International institutions are disinterested parties to the negotiations. Procedures and standards established by international organizations directly influence the course of negotiations, and the involvement of international organizations in this process legitimizes it.

International investigative and conciliation commission helping to solve disputes and establishing the facts can make positive impact on solving ethno-political conflicts. International arbitration and litigation also may be an important mechanism. For example, in 2010 the International Court of Justice recognized the legitimacy of the Kosovo government's decision on declaration of independence (although this judgment is not binding).

Sanctions are also widely used in the activities of international organizations for the settlement of ethno-political conflicts. Being coercive and requiring no consent of sanctioned party they are an effective mechanism. An example of successful cooperation of the UN and regional organizations in this field are sanctions against Yugoslavia.

Resolutions also are an important mechanism to resolve conflicts and ensure peace. Security Council resolutions often play a positive role in establishing dialogue and improving relations between parties. For example, Security Council resolution 1244, according to which Kosovo came under UN administration, contributed to peaceful settlement of the conflict.

The controversial issue is the binding character of Security Council resolutions. In most cases they are just recommendations. And only when there is a serious threat to peace Security Council has the right to make legally binding decisions. That's why it's important to differentiate conflicts that threaten peace and security and those that don't. Escalation of ethno-political conflict is a serious threat to peace and security, that's why Security Council decisions in this field should be binding. Advisory

character of such resolutions significantly reduces their effectiveness and negatively influences on the UN success in settling conflicts.

In case of military confrontation and inability to resolve conflicts peacefully is necessary to resort to coercive mechanisms of conflict resolution. Peacekeeping efforts of international organizations are crucial not only for conflict resolution but also for their prevention and are important for ensuring the participation of international organizations in restoring peace and security. Now peacekeeping is widely used by international organizations in different regions of the world. Often peacekeeping promote de-escalation of a conflict, although this area of activities needs to be reformed because of numerous shortcomings.

For example, UN peacekeeping efforts in Rwanda were not effective enough. Huge sacrifices need immediate reaction, but it was too slow. Even when it was decided to restore the UN mission, it still did not work for several months. Such indecisive actions and a large number of victims caused considerable criticism of the UN. It should be noted that the main reason for inefficiency of UN efforts to resolve conflict in Rwanda was contradictory character of the possibility of conducting humanitarian interventions. Kofi Annan in the Millennium report referred to Rwanda noting the need for using humanitarian intervention to prevent violations of human rights and stop the bloodshed. Today humanitarian interventions are used more often in spite of their contradiction with the principle of state sovereignty.

P. van Hauten, S. Wolff and U. Schneckener consider various mechanisms of ethnic conflict resolution. U. Schneckener divides them into three groups: elimination (genocide/ethnocide, ethnic cleansing, forced assimilation), control (coercive domination, co-opted rule, limited self-rule) and recognition (minority rights regimes, integrative/consociational power-sharing, territorial solutions, bi-/multilateral regimes). Mechanisms of the first and second groups are used by the dominant ethnic group. They are unacceptable and inhumane. Mechanisms of third group are the result of bilateral negotiations between ethnic majority and minority sometimes involving external actor (international organization) (Schneckener 2004).

Minority rights regimes are based on the principles of equality of ethnic groups, non-discrimination of minorities, ensuring their rights. Power-sharing is a mechanism of resolving ethnic conflicts through cooperation of different ethnic groups. In international organizations' activities these mechanisms are represented by the international legal instruments, resolutions, statements aiming at protection of minority

rights and institutional support of the activities of international organizations in this field. Examples of these mechanisms can be seen in Bosnia and Herzegovina where the UN approved Vance-Owen Plan and Dayton Agreement; in Kosovo where it supported the Rambouillet process and draft agreement and by adopting resolution 1244 provided the framework for the interim administration; in Macedonia where UN directed military observer mission and approved Ohrid Agreement. The authors consider such activities to be primarily minority rights regimes and power-sharing mechanisms, only Dayton Agreement includes territorial solutions. In the OSCE this mechanism is represented, for example, by the activities of the High Commissioner on National Minorities whose main task is to prevent conflicts through early warning and mediation (Van Houten, Wolff 2008).

Regarding territorial solutions U. Schneckener argues that the main goal of their application is to give ethnic groups the opportunity to determine autonomously their political, economic, cultural affairs (Schneckener 2004: 30). This mechanism is used rarely, for example, in Kosovo territorial approach – the restoration of Kosovo's autonomy within the Federal Republic of Yugoslavia – was the main in settling the conflict. U. Schneckener explores such territorial arrangements: autonomy (special status of certain regions within the state) and federation (territorial and political organization of the entire state), secession and dissolution, which mean independence of ethnic groups (Schneckener 2004:30, 33).

S. Wolff uses the term territorial self-governance and notes that the requirement for self-determination of geographically concentrated groups can range from the demands for independent statehood and unification with another state (external self-determination), territorial self-governance within an existing state, and non-territorial self-governance – cultural autonomy (internal self-determination) (Wolff 2010: 4). Internal self-determination often is used to resolve ethno-political conflicts, in particular, with the participation of international organizations. An example is the participation of the OSCE in resolving conflicts in the Balkans where it used territorial mechanisms combined with minority rights regimes and power-sharing. In general, territorial mechanisms are the most effective in separatist ethno-political conflicts settlement. As S. Wolff notes among the strategies aimed at preventing, managing and settling internal conflicts in divided societies, territorial approaches have traditionally been associated with self-determination conflicts (Wolff 2010: 2).

The right to self-determination as the main cause of separatist ethno-political conflicts

Among the large number of international legal norms governing international relations the principles of international law occupy an important place. They were officially declared in the UN Charter and later – in the Declaration on Principles of International Law (1970), Final Act of the Conference on Security and Cooperation in Europe (1975) and in many other international legal instruments. Prototypes of the principles of international law existed before. But they were rather recommendations that significantly reduce the effectiveness of their regulatory function, and only after the obtaining the actual binding character these principles get force matching their content. However, the principles of international law should be considered as mutually complementary ones because use of one of them separately may cause violation of the other. This contradiction is typical for the principles of territorial integrity and self-determination of nations. It is unsolved problem of international relations.

According to the UN Charter its main purpose is to maintain international peace and security, to eliminate threats and breaches of the peace, to prevent conflicts and settle them by peaceful means. There is also stated that the purpose of the UN is “to develop friendly relations among nations based on respect for the principle of equal rights and self-determination of peoples, and to take other appropriate measures to strengthen universal peace” (Charter of the United Nations, Art.1). Thus, the principle of equal rights and self-determination is recognized as one of the measures to strengthen universal peace.

In the International Covenant on Civil and Political Rights is stated that “all peoples have the right of self-determination. By virtue of that right they freely determine their political status and freely pursue their economic, social and cultural development”(International Covenant..., Art. 1). This formulation reflects the essence of the concept of self-determination.

An extremely important event for the final strengthening of self-determination's positions was the proclaiming of the 14 points of W. Wilson in 1918. The right to self-determination was one of the principles of post-war settlement in the world. W. Wilson was criticized for excessive idealism and for the possible negative consequences of implementing of his points. For example, R. Lansing in a note of 30 December 1918 wrote: “The more I think about the President's declaration as to the

right of 'self-determination', the more convinced I am of the danger of putting such ideas into the minds of certain races..." (Knop 2002: 8). In our opinion, the proclamation of the right to self-determination was an important step forward, an evidence of progress in world political thought. Of course, it could cause (and has caused) not only peaceful events. But the reason for this is the fact that it didn't exist before and after its proclamation the international community failed to find peaceful ways to implement it. As for comments like "put such ideas into the minds of certain races" they are incorrect and mean that some races are worthy to implement the right to self-determination while others don't have such a right and even don't deserve to be aware of its existence.

Later the principle of self-determination of nations was enshrined in the UN Charter, the International Covenant on Civil and Political Rights, the Declaration on the Granting of Independence to Colonial Countries and Peoples (1960). In the latter is affirmed that "the subjection of peoples to alien subjugation, domination and exploitation constitutes a denial of fundamental human rights" (par. 1) and "inadequacy of political, economic and social preparedness ... should never serve as a pretext for delaying independence" (par. 3). According to this Declaration "all armed action or repressive measures" against dependent peoples shall cease (par. 4). In addition, there is stated the need to take measures to transfer all powers to nations "in accordance with their freely expressed will and desire" not only in trust and non-self-governing territories but also in "all other territories which have not yet attained independence" to "enable them to enjoy complete independence and freedom" (par. 5).

The later international instruments confirmed previous statements about self-determination of nations. In particular, the Declaration on Principles of International Law (1970) enshrined the right of peoples "freely to determine, without external interference, their political status and pursue their economic, social and cultural development". The Declaration on Principles of International Law also affirms that the right to self-determination can be implemented by the "establishment of a sovereign and independent state, the free association or integration with an independent state or the emergence into any other political status". Thus, a nation has the right to choose: to create its own independent state or to join an existing one.

The above-mentioned international instruments have played a very important role in the process of decolonization and granting of independence to former colonies. However, in the modern political map are

a large number of disputed territories inhabited by stateless nations that continue to demand their independence. Neglect of national diversity within the colonial empires contributed to the development of national liberation movements that led to the overthrow of the colonial system and to the building of a new world order on the principles of human rights and decolonization. The right to self-determination is based on these two points.

It follows from the above: if every nation has the right to self-determination and the right to establish its political status, the main reason of many ethno-political conflicts is that ethnic groups demanding self-determination are not considered “nations”, i.e. because of certain criteria they are refused to claim for the title of “nation”. The concept “nation” is used to determine the historical community of people that has evolved on a particular territory and has stable features of language, culture and psychological characteristics as well as awareness of its unity and difference from others. Unlike “ethnic group” and “the people” the concept of “nation” includes additional characteristics, such as the high level of national and political consciousness. That’s why we are talking about the right of **nations** to self-determination. The importance of this concept is described in the Final report and recommendations of the International Meeting of Experts on further study of the concept of the rights of peoples (1989). It states that a nation is “a group of individual human beings who enjoy some or all of the following common features: a common historical tradition; racial or ethnic identity; cultural homogeneity; linguistic unity; religious or ideological affinity; territorial connection, a common economic life” (Final report..., par. 22, 1). Other features of the fully formed nation are the will of a group to be identified as a separate nation, its members’ awareness of belonging to it and the existence of certain institutions or other means of expressing its common characteristics and will for identity (Final report..., par. 22, 3-4).

If a group of people has all the characteristics mentioned above and has the right to be called a nation, it should be able to exercise its own right to self-determination. But an important problem is the interpretation of the concept of “self-determination” because its meaning is ambiguous and unclear. Indeed, the term “self-determination” can be interpreted in different ways. Now many researchers advocate that the right to self-determination does not mean the right to secede (Dinh, Daillier, Pellet 1988: 467). However, the right to secede follows from the term “self-determination” because a nation can’t determine its own

political system without a separate independent state or even broad autonomy when the central government has no control over the important areas of domestic and foreign policy. That is, it does not have to be “secession” in the literal sense of the word (independence), but it may be separation in a meaning of broad autonomy that would provide self-governing and independent conducting of policy in all or most spheres. Moreover, the quote from the above-mentioned Declaration on Principles of International Law about the right of nations to decide to join other state or create their own also denies such allegations.

In our opinion, due to a large number of separatist tendencies in different regions of the world there were attempts to negate the meaning of the term “self-determination” in order to counter these tendencies and let not them to destroy established order and violate the territorial integrity of states. As a result there are theories that in modern world the right to self-determination hasn’t to be implemented by secession and creation of new states because after the proclamation of states after the World War II established boundaries should be kept.

But why the interpretation of the principle of self-determination has changed so much and other principles have remained unchanged? The principle of territorial integrity as well as the principles of the inviolability of borders and respect for state sovereignty emerged as a result of the existing constant threat of aggression from another state. That is, they were directed specifically against external threats and involuntary change of state territory. As for the demands of stateless nations, they are not hostile external threats. And if a state **allows** a part of its territory where a stateless nation lives to secede, such a voluntary act isn’t contrary to the principle of territorial integrity but only eliminates the remnants of the colonial system.

Indeed, most of these ethnic groups didn’t join states willingly but were captured by force by empires that had arisen due to their conquests, therefore, were created artificially. Moreover, according to A. Smith, monarchs made significant efforts to homogenize populations of their empires using for this purpose religion that was a determining factor in the politics of states (Smith 2002: 83). When the confrontation among states on religious ground reduced the formation of nations has caused ethnic differences come to the fore. The new nation-states were created on the basis of dominant ethnic groups that had already been quite mature. But the population of these states also included “peripheral” ethnic groups.

After the collapse of empires in the process of creation of new independent states these ethnic groups (nations) have remained stateless. Besides objective reasons for this (the inability of some ethnic groups to build a state, lack of political and national consciousness) there were subjective ones such as geopolitical interests of great powers, because of which the aspirations of nations were not taken into account. But over time the objective reasons can disappear – ethnic group continues to develop, gains new characteristics, becomes mature to build a state. Therefore, the principle of self-determination of nations in the modern world acquires a new meaning because the remnants of colonial times still remain in the political map. That is confirmed by the existence of stateless nations. Many of them had their own states in the past, but now they are considered to be minorities though they were able to maintain their national identity despite numerous attempts to assimilate them.

It is impossible to solve such issues within internal policy of states. That's why they should be considered by international organizations. This is an area where states should yield part of their sovereignty to international organizations because, if ethno-political conflicts aggravate, they would threaten the security of mankind. That's why the participation of international organizations in their settlement is absolutely legitimate. An important question is what criteria should be used to provide the status of nation and the right to self-determination to such ethnic groups. We believe that the characteristics of a nation approved by the Final Report are these criteria, by which the existence of a nation and its maturity should be determined. Under the maturity we mean the ability of a nation to build a state, to self govern, the high level of political, legal, moral and national consciousness.

Separatist ethno-political conflicts in Catalonia, Scotland and Kurdish question

Among numerous modern ethno-political conflicts we should highlight the most promising in terms of their possible settlement by peaceful means. These are, for example, conflicts in Catalonia and Scotland, the Kurdish question, etc.

Conflict in Catalonia is the most peaceful among modern ethno-political conflicts. The reluctance of Catalans to resort to arms in their struggle, the high level of national consciousness, their desire to involve the international community including international organizations

in resolving the conflict are the evidences to the possibility of peaceful conflict resolution. The main reason for this conflict is the belief of most Catalans that Catalonia has its own national identity distinctive from the Spanish one (Guibernau 2009: 7). They argue that in the Middle Ages Catalans had already been a fully formed nation, and Catalonia was one of the leading countries of Mediterranean. After 1714 Catalonia had been occupied by Castilians, and the occupation regime banned the Catalan language, laws, etc.

With the adoption of a new constitution in 1978 Spain's political system was changed according to the idea of symmetrical devolution: 17 autonomous regions were created. However, according to M. Guibernau only “some of them are historically and culturally different (Catalonia, the Basque Country, Galicia) and the rest are artificially created in regions where previously was no sense of separate identity” (Guibernau 2009: 51).

This situation does not satisfy the Catalans and despite having the autonomy during a long time they want to achieve broader self-government. The events in September 2012 are the evidences to this. In particular, on September 4 2012 deputies of the Catalan municipality of San Pedro de Torelo adopted the draft resolution on the “free Catalan territory” and the next day proclaimed the independence of Catalonia. The population of Catalonia and Catalan government led by Arthur Maas supported them. Among different measures offered by the deputies an important proposal was to declare international community the beginning of the process of separation from Spain and to ask for protection of international organizations.

According to J. Desquens, professor of John Hopkins University, some Catalans don't support the idea of separation because they believe an independent Catalonia would not be economically viable (Desquens 2003). An important argument of secession opponents is that Spain is the main market of Catalonia. But after the secession the economic relations between them should not be destroyed because Spain is also interested in them. Another argument against secession is that in an era of fading borders and boundaries, it is not the time to build new ones. However, according to Harvard University professor A. Alesina “Trade liberalization and political separatism appear to go hand in hand” (Desquens 2003).

International organizations pay attention to separatist aspirations of Catalonia. UN Secretary General Ban Ki-moon in this relation said that “UN respect self-determination processes” (*Ban Ki-moon asks..*, 2013).

The question of future membership of independent Catalonia in the EU is also discussed. Catalonia's right to become a member is recognized: there is no legal framework that stipulates that an independent Catalonia would be forced out of the European Union (*Vice President of European...*, 2012). This is an important proof of the EU's readiness to support the independence of Catalonia. Active cooperation of Catalonia with European countries significantly contributed to EU affection to Catalonia. Since 2004 Catalonia has its own representative office in Brussels. It also has the right to participate in the committees of the European Commission and demands the right to participate in meetings of the EU Council and the right of direct access to the European Court.

While the EU is committed to Catalonia Spanish government tries to enlist the support of the OSCE for its refusal to recognize the right to self-determination of Catalonia. At the meeting of OSCE foreign ministers in Dublin Spanish Foreign Minister J. Garcia-Margallo said that movements for independence threaten European security and warned them about their potential destructiveness. The Spanish government hopes that the OSCE will support its denial to recognize a referendum on independence in Catalonia (*Spanish govt seeks...*,2012).

One can predict that without the support from the international community (including international organizations) peace efforts of Catalonia to secede will remain unsuccessful because the legal system of Spain, like systems of many other states, is constructed in a way to eliminate the possibility of secession of territory, to make it impossible from a legal and practical point of view. Catalonia intended to hold a referendum on independence in 2014, but Spain's Constitutional Court has declared it illegal. The situation seems to be paradoxical because a referendum on the secession can take place only with the consent of the central government. But the latter would never agree to it because it is contrary to the state interests (separation not only violates the territorial integrity of the country, but the economic system being in deep crisis will be irreparably harmed without such an important source of revenue).

An important feature of this conflict is that radical methods have no support among Catalan nationalists. They do not consider violence to be a possible means of achieving the goal trying to secede from Spain peacefully and in a way that would satisfy all the parties unlike Basques, who used terrorism to fight for their self-determination. For the international community peaceful methods used by Catalans must be the evidence of the high level of their moral and legal consciousness and maturity of the nation. On the other hand, excluding the possibility

of ultimatum peaceful methods may be unsuccessful that can lead to the use of more radical means. Therefore, international organizations should pay attention to peaceful demands and try to avoid further aggravation of a conflict.

We can see the similar situation in the UK. Aiming at achieving broader autonomy Scotland uses peaceful methods, tries to gain independence by political means through the activity of the Scottish National Party (SNP) and a referendum. Having not only a long history and rich culture but also a highly developed national consciousness the Scots are a completely formed nation. The history of relationships between England and Scotland is long and complex, and their union was caused by certain economic and political reasons. The fact that Scotland had been independent in the past and its association with England was made voluntarily must prove the possibility of voluntary withdrawal from the UK.

Scotland has all necessary preconditions for independence. But the most important condition would be the ability of its economy to exist and develop independently, without the assistance of England. This issue is complex and controversial. But Scotland would have the opportunity to develop its economy successfully if it could use its resources efficiently having control over the oil and gas reserves in the North Sea and a plan of economic development with the gradual transition from dependent to independent status, maintaining economic cooperation with the rest of the UK and having the prospect of membership in the EU.

Now the SNP is preparing for a referendum. In 2012 the Prime Minister D. Cameron and the leader of SNP A. Salmond signed an agreement about the conducting referendum on Scottish independence in 2014. The agreement states that only one proposal will be put to a referendum – the complete independence of Scotland, although SNP planned to put also the proposal of enhancing the autonomy. The referendum will have no binding effect. But the reaction of international organizations to its results will be important. Now SNP pays great attention to the EU and the possibility of Scotland's future membership.

This issue caused lively discussions within the EU. The Minister for European Affairs of Ireland L. Creighton said “an independent Scotland would be welcomed into the EU, but would need to apply and go through a lengthy process” (*Scottish independence..*, 2013). And, for example, a German professor R. Vaubel argues that Scotland and Catalonia must remain members of the EU after gaining independence (Vaubel 2013). Among the opponents of Scotland automatic membership in the EU is Spain due to the presence of separatist tendencies in

its territory. The same position will obviously occupy other countries with similar problems: Greece, Slovakia, Romania, etc. However, the EU discussing the future membership of an independent Scotland is a good indicator for the latter.

As noted above, Scotland, like Catalonia, tries to gain its independence peacefully. The idea of independence is supported only by the part of population of Scotland. But growing popularity of SNP is an evidence of the significant strengthening of national movement in the country. It's important that having the example of their neighbors, the Irish, Scotland does not use their methods including terrorism. At present it is difficult to say what results the Scottish nationalist movement will achieve and how long it takes to gain independence or broader autonomy. But it is important that, if Scotland gains independence (or autonomy broad enough to meet the demands of nationalists) peacefully, it will become an example for stateless nations, and they may move their struggle from the battlefield to political sphere. However, such precedents don't meet the interests of states whose territory is a potential area for future independent states. That's why such issues should fall within the competence of international organizations. This would enable objective decision making for their settlement.

As for precedents, they already exist, for example, Kosovo. At present among the EU member states only five countries haven't recognized Kosovo's independence: Spain, Slovakia, Romania, Greece and Cyprus because of separatist tendencies in their territories. At overcoming this split was aimed, in particular, the European Parliament resolution 2012/2867 trying to encourage "the rest of the five member states to begin the process of recognizing Kosovo" (European Parliament resolution, 2012). UN can not approve a common position on Kosovo's independence because two of five permanent members of the Security Council – Russia and China – refuse to recognize it. Organization of Islamic Cooperation recognizes the independence of Kosovo. NATO's goal is to help build a stable, democratic, multi-ethnic and peaceful Kosovo. The self-proclaimed Republic of Kosovo is recognized by many states of the world. But the U.S. government and other countries say that the situation in Kosovo is unique in order to negate the value of an independent Kosovo as a precedent.

An interesting example of the participation of international organizations in the ethno-political conflicts settlement is the impact of the European integration of Turkey on the resolution of the Kurdish issue. In general, Turkey has some difficulties with the implementation of the

European vector of its foreign policy due to several factors. Among them the need for political democratization including the protection of the rights of minorities occupies a prominent place. And delaying the process of Turkey's accession to the EU may have unexpected effect: while Turkish government tries to meet the requirements of the EU dissatisfaction of the European community with the prospect of Turkey's accession may lead to a decrease in the popularity of the idea of European integration among the people of Turkey. These trends are seen even now: in 2012 only 17 % of Turkish population support Turkey's accession to the EU while in 2011 their share was 34% (Idiz 2012).

The EU requirements concerning the Kurdish issue resolution, in particular, granting Kurds the right to freely speak their own language and respect for their national and cultural identity are important in the context of political democratization. For a long time Kurds in Turkey were subjected to repression and persecution, and even the existence of the Kurdish people was denied. However, all actions aimed at destroying the national identity of Kurds were in vain thanks to several factors: the large number of Kurds; compact accommodation within their ethnic territory – Kurdistan; cultural and religious values, Kurdish language contributing to the high level of national consciousness, awareness of their belonging to a separate nation; resources, which could be material basis for the future state (Kurdistan is rich in deposits of oil, other mineral resources and significant water resources). Naturally, the last factor is an important reason for Turkey's unwilling to meet the demands of Kurds.

There are several factors complicating the resolution of the Kurdish problem. Firstly, the territory of Kurdistan belongs to four states. Iraqi Kurds are now in the best conditions, and not because of the loyalty of Iraqi government, but rather because of its aggressiveness leading to the change of the political system of Iraq including the establishment of Kurdish autonomy. Kurds in Iran have no such rights and suffer religious oppression. In Syria Kurds also suffer persecution and discrimination. It should be noted that regional organizations don't make enough efforts to solve Kurdish issue. The positions of the Arab League and the OIC on the Kurdish problem aren't active. OIC made attempts to examine the situation of ethnic minorities in member states including the persecution of Kurds in Syria. But they were unsuccessful and its activity in this area was subjected to criticism.

At present Turkey's European aspirations contribute to the settlement of the Kurdish problem. The first steps towards compliance with the EU

requirement to resolve the Kurdish issue were taken after moderate Islamist party had come to power in Turkey in 2002: a special plan to settle the Kurdish problem – the “Demokratik Açılım” – was prepared.

We believe that a peaceful solution to the Kurdish issue is possible in the nearest future. The fact that most of the Kurdish people in Turkey do not require independence and only want recognition of Kurdish identity, adherence to their rights and prevention of persecution, repression and forced assimilation of the Kurdish people can affect positively on this.

Thus, the participation of international organizations in resolving these conflicts is insufficient. Today they use actively such mechanisms as minority rights regimes or different resolutions, statements, and rarely – territorial arrangements. Inefficiency of international organizations’ activities in this area is caused by the fact that such conflicts are considered to be internal problems of states while in modern international realities they aren’t.

Conclusions

So being extremely difficult and dangerous phenomena separatist ethno-political conflicts get controversial assessments of researchers. However, an urgent need for their solution is beyond doubt. We believe that in the current circumstances there is the need for rethinking the idea of self-determination of nations and a detailed study of the possibility of such conflicts settlement by meeting the requirements of stateless nations. And maintaining the existing status quo by force can cause more dangerous consequences.

Separatist ethnopolitical conflicts are difficult to resolve. Of course, the peaceful means of dispute resolution (negotiation, mediation, good offices) may be used by international organizations at certain stages of the settlement in order to establish dialogue and resolve some contradictions. And in the case of military confrontation threatening peace and security international organizations may use peacekeeping operations. Mechanism of minority rights regimes can protect ethnic groups from discrimination and ensure respect for their rights and identity. Power-sharing can enable their participation in political life and decision-making. However, these means are not able to resolve the main contradiction that caused the conflict – the desire for self-determination and even secession of one party, the implementation of which is contrary to the interests of another. Therefore, territorial ar-

rangements are the most applicable for the effective resolution of separatist ethno-policial conflicts.

Usually the main argument of critics of territorial mechanisms is that their use may be dangerous for the territorial integrity of a state. However, territorial mechanisms include not only autonomy, federation or other kind of territorial self-government within the state but also external territorial arrangements. S. Wolff considers external territorial self-governance (independence or unification with another state), and U. Schneckener explores secession and dissolution. And they do not consider such mechanisms less acceptable. For example, S. Wolff believes that external self-determination claims threaten the political boundaries of the state, but they do not challenge, and in some cases may even reinforce, the traditional nationalist pursuit of “one state – one nation” (Wolff 2010: 4.). Our analysis of the right of nations to self-determination demonstrates that denial of implementation of this right by secessionist a violation of human rights. And the creation of new independent states by stateless nations doesn’t contradict the principle of territorial integrity.

In general, territorial arrangements could be most effective in separatist ethno-political conflicts settlement, but today they are used not so often. Usually states don’t support their use or offer insufficient level of self-government. Therefore, participation of international organizations in such conflicts settlement is necessary. They are objective, can choose an unbiased approach to problem solving and suggest the most suitable territorial mechanism. There are also two important points – the need of expanding the binding decisions of international organizations (binding resolutions, adjudications etc.) and a combination of different mechanisms that will enhance their effectiveness.

International organizations in such cases are the only stateless nations’ hope and possibility to gain independence peacefully, that’s why it’s necessary to expand their competence in resolving such issues. Today international organizations do not have supranational functions. Having derivative legal personality they can usually make recommendations and can’t force the state to act in a certain way. This means that the activity of international organizations is effective only where it coincides with the interests of the great powers. In today’s conditions of increasing globalization processes and reducing the role of the state when global issues and global society go to the fore international organizations should have a much broader competence in order to act effectively in the interests of the global community. And their powers, par-

ticularly in ethnopolitical conflicts settlement including those of separatist character, should be extended.

This does not mean that there is no need in the nation state, and national culture should be displaced by cosmopolitan culture. On the contrary, today national identity, language and culture need protection more than ever. However, separatist ethno-political conflicts, as usual, arise in multi-ethnic states where it is difficult to build a nation-state in its classical sense. The process of expanding the autonomy of stateless nations or gaining their independence is in line with the idea of a nation-state and doesn't contradict it. For example, writing about ethnic groups mobilizing under the banner of nationalism after suffering persecution from ethnic majority within states A. Smith noted that such a kind of national mobilization not only breaks the old empires and nation-states but also creates more new nation-states, each of which is based on one dominant ethnic group (Smith 2002: 96).

Experience shows that the nation is able to withstand considerable pressure and persecution, and efforts aiming at destroying national identity often become useless. It confirms the incredible ability of national identity to survive. And to hold few national identities within a single state by force is to provoke confrontation and conflict. Such a policy is contrary to universal values and human rights and does not meet demands of modern times.

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ROLA ORGANIZACJI MIĘDZYNARODOWYCH W ROZWIĄZYWANIU SEPARATYSTYCZNYCH ETNOPOLITYCZNYCH KONFLIKTÓW

Streszczenie

Celem artykułu było zbadanie roli organizacji międzynarodowych w rozwiązywaniu separatystycznych etnopolitycznych konfliktów i mechanizmów, których używają do tego celu. Przeanalizowano separatystyczne etnopolityczne konflikty jako główne zagrożenie dla bezpieczeństwa globalnego. Zbadano prawo narodów do samostanowienia jako główną przyczynę takich konfliktów. Różne międzynarodowe instrumenty prawne ustanawiające zasady samostanowienia zostały zanalizowane w celu udowodnienia prawa nowoczesnych narodów bezpieczeństwa do samostanowienia. Artykuł opisuje sprzeczność między zasadami integralności terytorialnej i samostanowienia narodów oraz ich nowe znaczenie w nowoczesnych stosunkach międzynarodowych. Dokonano analizy możliwości pozytywnego wpływu aspiracji narodów do samostanowienia na rozwiązywanie konfliktów etnopolitycznych oraz roli organizacji międzynarodowych w tym procesie. Zbadano etnopolityczne konflikty w Katalonii, Szkocji, problem kurdyjski w Turcji i perspektywy ich rozwiązania z udziałem organizacji międzynarodowych.

Słowa kluczowe: separatystyczny etnopolityczny konflikt, organizacja międzynarodowa, rozwiązywanie konfliktów, samostanowienie, Katalonia, Szkocja, problem kurdyjski.