Recent Books on Human Rights and Groups

Book Reviews


The right of self-determination, despite attempts in international law to limit it to a colonial context, has a resilient ability to re-emerge in new forms and frequently ones that destabilise states. The development of self-determination beyond the colonial context has attracted considerable attention, in particular, since the breakup of Yugoslavia in the 1990s. Nonetheless, Marc Weller and Barbara Metzger’s lengthy edited collection, published by Martinus Nijhoff in 2008, can be seen to make an important contribution to this aspect of the right. Weller argues in the Preface that the impetus for the book is the need to rethink self-determination in its traditional independence-orientated version. Outside the colonial context there is no generally recognised right of self-determination and such movements rarely lead to the formation of new states. However, they may instead result in new political forms within the state and focus of this collection is the possibility of resolving self-determination disputes through complex power-sharing arrangements.

Many of the conflicts in question erupted with the fragmentation of Yugoslavia and the Soviet Union in the early 1990s and the collection is introduced as a response to this wave of secessionist movements. Rather than a broad study of examples of ethnic conflict resolution, though, the focus of the book is on eight case studies. Many of these are from Eastern Europe: Bosnia-Herzegovina, Kosovo, Macedonia, South Ossetia and Gagauzia. These are accompanied by examples of other long-standing conflicts: Northern Ireland, Bougainville and Mindanao. These case studies are examined individually and in cross-cutting analysis, which compares them from a broad range of perspectives and disciplines: the layering of authority, electoral arrangements, third party involvement, education, economics, policing, military affairs, justice, human and minority rights and external relations. Together they provide a thorough comparative analysis of these conflicts.
Amongst the settlements, only three can be seen to include self-determination in its traditional form. The Good Friday Agreement for Northern Ireland provides that Northern Ireland could vote to join the Irish Republic. The Organic Law 1994 in Moldova creates the option for Gagauzia to exercise external self-determination if Moldova changes its political status. The Bougainville Peace Agreement contains provisions on an independence referendum. However, in the other cases self-determination appears as an internal process, even though in some cases entities within states are able to establish external relations.

The term “complex power-sharing” is used very broadly to include settlements which involve a range of political structures within a state that could accommodate different groups including, autonomy, governmental and executive power-sharing, veto and voting mechanisms, human and minority rights regimes, dispute settlement mechanisms. The arrangements studied also include an external dimension, with a layer of international involvement and in some instances international governance (pp. ix–x). The nature of the internal arrangements and the external involvement varies considerably with each conflict and some of them stretch even this broad definition. The case of South Ossetia was not so much of a settlement as a status quo, which collapsed into further conflict around the time of the book’s publication. The book is somewhat unlucky in its publication date as the situation in South Ossetia and Kosovo changed dramatically that year rendering much of the analysis out of date. With the inclusion of South Ossetia it is notable that Abkhazia was omitted. Although Abkhazia is referred to in the cross-cutting analysis, there is no case study of it, despite Ketevan Tsikhelashvili and Natasha Ubilava noting in their study of South Ossetia that the Ossetians look to Abkhazia in determining their own status.

In the context of complex power-sharing, Weller in his introduction identifies three types of settlement in the recent period (pp. xiii–xvii). The first are autonomy settlements that trade a cessation of violence for self-government. Mindanao, Gagauzia and South Ossetia fall into this category. Secondly, autonomous structures may be combined with consociationalist power-sharing, as in the case of Northern Ireland and Bosnia-Herzegovina. Third, while complex power-sharing may be intended to resolve self-determination conflicts within the territorial integrity of states, there may be instances where independence may be an option. The examples include Northern Ireland, Bougainville and Gagauzia. The emphasis here, though, is on mechanisms which allow the preservation of the territorial integrity of the state. Weller distinguishes Bougainville, where a referendum after ten to 15 years of autonomy is hoped to lessen the desire for independence, with the 2005 settlement in Sudan, where a referendum option was a “face-saving device” for the central government to concede independence to the South (p. xvi). Sudan is not included. Nor is there any significant comparison between Kosovo and the similar case of East Timor. The latter involved the establishment of self-government under an international administration, but unlike Kosovo