“Re-Molding African States in the Context of a ‘Right to Secession’ That Elongates Self-Determination Principles”

By

Alex Igho Ovie-D’leone
Research Article

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Alex Igho Ovie-D’leone

Department of Political Sciences, Osun State University, Osogbo, Nigeria

Corresponding Author’s Email: alex_anderson27@yahoo.com and alexovied’leone@uniosun.edu.ng

ABSTRACT

Since expiry of the Cold War in the early 1990s, global conflicts have become internalized in character. This shows a large proportion of humanity still live in dysfunctional internalized political structures that generate conflicts. Thinking by members of the international community on these trends have been instructive. From Kosovo, to the former Yugoslav Republic, then to Sudan, there is the acceptance – tacitly it may seem, that peace could come only through outright break-up of existing dysfunctional polities. This paper highlights utilities of such recent international moves in the context of interrogating how we can enhance enduring peace in other locations. In this instance, I argue that, there is a dire need to elongate the principles of self-determination as a basis for re-formatting all failed/failing state structures in Africa. Such a radical departure readily incorporates an adjunct ‘right to secession’ as an attribute to all ‘national groups within a state in the context of an elongating of the self-determination principle.

Keywords: Secession, Universalism, Justice, Humanity, Self Determination.

INTRODUCTION

Under the incumbent trends of globalization, the world is fast undergoing/witnessing a series of fundamental and dynamic changes in virtually all facets of human concourse/endeavours. These flurries of frenzied activisms on the world stage are largely targeted at repositioning human societies on better pedestals that promise aptly to redefine/actualize multiples of core values widely held sacrosanct in the sustenance of our shared/common essence of humanity. Some of these values are couched in the ideals of: liberal democracy; international peace and security; humanitarianism; and environmental sustainability.

But then, import of all these values largely whittle down relatively in the face of a general failure by mankind to redress gaps of socio-cultural, political and economic inequalities pervasive across the globe today and which often result in multiple conflicts in the recent time. The true essence of mankind and the undercurrents that drive such core values, is the central belief/faitn in the claimant that ‘all men are born equal and must be treated equal in all respects/times’ as it were. Perhaps, one major attempt to officially recognize and actualize such a universal claimant is the promulgation of the ‘principles of self-determination’ by the United Nations in its Charter principles as a basic minimum benchmark for the governing of man anywhere in the world. As it were, the central theme of this principle revolves around the assumption that ‘all national groups shall be awarded/guaranteed the equal and inalienable right to determine their political, economic and socio-cultural aspirations as they deem fit without let or hindrances’.

However, projection of such a principle into the fore burner of contemporary global discourse has resulted also in a critical view of other issues that can be linked to the ills of European colonialism, servitude and subjugation of humanity by humanity in every guise in the recent past. But then, it has been wilfully given a narrow conception/application as a fundamental/guiding international principle that denies an elongated view. I argue here that, it ought to co-opt identities of other vital non-political groups which individuals subscribe even more critical/strategic membership/allegiance to. This is in relation to the composite ethnic group identities lopsidedly exalted in the state as loci for its political engagements with the citizenry.

From a historical point of view, the first step in the engagement of the universalism of the right to self-determination actually began with the post-World War II first wave of decolonization and democratization of the emergent new states in the so-called Third World region. This was a time when the granting of political independence
to all oppressed and colonized people was considered a top priority. However, the general understanding/optimism that was, with the spread of ideals of democratization and political independence far and wide across the world, a modicum of international peaceability would be generated after 1945 worldwide.

Apparently, many years after, it is now evident that such a collective resolve in the drive to ‘save successive generations from the scourges of war’ was nothing but an illusion and a figment in the imaginations of proponents of the principles of self-determination. And this is because the World has become even much more volatile than ever before. One reason for such ugly trends can be traced to a general failure to expand the scope and content of freedom or independence that came with such a universal principle as it was intended to embrace other spectra of human concourse. Consequently, the yawning gaps of social-cultural and economic inequalities pervasive across the world today have acted adversely to mitigate utilities of the political freedom granted at independence during the immediate post-Colonial era.

One may want to inquire: what actually went wrong along the line any way? Obviously, this problem can be associated seemingly with the myopic manners members of the international community have sought to implement this concept over the years. And the way it seems, the concept itself ought to be all-embracing and made to span across multiple spectra of human endeavours - and beyond the mere essentialities of political aspirations of a national group. Such cognate dimensions also include: the economic, social and cultural aspirations of an oppressed people to grasp their destinies in their own hands. But then, the current generic interpretation of what constitutes a ‘national group’ and what entitles it to such elaborate rights in the state, is ideally a lopsided conception in so far as it is anchored only on a political calculus/determinism.

Generally speaking, other dimensions of group identities/aspirations ought also to be acknowledged and accommodated in such a universal application of the right to self-determination. In essence, all marginalized groups can be said to have an inalienable right to pursue alternate pathways in the quest for their self-actualization – which ought to go beyond strictures of only a political pathway. And such a quest ought to be in abstraction from those pathways charted by the other mainstream groups categorized by the state for the purpose of allocating social, political and economic status/capabilities as de jure associations.

The notion that European Colonial rule was an evil act that disjointed societies in the Colonies and also that it has been at the roots of most emergent conflicts on the continent in the recent times, is fast gaining currency and becoming axiomatic in contemporary African discourse. Also that Colonialism was jettisoned as an unjust social/political system at the end of WWII, does reflect an emergent sense of moral rectitude by members of the international community. As it were, one however seems baffled why the legacies/products of such an evil system is fast gaining currency and associated seemingly with the myopic manners members of the international community have sought to implement this concept over the years. And the way it seems, the concept itself ought to be all-embracing and made to span across multiple spectra of human endeavours - and beyond the mere essentialities of political aspirations of a national group. Such cognate dimensions also include: the economic, social and cultural aspirations of an oppressed people to grasp their destinies in their own hands. But then, the current generic interpretation of what constitutes a ‘national group’ and what entitles it to such elaborate rights in the state, is ideally a lopsided conception in so far as it is anchored only on a political calculus/determinism.

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Therefore, in attempts to also address fully the question of how to re-format such dysfunctional state structures sustained during Colonial rule, this discourse seeks to interrogate the dialectics existing between three cognate concepts. This I argue, constitutes a vital linkage which ought to have been taken into account in the seemingly presumptuous international generalization on Colonial state creations on the continent. This are: the principles of ‘self-determination’, the ‘right to secession’ and the principles of ‘justice as fairness’ and how they interface with each other. I argue that, such an inter-linkage portends to create an elongated view of the principles of self-determination. Such an enhanced view has been necessitated by the argument that every universal principle tends to have a most propitious environment for full acceptability/implementation only when it is associated with the notion of a universal ‘right’ which should be considered sacrosanct at all times to all people. Such a conception, is especially made expedient in the context of the increasing numbers of dysfunctional state structures now prevalent across Africa today.

Moral logic now demands that such structures be discarded forthwith or at best they should be re-negotiated consensually by all composite groups - defined not only from the narrow prism of political membership but from other wider conceptions that highlight other group identities lacking capacities for outright political representation. To fully understand such a conception here, there is need to disaggregate the principles of self-determination as provided for in the UN Charter. This is with a view to highlighting areas where it interfaces with the other two concepts slated for analysis here:
a) The Principles of Self-Determination

Self determination underlies the very bedrock of our shared sense of a common humanity. Philpot (1955) posits that, "self-determination – again, [is] an actual legal arrangement that provides a group independence or more legal authority within a state – [it] is rooted in moral autonomy, which not only grounds democracy [but also is a derivative of it]." However, application of this principle has been targeted at opening a leeway for creating wider ambits for multiples of other freedoms often leading to political independence. As it were, such a mental construct also raises questions surrounding what actually constitute the contents of the notion of political independence and whether it ought to be applied restrictively only to groups or persons within the state that have the capabilities to actualize their political aspirations on one hand, or it should embrace other atheistic groups? Perhaps, in this context too, to have a clearer picture of an apt answer to such a poser, one would have to also take recourse in the provisos of Article 1(1-3) of the International Covenant of Civil and Political rights which came into force in 1976 - as a guide for our re-interpretation here.

The said Article provides *inter alia* that: “1) all peoples have the right of self-determination. [And] by virtue of that right they freely determine their political status and freely pursue their economic social and cultural development [abstract from the control of other people internally or externally from such a political context]. 2) All peoples may for their own ends, freely dispose of their natural wealth and resources without prejudice to any obligation arising out of international economic co-operation, based upon the principle of mutual benefit, and international law. In no case, may a people be deprived of its own means of sustenance. 3) the state parties to the present Covenant including those having responsibility for the administration of Non-self Governing and Trust Territories, shall promote the realization of the right of self-determination, and shall respect that right, in conformity with the provisions of the Charter of the United nations” (UN Charter).

A critical analysis of these elaborate provisions would show from the onset that a definition of the notion of ‘a people’ can also be taken to mean Anderson’s (1976) notion of an ‘imagined community’ – which is a group of people that sees itself as uniquely detached by identity politically and socially/culturally from others within any given geopolitical space. Thus, if such a characterization is applied to trends in Africa, one cannot but accede to the fact that the collectivities of groups within the post-Colonial states are ideally composed of multiples of heterogeneous units that could rightly be classified differently as groups of peoples in their own imaginations. This distacts sharply from the imposed Eurocentric national imageries/identities of groups that foist a false sense of common national community on highly incompatible ethnics. And that the continent has been rocked by an enormity of intermicne conflicts in recent times is only an expression of the far reaching implications of such incipient incompatibilities inherent in such imposed external imageries that currently falsely define the essence of social communities across Africa.

And that the same provisions in the said article also confer on people the right to also ‘freely determine their political status and freely pursue their economic, social and cultural developments’ – in a way, also implicitly confers on any group an inalienable freedom to activate a ‘right to secession’ from any emergent dysfunctional polity which they were not party nor privy to their formation in the first place and in which such broad rights awards embedded in the principles of self-determination cannot be engaged fully by them.

In Part 2 of the said Article 1, there is also a provision which states that, “in no case may a people [not a reference to the colonial misconceptions prevalent across the African continent, but a direct reference to all composite groups] be deprived of their own means of sustenance.” If one then plays for instance, such an interpretation against the back-drop of ongoing economic/social deprivations/marginalities and the attendant environmental degradations wilfully perpetrated in places like Nigeria’s Niger Delta region, we can better understand dynamics of state abuses of group rights that preclude the right to activate their self-determination in that region.

In this instance, apart from such acts constituting a flagrant violation by successive Federal governments in Nigeria of such basic erga omnes principles of international law, it has further offered the oppressed minorities more raison d’être to activate their right to revolution or their right to secession from the Nigeria state as a last option. Such a right is ideally premised on John Rawls notion of ‘justice as fairness’.

b) The Principles of Justice as Fairness

John Rawls’ (1971) principle of ‘justice as fairness’ is a utilitarian interpretation of social justice. It has received a wide applicability as well as numerous critiques in the recent time. It states that social justice can only have meaning in the context of allocating what he calls the ‘social goods’ within every social/political organization in such a way and manner that everyone/group gets equal share. And even where inequalities exist in such distribution, it should benefit only people in the lowest echelon in the social hierarchy. However, in spite of his numerous critiques, Rawls has set a useful basis for moralizing on the manner societies should or ought to be organized and ideally governed. His principle is anchored on the notion that all human societies ought to be governed on the premise of a social contract.
For him: “a contract is the appropriate model for a theory of social justice [and] it depends on the view that it is fair to require people to submit to procedures and institutions only if given the opportunity they could in some sense have agreed in advance on the principles to which they must submit” (Cited in Nagel, 1973). In this sense, ‘justice as fairness’ is also akin to ‘equity as justice’ – or the notion that everything that is right and provides greater utilitarian satisfaction to a people is also justifiable as a social good stemming from such a social contract.

Ideals of the essentialities of a social contract consummated between the composite groups and acting as the foundational basis for state formation, also resonates loudly in Tilly’s (1975) accounts of European state creations. He informs that ‘the European state made war and war made the European state’. The larger implication was that, just as much as war was widely utilized as a functional instrument by European powers to draw and re-draw international frontiers on the European continent, the subsisting agreements consummated at the end of each war, acted as cementing agents in the building/development of new/emergent states and nations across Europe.

Given the foregoing, I argue that, where there were no such prior consensual agreements between composite groups – like we witnessed in the African context, the evolving contexts/environments for socializations between these groups, can best be characterized by unjust/unfair, restrictive/domineering mentalities of numerically dominant groups often resulting in highly competitive inter-group social exchanges that defeats the aims of social justice. And as Nagel (1973:223) argues, “the fundamental attitude towards persons on which ‘justice as fairness’ depends, is a respect for their autonomy or freedom [or right to self-determination including the right to secede from any polity they do not wish to continue submitting themselves to]”. Such a conception here succinctly exemplifies the essentialities of social autonomy in the African context as a primary basis for peace.

The notion of autonomy here is intentionally tied to an unfettered freedom of some sort for the full expression of one’s self and his cognate group’s aspirations. It is obvious therefore that, such a conception was not envisaged in such a presumptuous international provision in the right to self-determination, that could have at a later stage be generally applied – so to say, to other expressions of the multiple essences of the right to self-determination. Given prevailing trends across Africa, this principle ought to be rightly interpreted to also include the right to secession that also incorporates a right to revolution - whichever is best applicable. Perhaps, this is why Nagel (1973) also asserts that, “a society satisfying the principles of justice as fairness [ought to] meet the … [the requirement that citizens be defined as] free and equal persons …[who will] assent … [to membership of a state] under circumstances that are fair [and propitious to the full realization of their generalized aspirations as individuals/groups].”

The decision to assent to membership of a state is ideally predicated on two basic premises - as Nagel (1973) informs here: first, ‘the choice must be unanimous and second, the circumstances that make unanimity possible must not undermine the equality of the parties in other respect.’ Equality here can be taken to also mean the equal rights of all groups to belong as well as to opt out of such state membership at will. The right to voluntary denunciation of citizenship is made even expedient given the awry manners of Colonial aggregations of states in Africa courtesy of the 1884 Berlin Conference of European powers – which for instance, did not actually meet these two basic acid tests set by Nagel. And this is added to the fact that there was the total exclusion of African representations in the emerging European imperial intrigues that resulted in the forcible subjugation of people into these political entities. Emergent internalized conflict trends across the continent now seem to show that Africans generally dispute these arrangements and may never have been willing to subscribe to them in the first place if they were made privy to their constructs.

Nonetheless, some scholars have even argued that, in so far as the African states were the products of agreements/preferences of European powers, they could suffice as legitimate bases for state formations on the continent. Such a claimant, however brings to the fore burner of the discourse the question of ‘whether [such] choice [or acquiescence in this case by Africans] under conditions of ignorance [or exclusion, can act] as a outright/tacit representation of consent, [and if so, whether it] can by itself provide a moral justification for outcomes that could not be unanimously agreed to if they were known in advance [by Africans themselves]” (Nagel, 1973). Even the absence of a so-called social contract and by implication any genuine ‘original position’ preceding formation of states in Africa, actually sets a dangerous precedence that further amplifies a dire need to exalt an emergent ‘right to secession’ over the half-measures adopted in the selective applications of the principles of self-determination in the African Colonial state structures.

As it were, such a lopsided application of self-determination has a tendency to only grant political independence at the expense of withholding from other composite minority groups within, the right to self-determination beyond the political realm as well as the right to secession from the polity after attainment of political independence. In this context, most Africans have been cajoled to forego their individual/group rights to pursue their socio-cultural and economic self-determination.

To fully understand the dilemma of the African states, we are obliged to fully comprehend the fact that, institutional oppressions, gross denials of civic rights and marginalization of minorities have been quite rife across the continent. This is why it is essential at this juncture to re-construct the African states from strictures of their generalized Colonial political fixations. In this context, we need to affirm that they have actually not created any
workable ambience for fairness, justice or equity in the public space that could warrant their continued existence as such in the contemporary time.

A generalized view of the African state, according to recent international media commentaries, paint a series of gloomy image-cast of popular resort to pervasive zero-sum games of national politics. Minority group marginalization and exclusion, in addition to high-handedness with which major ethnic groups have continued to impose their wills arbitrarily on other groups has become also an ugly currency. Another wider view, casts an imagery of a continent where criminality is rife in the public space (Bayart et al., 1999). Other scholars posit that, it is replete with immense a continent (Ayittey, 1999) and what others call ‘instrumental disorder’ (Chabal and Daloz, 1999). Other views invoke imagery of failing state capacities/state collapse (Zartman, 1995).

These trends have been evidenced by the fact that, there were no consensual arrangements between the composite ethnics in each state instance. Thus, in the absence of any consensual negotiations between the composite ethnics within each of these state structures, there can be no notion of a political majority - especially in the context of social exchanges envisioned by the so-called illusionary social contract narratives premised on the original position.

Whatever the notion of a ‘social contract’ means in essence is of little importance to Africans in so far as there were no such social exchanges prior to state formation anywhere across Africa. Any definition of a ‘political majority’ therefore, is bound to generate the kinds of intense inter-group contestations for pre-eminence in these polities as we are now experiencing currently across parts of Africa today.

In the converse for instance, the European models show that such agreements were either consensually negotiated under terms of the social contract or they were achieved by agreements that usually proceeded the use of force through military conquests in the numerous interstate wars that rocked the European continent during the Peloponnesian and Napoleonic war eras. Anyway, the conception of a premiere ‘political majority’ - for instance, was generally earned through sweat/blood or by consensus and was never ever imposed nor appropriated wilfully by a preferred group to the detriment of others. Such an enthronement of a political majority in the African context was wilfully done on the basis of a group’s ability to offer assurances/demonstrable willingness to assist in protecting the economic interests of the European Colonists long after their departures from Africa.

Viewed critically therefore, the manner in which such trends have played out across Africa was actually underpinned by a series of Colonial intrigues and chicaneries. This is where, as have been argued before, a preferred group was awarded a contestable and bogus characterization as a ‘political majority’. This is a nomenclature that does not aptly reflect a group’s cumulative contributions to the overall mainstream/collective identity of that polity on the long run, save it’s right to wilfully pilfering state resources at will and to the exclusion of other groups.

In Africa, it is becoming quite current that the notion of democratic rights for - instance, that underlie the universal principles of self-determination, needs to be urgently re-interpreted to mean not only political but also economic as well as social/cultural rights equally apportioned constitutional to all composite groups in any polity. An indigenous definition of a ‘political majority’ would therefore not be tandem with, but rather must logically and even morally distract sharply from, the Western liberalist interpretations of a group’s relative numerical capabilities. The threshold now ought to be set at the overall material/immaterial contributions of a group to sustenance of the corporate political entity. And such a definition must also acknowledge/take cognizance of identities of other atomistic cultural groups that are too diminutive/distantly focused to express any forms of political aspirations in the public space.

The main reason for such a re-interpretation of this key principle of Western liberal idealism could then be tied to the fact that many of the minority ethnic groups across the continent, incidentally, play hosts to the various mineral/natural resource endowments upon which the economic mainstay of most African states have been anchored on. Other atomistic groups, according to Wolf (1916), also play even more critical roles than the political groupings in the daily lives of their citizens and hence there is need for them to be acknowledged one way or the other in the polity as legitimate composite ‘national groupings’ in their own rights.

Thus, if placed against the backdrop of the ‘principles of justice as fairness’ — as highlighted in the foregoing, the question that readily comes to mind is, should not the chief hosts of a state’s economic mainstay and those atomistic groups also playing such critical roles in the lives of citizens, not be allowed to have some meaningful say in the conduct of affairs of these states — especially where such roles fall in their primary domains?

Such a poser is made exigent on a need to acknowledge the fact that, the existential needs of such unique atomistic groups may differ/conflict sharply with those of the other political groups lopsidedly exalted by the state. Such conflicts of interest have often been sources of incessant social conflicts of all sorts in the polity. Common rational reasoning then dictates that, atomistic groups ought to be availed a right to opt out of political arrangements where they cannot actualize some of their most sacred group aspirational goals. This comes into view in the context of making the right to secession an adjunct to the right to self-determination that underlies the very essence of social justice. But what does the right to secession mean in essence?
c) A Right To secession

Definable, what this right means is that, collectivity of a people has the liberty to preclude themselves from further exercise of political authority by a state structure that has woefully failed to promote or guarantee its overall aspirations derived from its inalienable rights to self-determination and pursuit of its corporate good as a people. And to better define this concept and for purposes of clarity, one may have to resort back to the Hobbesan/Lockean meanings of the notions of the ‘original position’ and the ‘social contract’ narratives here. (Hobbes, 1952 and Locke et al, 1962). Thus, it may also be heuristic to say, once governments shirk their primary duties and obligations to their citizens – by failing to cater adequately for their safety and general welfare/aspirations, they automatically lose their raison d’être to continue clinging to power and the right to exercise legitimate authority over their citizens.

The same rule also holds true for a state that is perennially failing in its primary functions, obligations and statutory duties to its composite national groupings. Thus, the right to change and install a new system also inheres in the equal right of the citizens and composite groups to revolt with a view to creating new functional structures that could promote their overall general good as a people. The people may also exercise the right to secede if they decide not to change any structures of civic governance. Consequently, the right to secession ought to be an adjunct right to self-determination usually complimented by a right to autonomy. As it were, there is also a proviso that such rights could only be activated on the conditionality of emergent and irreconcilable defects in the structures, characters and operations of a national government.

In this sense, the right to secession/the right to revolt/the right to autonomy constitute fundamental challenges to the moral props of a state’s legitimate authority over its domain. Three views of the moral authority of the state that demands a set of political obligations by the state to its citizens suffice generally in modern political theory: first, there is a Kantian view that casts the moral authority of the state as a derivative of the fidelity of its institutions and the rightness of their aims in relation to how they foster the general aspirations of its citizens.

Second, there is a Lockean view that ties the moral authority of a state to the character of popular consents that legitimizes such moral authority and of which can be awarded tacitly or implicitly by the citizens. Third, there is the view by Hume that casts this notion in the light of the innate capacities of the state to sustain enduring conditions of public order and security. In the African context, the post-Colonial state structures apparently do not met any of the three thresholds of political obligations that empower them to continue exercising moral authority over their people and sovereign territories.

From the Kantian viewpoint, state institutions have been very weak and are largely programmed to perpetrate the faulty Colonial logic of exploitation and marginalization/peripherization of the citizenry in mainstream processes of civic governance by numerically dominant groups. Also in the context of the Lockean view, authorities of most state governments have not been legitimized by, neither have such states themselves been evolved out from, the popular consents of the people. This is given the fact that officials are either rigged into office (or government) or such states have evolved from Colonial impositions. The view from Hume is even bleak. African states have also generally exhibited failing capacities to sustain public order and security – as highlighted by trends recounted in the preceding sections of this paper.

However, such ominous trends have recently assumed very dangerous dimensions in places like Somalia (where the Al-Shabab Islamic fundamentalists) and in Mali (where Al-Qaeda terrorists in the Northern region) have successfully challenged and successfully seized the de facto moral authority of the state over sizeable portions of their sovereign territories and people. Therefore, in the light of the above narratives, failures of the African states to honour these three-fold political obligations, suffice as compelling reasons to urgently re-structure their faulty structures with a view to re-positioning them to aptly meet the challenges of the emerging new world order. And one way to achieve this is by threading a pathway that tees-off with blanket awards of negotiated secessions rights to atomistic groups across Africa. This should however, be moderated by members of the international community because there are multiple bridges needed to be crossed before any real gains can be made here in this regard.

Even at that, I acknowledge the fact that the elongated re-interpretation of the principles of self-determination or at best the adjunct right to secession portends to generate immense bad blood amongst scholars and government activists alike. This generally will tend to create a foreboding of an imminent social chaos if such a principle is to be applied across the board in a general context without such international moderation. Carnot (1960), for instance, while responding to trends preceding the French Revolution in a recent work, paints a bleak picture of an uncontrolled recourse to secession when he posits that: “if …… any community whatever had the right to proclaim its will and separate from the main body … every county, every farmstead might declare itself independent.”

Agreeably, such a trend could be chaotic and may also destabilize structural alignments of the international system – but this would only be a short term social disjuncture. And it is just a little token of the price the international community has to pay to right the ills and chicanery perpetrated by European imperialists/colonists against all colonized and other oppressed peoples across the world during that ignoble era. The larger view is that the international community has a role to play by chaperoning such an ‘ordered chaos’ in attempts for instance to re-
position the African states on better/stable pedestals. This option does presents a much cheaper alternative needed to solve the medleys of structural imbalances inherent in these states, rather than allowing a the kinds of costly and pervasive endogenous conflicts now rife across the continent to persist.

At a later stage however, parsimonious requirements for basic military defense and economic sustainability would expose the folly surrounding any unviable political community that decides to cede itself from any existing state structures. It is at such a stage that the sets of unviable new states can be compelled one way or the other to voluntarily form merger unions or alliances with other units on their own terms. And of course, this would guarantee the right of such communities to actualize their self-determination per se.

Thus, in so far as these mergers do not evolve by imposition, they naturally ought to attain instant international legitimacy as entities to be accorded sovereign equalities with other cognate entities across the world equipped with cognate international rights/obligations. However, in my re-conception here, such a sense of shared ‘national aspirations’ that will emanate from re-constructing the African state formats readily invoke imageries of an integral identity of all composite ‘national groups’ and their aspirations. These are fully incorporated at the central levels - this notion also resonates in Anderson’s (1991) conception of ‘an imagined communities’.

The conception of a ‘national group’ is then to be taken here to mean not only the identities of groups that have inherent capabilities to project their political aspirations into the public space, but the composite identities of all atomistic groups that play fundamental/critical roles in the lives of their members who are also members of the larger ‘political groups’. And by the conception of a ‘political level’ analysis here, it is to be taken to mean the collective consensual social exchanges ensuing between the composite ‘national groups’ in a political context within the shared polity. There are also ideally, other ‘social/cultural’ and ‘economic level’ of social exchanges that can ensue between the ‘national groups’.

A sense of an integral ‘national group’ in the African context - from my point of view, would best fit the stature/categorization of the multiple group identities composed in the state than the generic conception of a ‘nation’, a ‘state’ or a ‘nation-state’ interpretations as widely utilized in the contemporary time. In this sense, it may seem too presumptuous to also conflate the essences of the ‘state’ and the ‘nation’ in the African context or to presume that the ‘state’ ought to always take precedence over the ‘nation’. In the African context, it is most evident that, the two social constructs most of the time, seemingly pursue parallel pathways in the quest for their ‘self-determination’. Hence, whenever/wherever these pathways conflict, it is the set of rights of the ‘state’ that ought to recede in deference to those of the ‘nation’. This is because the real sovereign rights of the African political community rightly derivevalidities from the consents of the composite ‘national groups’ themselves - which according to Wolf (1914), ought to share equal sovereign rights with the state itself in the daily affairs of the people.

For obvious reasons, it is true that implementing such an ideal formula for state re-construction premised on the right to secession, as proposed here in the foregoing, in itself portends to pose grave operational difficulties for some obvious reasons. Emerson (1960) informs that, “the states are the creators and maintainers of law in the ordinary sense, and a challenge to their own existence must have some other [more] basic [or fundamental] point of reference. At this stage there emerges a clash of rights derived from different sources: the state has an indisputable prerogative and duty to defend its own existence and the nation comes likewise to be endowed with a right to overthrow the state [if its interests are trampled upon]”. The rights of the ‘national groups’ seemingly take precedence over those of the state.

Such a pre-eminence - from a historical point of view, ought to derive logically from the essence of an existing compact/social contract existing between the ‘state’ and the ‘national groups’ as the primary basis for it coming into existence in the first place. This obliges the ‘national groups’ to first conscientiously to be subjected to the authority of the ‘state’ in the belief that it would ensure their individual rights to self-determination at all times. Second, it also obliges the ‘national groups’ or any part of its collective composition to exercise an inalienable right to either overthrow authority of the state over it or to secede outright from such a faulty social construct that threatens/abuses its basic rights to self-determination/autonomy.

Notably, one basic means to guarantee activation of the right to self-determination or its adjunct – the right to secession for such national groupings – whether they are aggrieved majorities or deprived minorities alike within the sort of awry state structures prevalent in the erstwhile Colonies in Africa and Asia, would require the entrenchments of such provisions in ‘national’ constitutions. This would offer any aggrieved ‘national group’ a veritable basis to activate its right to secede from the ‘state’ whenever it so desires without the fears of a backlash from members of the other groups. This is what I term here as a ‘national group’s’ ‘Best Alternative to an Imposed Imagined Sense of Political Community’ – (BAISPC).

As has also been argued elsewhere by Emerson, (1960), “there is a ring of fundamental improbability […] that states will in advance concede their potential dissolution. It may be that the Jeffersonian defense of occasional revolution [though] is an admirable thing, but it defies [liberal] constitutional formulation.” This then raises the question of what ought to be the safest and most cost-effective ways and means to activate such a right to secession: should it be by force or by peaceful negotiations? To answer such a complex poser, we need to purview
recent trends in world annals with a view to ascertaining what now seemingly constitutes the so-called customary practices of states in this critical issue area.

A concise – though not conclusive/all-embracing chronology of world annals shows that in Ethiopia, Eritrea was peacefully excised from the former. In the former Republic of Yugoslavia, all composite Republics where allowed to peacefully disintegrate at the end of the Superpower Cold War ideological rivalries in the early 1990s. The former Soviet Union was also allowed to disintegrate peacefully. The Republic of Kosovo was also successfully carved out of Serbia-Herzegovina after the gruesome massacres of Albanians by the Serbians and a bloody civil war in the early 1990s (Posen, 2000). Only recently, the Republic of South Sudan broke free of Sudan also after a costly and long drawn bloody civil war. Elsewhere across the globe – especially, in the Philippines, an autonomous region has been recently created in a turbulent region where government forces had been pitted in a long drawn bloody civil war with Islamic fundamentalists for over fifty years.

A generalized view of these trends however shows that: first, secession from or revolt against the state portends to be a costly and bloody venture any day. This is given the fact that, states have habitually shown a resolve to meet force with force whenever and wherever their authority is challenged. Second, a successful secession from or revolt against the state has always been sustained under aegis of the tacit or overt support of key members of the international community.

It then goes to say that, members of the international community have not only a moral obligation, but also a humanitarian duty to legitimize/endorse genuine aspirations by assertive ‘national groups’ anywhere in the world desirous in actualizing their inalienable rights to self-determination outside the ambience of their existing state constructs. The idea here is premised on the need to compel members of the international community to own up to the avowed collective ideals ‘to save successive generations from the scourges of war’ as couched in the statutes of the United Nations Charter. This means in essence that there is now a dire need to internationalize/universalize the right to secession/revolt by ‘national groups’ – especially in those regions where there have been awry state constructs that have evolved from European Colonial impositions. But how can we internationalize/universalize/legitimate such emergent rights of ‘national groups’ to secession from and revolt against faulty existing state structures.

Internationalizing/Universalizing Self Determination in the Context of a Right to Secession

A series of volumes have been written by scholars about secession as an evolving right attribute that ought to compliment the universalism of the self-determination principles (Buchanan, 1991 and 1997). The larger view here is that, activation of the right to secession would always be linked to some form of tacit/implicit endorsements by members of the international community. Such a wider view has critical implications for dynamics/fidelity of the international system. And as globalizing trends in recent times have shown, there is now an urgent need for us to step outside the straightjackets of Western liberal idealism and into the more germane parsimonious and critical terrain of radical social constructs where we can better utilize a re-interpretation of an elongated view of the principles of self-determination that directly incorporates the right to secession.

Need for such a radical departure is further reinforced by the fact that, framers of the UN Charter have deliberately back-staged any prospects for full expressions of all essences of the principle of self-determination from where we can activate a right to secession. I argued here that, we ought to conflate a right to self-determination and a right to secession in the context of elongating the self-determination rights which have proven difficult to activate fully in existing post-colonial state structures across the world. Thus, while framers of these principles saw it fit to incorporate the principles of self-determination - as a sacrosanct ideal for a peaceable international community of nations, they have also willfully/presumptuously implicitly reject the notion that the right of self-determination nominally distracts sharply from a right to secession and hence should be expunged from the statute books when this pertains to the African context.

As a result of such a misconception, the general view of members of the international community has always been that, all dysfunctional states boundaries and structures emerging after the first wave of democratization in the Colonies for instance, were to be considered definitive finalities and inviolable at all times. In this light, they are to be treated as sovereign domains where other sovereign states have no business to intervene in. This is even when there are visible incompatibilities that have been complicit currently in making such systems self-destruct at random as witnessed in the recent times in places like Somalia and Mali.

The question which such an imposition of lopsided state constructs does elicit here would be: who does such imbalanced fragile social constructs favour on the long run – is it the privileged members of the international community or the indigenous composite nationalities in each state instance? That there are still strident calls for radical systemic overhauls across the former European colonies, is a pointer to the fact that such externally designed social constructs of political communities have not operated optimally over time. This is in so far as they have failed to equitably dispense the collective dividends of self-determination that stems from the award of political
independence at the end of Colonial rule in the recent past.

It is therefore evident that the former European imperial powers that determine dynamics of the international system have always been the chief benefactors of the pervasive chaos/decay in the former colonies across Africa. As it were, if we also view these trends critically therefore, it would seem, there are currently three categories into which we can classify members of the international community: one group consisting of the old European imperialist democracies; the second group consisting of the alternate communist international and autocracies, and the third group consisting of the emergent so-called Third World democracies - mostly in the former colonies.

Ideally, such a structural arrangement of the international system readily indicates that the ideals of international legitimacy for instance needed to legitimize the right to secession, must and should always devolve from the incumbent moods and dominant sentimentalities of leaders of the old imperial democracies. This is evidenced by the fact that any contrary moods expressed by the other members of the so-called Third World region have to be derided, treated as rude exceptions to their golden rule and hence also have to be stifled at all costs in a forlorn hope to maintain such lopsided conservative status quo ante of fragile internal instabilities in the former colonies that only profits the European powers.

Viewed then against the backdrop of the fundamental logic of Rawls notion of ‘justice as fairness’, it would seem the old imperial European democracies have also long lost their raison d’être to continue dictating the pace of global affairs. And hence too by implications, even by Western interpretations – courtesy of the Jeffersonian notion of a right to revolution, time is now ripe for all aggrieved and oppressed ‘national groups’ in the emergent former colonies to engage their right to revolution against and secede from, such an oppressive international system that subjects them to perpetual servitude. This is pertinent if they cannot effect the desired changes required that allows them to fully express their right to self-determination as autonomous national groups’ or people. As it were, the lopsided nature of the structural arrangements of the international system act adversely to constrict full actualization of universalism of the right to self-determination by ‘national groups’ within each Colonial state structure across the world. So, save there is an imminent revolt/overthrow of the present systemic arrangements of the international order, ‘national groups’ in the former colonies cannot fully legitimize their rights to self-determination as they so desire. In this context, the quest by a ‘national group’ to activate its right to secession, has both a domestic as well as an international dimension.

Obviously, from an objective point of view, the notion of self-determination has run its natural course in the old imperial European democracies, and as a result it has also created enduring conditions of political stabilities across the region over time. But it is still being deliberately stifled and inhibited in the Third World region by such vexatious antics of the so-called First World democracies in their selective endorsements of applications without regards to the peoples’ aspirations to the right of secession in the so-called Third World region. One reason for such lopsided Western controls and dominance over state affairs in the Third World is tied to the fact that this region is still leached inextricably in the periphery to the apron springs of the First World that currently dominates global capitalism and the global system.

Going by the same logic too, it is true to say that the Third World region has always been conflict-ridden over the years – a fact which is due more to the far reaching implications of the evil legacies of the Colonial era in these regions. And given the fact that the First World is also the chief beneficiary in the internecine armed conflicts in this region by virtue of the huge arms sales they make to combatants on both sides of these conflicts, further amplifies the injustices inherent in the global international system. There is now a dire need to urgently tackle such imbalances through a possible blanket award of the right to secession to the composite ‘national groups’ within these hapless states in Africa currently marginalized in the global capitalist periphery.

One should however note here that the notion of an international revolution against the incumbent international capitalist system, is played against the backdrop of the evil proliferation of dysfunctional statehoods across parts of the Third World distracts from past trends. It should not be taken to mean a re-enactment of a right to secession that is premised on some extent or discredited Marxian or Hegelian idealism as witnessed in the distant past in the communist or socialist sense of the word. Rather, what is being proposed here is a world-wide revolution within capitalism itself that seeks to humanize or even re-invents international capitalism with a dedicated re-cast in a more benign image tandem with the sacrosanct ideals of a shared common humanity - ideals that currently drive increasing wave of globalization.

This is in the sense of saying that, implementing free market principles and liberal democracies across the so-called Third World for instance, must tread a new pathway. This would abstract sharply from the vagaries of the evolving new regional protectionisms that have tended to perennially subjugate large sections of the world to grinding poverty arising from pervasive social inequalities. Incidentally, regions in the periphery have been subjected to sundry regimes of export and trading restrictions or prohibitions and undue political interferences by members of the First World. And the implications are that, ‘states’ and ‘national groups’ in the Third World regions have been perennially unable to express fully their economic right of self-determination. And it is pertinent to also emphasize here that, it greatly profits international capitalism that ‘international legitimacy’ that can be attributable to the adjunct
right to secession (acting as a benchmark for maintaining international peace/stability) should always emanate from the whims and caprices of states in the First World.

We need to remind ourselves here also that, the right to self-determination has been apportioned seemingly equally to all peoples of the World under provisions of relevant international statutes – including also the oft cited UN Charter principles. Such an award wraps up our shared sense of common humanity on the premise that all peoples of the world are born equal and ought to be treated as such at all times. Common sense therefore dictates that, there is now need to enthron a high sense of balanced collective international morality (whatever that concept is taken to mean on the long haul), as the only veritable means to create/maintain a level-playing field politically, economically, socially and culturally for all ‘national groups’ or peoples of the world. This is in the context of engineering a radical re-cast of the operating logic of the global international system that now ought to be premised on the sovereign equality of all ‘national groups’ (instead of states) to actualize their rights to self-determination in all respects without let or hindrance even if this is done outside existing state structures.

In this context, one can then conclude here that, if we take the foregoing analogies as given, the lopsided definition/applications of the ideals of self-determination - as applied in abstraction from all its manifold ramifications addressed here in the foregoing, actually constitutes an affront on the very essence of our shared sense of common humanity. Whether as citizens of independent states or as global citizens, humanity generally – either viewed as atomistic individuals or as aggregate ‘national groups’, ideally ought to be equipped with the inalienable right to self-determination – that allows great ambitions not only for equal and full civic engagements in all facets of human endeavours, but also the right to de-association from such civic arrangements as and when needed without let or hindrance.

And if any section of humanity is compelled by whatever faulty Colonial logic of social/political organization to be restrained currently within the confines of an existing political community - which acts wilfully to mitigate their capacities to fully engage their inalienable right to self determination, natural justice (interpreted from Rawls perspectives to mean - ‘justice as fairness’) readily dictates that they be empowered by a moralizing international community with the capacities to re-engineer, or secede from such restrictive/faulty social/political structural arrangements. Humanity can no more sit idle/unabashed and complacent with itself when a sizeable proportion of its kind wallows in such perpetual/abject conditions of gross human rights denials/marginalization as pervasive in the so-called Third World regions today.

REFERENCES

Alex Ovie-D’Leone (PhD), Lectures International Relations/Politics at the Department of Political Sciences, Osun State University, Osogbo, Osun State, Nigeria.


