

## Talking about self-determination: contested conceptions and political implications of an undisputed concept

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# Concepts at Work

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*On the Linguistic Infrastructure  
of World Politics*

Edited by Piki Ish-Shalom

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## Talking about Self-Determination

### *Contested Conceptions and Political Implications of an Undisputed Concept*

Jonas Wolff

Ever since the Universal Declaration of Human Rights was adopted, the tension between human rights and state sovereignty has shaped the debates about global order.<sup>1</sup> Self-determination is a key concept in this regard, as it constitutes the common normative ground on which both human rights and sovereignty claims rest: The two international human rights covenants both start with the right to self-determination, and the reference to collective self-determination morally substantiates the legal claim to sovereignty (Wolff 2014). In fact, the overall concept of self-determination meets with virtually uncontested appraisal. Yet, at every point in time, there have been intense debates between competing conceptions of self-determination that have different political implications and, thus, serve different political purposes.<sup>2</sup> In the contemporary world, the concept of self-determination is politically used both to justify a liberal world order that comes with supposedly benevolent intervention in the internal affairs of states *in order to promote self-determination* and to reject such interference *in order to protect and enable self-determination*.<sup>3</sup> The conceptual struggle over the “correct” conception of self-determination, thus, has immediate implications for international politics.

Against this background, the present chapter analyzes the characteristics, historical evolution, contemporary usages, and political implications

of the concept of self-determination in international relations. The chapter starts by identifying the descriptive core and further characteristics of the (political) concept of self-determination. While this opening section is theoretical in nature, the remaining two sections analyze empirically how the concept at hand has been understood and used in academic as well as political debates. First, I look at competing conceptions of self-determination, both in historical perspective and with a view to contemporary debates. In terms of sources, this section draws on academic literature. Second, I turn to the political implications for contemporary debates in international politics, focusing on the issue of external interference in the name of democracy and human rights.<sup>4</sup> Empirically, this section analyzes debates in the UN General Assembly (UNGA) that address the issue of self-determination in its relation with democracy and human rights, sovereignty, and noninterference, including with a view to the so-called Responsibility to Protect (R2P).

In sum, the analysis shows that the virtually uncontested descriptive core of the concept of self-determination that is inextricably linked with strong normative connotations, on the one hand, enables and drives an infinite struggle between competing conceptions that are embedded in different worldviews and serve different political purposes. On the other hand, however, this same core delimits the range of plausible conceptions and, thereby, also constrains the range of policies that can be justified in terms of the concept. As a consequence, those who argue for external interference in the name of democracy and human rights can hardly ignore the tension between such interference and the (acknowledged) principle of self-determination, while those who categorically reject external interference in the internal affairs of states have a hard time when it comes to so-called crimes against humanity.

## The Concept of Self-Determination

When analyzing self-determination as a political concept, we can identify a fairly consensual descriptive core to which competing conceptions of self-determination refer. At the same time, as I will argue in this section, this descriptive concept of self-determination is a normative, undisputedly appraisive concept. In being not only an appraisive and internally complex concept but also a basic as well as a cluster concept, self-determination is also an essentially contested concept.

According to Jeremy Waldron (2010), there are basically two conceptions of self-determination: a territorial one, according to which “the people of a country have the right to work out their own constitutional and political arrangements without interference from the outside,” and an identity-based one, according to which “each ethnically or culturally distinct group” should have “charge of its own constitutional and political arrangements” (397–98). The overarching *concept* of self-determination as such is not explicitly defined by Waldron, but it is clear that, in his view, it refers to a situation in which a given group controls—works out and is in charge of—its own constitutional and political arrangements. These two dimensions of control have also been labeled the “*constitutive* aspect” (the working out) and the “*ongoing* aspect” (the being in charge of) of self-determination (Anaya 2004, 104–5; cf. Buchanan 2003, 206).

Different wordings notwithstanding, this seems to be the fairly consensual *descriptive core* of the overarching concept to which existing conceptions refer (cf. Altman and Wellman 2009, 17; McMahan 1996, 5–6). It is also in line with the established political and legal usage at the level of the United Nations. According to the International Human Rights Covenants, for instance, self-determination entails that given entities (“peoples,” in this case) “freely determine their political status and freely pursue their economic, social and cultural development.”

Self-determination is an appraisive concept in Gallie’s sense, meaning “that it signifies or accredits some kind of valued achievement” (1956, 171).<sup>5</sup> In contrast to related concepts, such as the concept of democracy, in the case of self-determination, authors usually make this *positive, normative valuation* explicit by talking, almost always, about the “right to” or the “norm of self-determination.” But even without such an explicitly normative prefix, as in the descriptive formulation given above, self-determination refers to something that is generally acknowledged as positive, valuable.

This dual qualification of the concept—as descriptive and yet normative, appraisive—is not contradictory. As Connolly has argued, “*to describe is to characterize a situation from the vantage point of certain interests, purposes, or standards*” (1993, 23; emphasis in original). In this sense, the normative connotations are woven into the descriptive criteria—and cannot be pulled out without fundamentally changing the concept at hand (cf. Connolly 1993, 32). In the case of self-determination, the precise criteria (and how they are to be applied or measured) are heavily contested, as is



the normative status of the concept (a norm, a moral right or a legal right). But no one questions the normative assumption that self-determination is something positively valued. In fact, the academic and the political debate about competing conceptions is so intense precisely because everyone takes it for granted that self-determination is something human beings appreciate, long for, or are even entitled to. Therefore, once you accept a specific understanding of self-determination, you can hardly be against it.

The concept of self-determination is, quite evidently, an essentially contested concept as defined by W. B. Gallie (see Ish-Shalom, this volume). In addition to Gallie's criterion of appraisiveness, the two dimensions (constitutive versus ongoing) can be combined and prioritized in different ways, implying that the concept is "internally complex" and "variously describable" (1956, 171–72).<sup>6</sup> This essential contestedness is also due to self-determination's status as a basic concept. Basic concepts, according to Koselleck, have become "an inescapable, irreplaceable part of the political and social vocabulary"; as they combine "manifold experiences and expectations in such a way that they become indispensable to any formulation of the most urgent issues of a given time," they are "highly complex" as well as "always both controversial and contested" (1996, 64; see also Ish-Shalom, Berenskoetter, Geis, this volume).

Furthermore, self-determination is also essentially contested because it is a cluster concept, as defined by Connolly (1993, 149): In order to make the concept of self-determination "intelligible we must display its complex connections with a host of other concepts to which it is related" and elaborate "the broader conceptual system within which it is implicated." In the case of self-determination, the most directly connected concepts are sovereignty and noninterference, on the one hand, and democracy and human rights, on the other. Because these related concepts are themselves contested, and as there are various ways in which they can be related to each other and to self-determination, a broad range of competing conceptions of the cluster concept of self-determination emerge.

### Competing Conceptions of Self-Determination

In this section, I briefly review the evolution of the concept of self-determination and the various, in fact competing, conceptions that have been prevalent over the years and their various normative foundations.

In doing so, I suggest that the dominant usage of the concept of self-determination has dramatically changed from the traditional post–World War II context of decolonization to the post–Cold War context of liberal hegemony. Turning to the post-1990 debate about self-determination, I argue that competing conceptions, on the one hand, can be seen as ranging from self-determination as liberal-democratic self-rule to a genuinely collective, communitarian conception of self-determination but that, on the other hand, the differences between these conceptions are rather gradual—as long as they stick to the descriptive core of the concept, that is.

The right of self-determination of peoples, according to David Scott, has “sources in the late eighteenth and nineteenth century principle of popular sovereignty” and was “pivotal to international sovereignty discourse at least since World War I”; however, it is only after World War II that self-determination was transformed “from a political *ideal* . . . into a *legally binding principle* of international conduct, an international legal norm” (2012, 201; emphasis in original). This transformation took place in the context of the process of decolonization, which framed both the political usage of and the academic debate about self-determination (cf. Anghie 2004, 196; Burke 2010, 35–58; Crawford 2006, 107–31). This context not only elevated the legal/normative status of the concept of self-determination but also profoundly shaped the very understanding of the concept. As a consequence, both the constitutive and the ongoing aspects of self-determination were related to the external independence of a given people that is to enjoy self-determination. In constitutive terms, external self-determination was understood as concerning “the international status of a people,” basically encompassing “the recognition that each people has the right to constitute itself a nation-state or to integrate into, or federate with, an existing state”; internal self-determination, in turn, meant that peoples, once they have achieved statehood, can “freely choose their own political, economic, and social system” (Senese 1989, 19). In protecting such freedom of choice from external interferences, internal self-determination was seen as “essentially a negative matter,” directly related to the right of nonintervention (Emerson 1971, 466). Both external and internal self-determination, thus, essentially referred to decolonization, with the former being “defined as the right to freedom from a former colonial power” and the latter “as independence of the whole state’s population from foreign intervention or influence” (Hannum 1990, 49). In his *Political Theory and International Relations*, Charles Beitz even reserved

the concept of self-determination for the external dimension, the right of “colonies or other entities under foreign control . . . to independent statehood” (Beitz [1979] 1999, 92–93).

In the post–Cold War debate about the concept, the distinction between external and internal self-determination is still very much alive—but its terms have changed dramatically (cf. Roepstorff 2013). When Beitz, in a more recent piece, distinguishes between “two different senses of self-determination,” an “external” and an “internal” one (2009, 336), both refer to what had traditionally been called the “internal dimension.” The external meaning of self-determination, now, implies “a state’s legal and political autonomy,” that is, the negative protection of a state vis-à-vis potential outside intervention; the internal meaning of self-determination, in contrast, concerns “the relationship between a nation or ‘people’ and its state” and, thus, the question of whether it is really the people that is governing (determining) itself (Beitz 2009, 336; see also Summers 2013, 229).<sup>7</sup> As a consequence, the legal and political debate about self-determination has moved “away from the problem of empire (‘external’ self-determination) toward the question of the internal political form of regimes holding state power (‘internal’ self-determination)” (Scott 2012, 223). And, in the academic debate, the increasingly hegemonic response to this question has been that a given people can only be considered as self-determining if the latter is exercised through more or less specifically defined democratic procedures (cf. Beitz 2009, 336; Cassese 1995, 21; Franck 1992, 52).

The main source of conceptual contestation in the current debate about self-determination concerns precisely this last issue. In terms of the descriptive core of the concept outlined above, the question at hand is whether a given group can only be considered to be controlling its own constitutional and political arrangements if it does so via “political institutions that are in some suitably generic sense democratic” (Beitz 2009, 336) or whether such control only deserves the term “self-determination” if it enables the group “to decide whether to have a democracy around here, and if so, what sort of democracy to have” (Waldron 2010, 408). The above conceptual analysis helps briefly identify the main differences between these two competing conceptions: Self-determination is embedded in different ways in different kinds of conceptual systems, or clusters, bringing about different responses to the issues of internal complexity and diverse describability. As will be seen below, these differences are also directly related to competing

normative foundations that, in line with the distinction between a liberal and a communitarian approach, emphasize either individual human beings or political communities as the key bearers of rights.

The liberal-democratic conception relates self-determination to the concepts of democracy and human rights, conceptualizes all three in liberal terms, and thereby prioritizes liberal human/democratic rights over self-determination. In doing so, the primary unit (and normative reference) changes from the collectivity that is supposed to control its own constitutional and political arrangements (self-determination) to the individuals who are to enjoy their political and civil rights (cf. Fox and Roth 2000, 10). Self-determination, then, becomes a function of liberal-democratic self-rule—which is merely exercised collectively. The result is what Reisman (2000, 244) calls a “new constitutive, human rights-based conception of popular sovereignty,” which equals a corresponding liberal-democratic conception of self-determination (see also Tesón 1992, 54, 92). In terms of the internal complexity of the overall concept, the subordination of (collective) self-determination to (individual rights-based) democracy also leads to an emphasis on the *ongoing* aspect of self-determination at the expense of its *constitutive* aspect: The very establishment of democratic institutions is seen as a precondition for—rather than the (contingent) result of the exercise of—self-determination. The latter is, therefore, described as something that happens in the framework of and through preexisting democratic institutions—and not as something that may also be concerned with their very constitution.

The genuinely collective conception, in contrast, emphasizes the *constitutive* aspect of self-determination. Correspondingly, self-determination is related rather to sovereignty and nonintervention, which remain indispensable conditions for enabling the former (cf. Altman and Wellman 2009, 4; McMahan 1996, 2; Roth 2000a, 14). To the extent that this conception relates self-determination to democracy and human rights, it does so in a way that clearly prioritizes the former: As Altman and Wellman argue, “The inherent value of democratic rule cannot be grounded in individual rights but rather must be based on an irreducibly collective moral right of political self-determination” (2009, 11). At the same time, a given people, in exercising self-determination, “may in fact favour a nondemocratic form of governance” (29) or a substantive conception of democracy that diverges from liberal democracy (Roth 2000a, chap. 4). Self-determination is, therefore, described not as something that happens

in and through (liberal) democracy but rather in terms of a broad notion of popular sovereignty that may be exercised in various ways (cf. Fox and Roth 2000, 13; Roth 2000a, 15, 414).

These conceptual differences notwithstanding, at the level of the overall concept, there is no doubt that meaningful self-determination of a given political community that is organized as a state cannot but include self-determination in its external dimension or sense. Sovereignty and nonintervention are, therefore, necessary parts of the conceptual system in which self-determination is embedded. At the same time, however, the descriptive core outlined in the beginning clearly implies that self-determination always refers to a collectivity and not simply to a given regime or government. Governments exercise self-determination only to the extent that they are recognized as representing “the political community,” “the people,” “the population,” or “the popular will.” In this sense, the overarching concept of self-determination to which competing conceptions refer imposes certain (if always contested) limits on the range of these very conceptions.<sup>8</sup> This becomes clear when, once again, reviewing the supposedly opposed arguments about self-determination.

On the one hand, Brad Roth, in criticizing the notion of a right to democracy, argues that “an international community that takes the self-determination principle seriously can scarcely impose a specified method of self-government as a condition of according States the very respect and protection that international law purports in the name of national self-determination to provide.” Yet, at the same time, he acknowledges that “one can no longer simply accept at face value the claims of autocratic leaders that their leadership is the expression of an unmanifested popular will or indigenous cultural norms, of which the leaders purport themselves to be the authoritative interpreters”; “the link between the people and sovereign power must be empirical” (Roth 2000b, 507). More specifically, Roth argues that there are “some broadly acknowledged limits to what can plausibly be argued to be a manifestation of popular will,” such as the “dominance of a minority race” or the “dominance, direct or indirect, by a foreign state” (2000a, 38–39), and adds that “there are some atrocities, such as genocide and slavery, that go to the core of shared humanitarian values, and are recognized as violating peremptory norms of international law (*jus cogens*)” (32; emphasis in original). This last argument points to Michael Walzer’s well-known criterion according to which the right to nonintervention implied by the right to self-determination of a given

political community does not apply “when the violation of human rights within a set of boundaries is so terrible that it makes talk of community or self-determination seem cynical and irrelevant, that is, in cases of enslavement or massacre” ([1977] 2006, 90).

On the other hand, Thomas Christiano, in his defense of a human right to democracy, argues that this entitlement does not limit the “legitimate right to collective self-determination” because nondemocratic countries usually “do not have legitimate collective self-determination” (2011, 172–73). Yet, he later adds that if there was really “near unanimity for nondemocracy” in a given society, one could argue “that the members of the population of the nondemocratic society are exercising the normative powers attached to their rights to democracy to waive the right to democracy” (175). In the same vein, Altman and Wellman (2009, 27) argue that self-determining nondemocracies not only have to respect basic human rights but must also allow for constitutional referenda, in which citizens would be entitled “to claim or waive democratic governance.”<sup>9</sup>

### The Conceptual Politics of Self-Determination

In this final section, I discuss some political implications of the conceptual evolution of and the contemporary conceptual struggle over self-determination. The liberal-democratic conceptualization of self-determination has become an important justification for the external promotion of democracy, but this interpretation has met with resistance on the part of many countries from the Global South, as can be seen in debates in the UNGA. While in this context references to the undisputed concept of self-determination are mainly used by those who aim at protecting states against external interference, the descriptive core of the concept imposes constraints on what can be justified as appropriate behavior on all actors who do not dare to openly reject the principle of self-determination.

According to Reinhart Koselleck, “all concepts have two aspects”: “On the one hand, they point to something external to them, to the context in which they are used. On the other hand, this reality is perceived in terms of categories provided by language” (1996, 61; see also Hobson and Kurki 2012, 3–4; Ish-Shalom, this volume). In the former sense, the evolution of the concept of self-determination summarized above clearly reflects the shift from a post–World War II context of decolonization, driven by

demands for independence and sovereign statehood, to a post–Cold War context, shaped by the liberal hegemony of the Global North. In terms of the latter kind of relationship between concepts and reality, however, it is through the very lens of a changed understanding of self-determination that the apparently new context after the Cold War has been perceived and interpreted. Empirically speaking, it is far from obvious that the main problem constraining collective self-determination in the Global South is nowadays one related to the domestic political regimes in place rather than one of, say, domestic and/or transnational economic structures and/or global politico-economic power relations. The liberal-democratic reconceptualization of self-determination, to the extent that it succeeded “in politically framing the public commonsense” (Ish-Shalom 2012, 41), has decontested such a contested empirical observation and, thereby, itself contributed to bringing about a specific “reality” of world politics.

From the perspective of the genuinely collective conception, the liberal-democratic redefinition of self-determination is, thus, part and parcel of “a *civilizational* and an *imperial* project that articulates itself in the political idiom of democracy and the acceleration of global ‘democracy promotion’” (Scott 2012, 201; emphasis in original). Indeed, because the liberal-democratic conception regards a given government’s claim to collective self-determination as contingent on its complying with the procedural requirements of liberal democracy (cf. Crawford 2000, 94–95; Fox 2000, 89), external activities that aim at promoting or even enforcing democracy are no longer seen as undermining but rather as helping realize self-determination: Democracy promotion, in this sense, “does not deny any peoples’ right to self-determination; it gives life to that right” (Ackerman and Glennon 2007; cf. Franck 1992; McFaul 2005, 148–49; Reisman 2000). The conceptual analysis of self-determination, thus, helps understand the shifting terms of the political discourse that has underpinned the rise of the democracy-promotion paradigm since 1990, making something meaningful that otherwise could appear to be rather a contradiction in terms: the idea to interfere from the outside to promote internal self-determination (cf. Wolff 2014).

This change in the understanding of self-determination has, of course, been far from uncontested. This can be illustrated by looking at debates in the UNGA that, in one way or another, address the issue of self-determination in its relation with democracy and human rights, on the one hand, and sovereignty and noninterference, on the other.<sup>10</sup> In fact,

the debate within the UN over whether the international community, including individual states, should be entitled to promote democracy and human rights around the world (that is, to promote democratic self-determination) or not (to respect the self-determination of the peoples) is characterized by the hegemony of a fairly traditional conception of self-determination as coined in the context of decolonization. Whereas in the academic debate just mentioned the discussion has been increasingly dominated by a liberal-democratic conception of self-determination, the predominant understanding of self-determination as articulated in the UN context remains much closer to the state-centered, communitarian conceptions predominating official documents (the Charter, the human rights covenants, diverse UNGA resolutions). This clearly results from the formal power structure within the UNGA where countries from the Global South, which tend to stick to a rather traditional conception of self-determination, hold an overwhelming majority. In addition, it also reflects the fairly legalistic type of debates within this international organization in which arguments are usually made by referring to existing legal documents.

As a result, those state representatives who hold a liberal-democratic conception of self-determination avoid using the term “self-determination” at all in order to not weaken their emphasis on universal human rights, democracy, and the need for and legitimacy of promoting both from the outside. At the same time, they frequently cannot but accept suggestions to include a reference to the right to self-determination given that it undoubtedly is an established right that is enshrined, not least, in the human rights covenants. And it is this move that the majority of states, which are wary of international interference in the name of democracy and human rights while supporting a traditional conception of self-determination, usually make. Two examples from the period under consideration that illustrate this dynamic of contestation concern the 2005 World Summit Outcome document (A/RES/60/1) and a resolution explicitly dealing with democracy promotion (A/RES/59/201).<sup>11</sup>

The World Summit Outcome, as adopted by the UNGA in September 2005, contains a brief section on democracy that, *inter alia*, reaffirms “that democracy is a universal value based on the freely expressed will of people to determine their own political, economic, social and cultural systems and their full participation in all aspects of their lives”; adds “that while democracies share common features, there is no single model of democ-



racy”; and emphasizes “the necessity of due respect for sovereignty and the right of self-determination” (A/RES/60/1, 30). Draft versions of the outcome document did, initially, not contain a single reference to either self-determination or sovereignty but, later, gradually introduced respective language, most probably in response to demands from member states from the Global South.<sup>12</sup> Similar revisions also concern the introductory chapter, “Values and principles,” in which references to “the sovereign equality of all States,” “the right to self-determination,” and the right to “non-interference in the internal affairs of States” were added in the process of revising the original draft version (A/RES/60/1, 2; A/59/HLP/CRP.1/Rev.1, 1). These revisions clearly responded to concerns raised by the Non-Aligned Movement.<sup>13</sup> Interestingly, not even the US government, which pushed for much stronger language on democracy and human rights as well as on R2P, tried to delete references to self-determination.<sup>14</sup>

The same dynamic can be observed with the UNGA resolution “Enhancing the role of regional, subregional and other organizations and arrangements in promoting and consolidating democracy” that was introduced in November 2004 by Peru, Romania, Timor-Leste, and the United States and adopted in December 2004 by the UNGA. Again, the original draft did not contain a single reference to the right to self-determination but focused entirely on a cluster of concepts made up of democracy, freedom, human rights, and good governance (A/C.3/59/L.62). In response to amendments suggested by Cuba (A/C.3/59/L.77), the authors, however, made significant concessions in this regard. In the final version, a preambular paragraph reaffirms “that all peoples have the right to self-determination, by virtue of which they can freely determine their political status and freely pursue their economic, social and cultural development,” while an operative paragraph adds “that democracy is based on the freely expressed will of the people to determine their own political, economic, social and cultural systems and their full participation in all aspects of their lives and, in that context, that the promotion and protection of human rights and fundamental freedoms at the national, regional and international levels should be universal and conducted without conditions attached” (A/RES/59/201, 1–2). Given that the latter phrase is directly taken from the Vienna Declaration adopted at the 1993 World Summit on Human Rights, the authors of the draft resolution could hardly reject its inclusion in the text. Interestingly, Cuba nevertheless abstained from the vote, arguing that other parts of the resolution still “stymied the right of peoples

to self-determination”; but Egypt, for instance, now decided to vote in favor because the sponsors of the resolution “had included a reference to certain principles and rights, such as the right of self-determination, which implied the right of all peoples to be free and to pursue their destiny in the manner they thought fit.”<sup>15</sup>

In this sense, then, the conceptual politics taking place in these UN debates do not really include a struggle over competing conceptions of self-determination but rather processes of normative contestation between those that emphasize self-determination (as they share the hegemonic conception of the concept in the UN context) and those that deliberately try to avoid it. The latter try to promote a competing cluster of concepts that centers on human rights and democracy but omits self-determination (see also Poppe and Wolff 2017). Yet, by invoking human rights, they open the conceptual door to those that want to bring in self-determination to qualify the political implications of the concepts of democracy and human rights.

Those that try to avoid the concept of self-determination do not, however, normatively reject the principle as such but do not dare to say so. Rather, they hold a different conception but know that references to the concept in UN documents will generally be understood in a different sense. A rare example where this is made explicit is the following remark by the United Kingdom on behalf of the European Union and others: In distancing this group from a resolution on the “Universal realization of the right of peoples to self-determination” that, *inter alia*, reaffirms “that the universal realization of the right of all peoples . . . to self-determination is a fundamental condition for the effective guarantee and observance of human rights and for the preservation and promotion of such rights” (A/RES/60/145, 2), the British representative emphasizes that the right to self-determination “was closely associated with respect for all human rights, democracy and the rule of law” and that “it was incorrect to suggest that self-determination was a precondition for the enjoyment of all human rights” (A/C.3/60/SR.45, 4). By adding the concept of democracy and, more importantly, by rejecting the prioritization of self-determination *vis-à-vis* human rights, the meaning and the political implications of both self-determination and the entire cluster of concepts are changed significantly. The competing conception of self-determination is best represented by the UNGA resolution “Respect for the principles of national sovereignty and diversity of democratic systems in electoral processes as

an important element for the promotion and protection of human rights.” This document contains multiple references to self-determination such as the standard reaffirmation of “the right to self-determination, by virtue of which all peoples can freely determine their political status and freely pursue their economic, social and cultural development” (A/RES/60/164, 1). By relating the concepts of democracy and human rights directly to self-determination, national sovereignty and diversity, the resolution justifies explicit arguments against the external promotion of democracy and human rights.<sup>16</sup>

Also for those that evoke self-determination with a view to its traditional understanding, the virtually uncontested core of the concept implies certain constraints. These, in particular, concern resistance against interventions in the case of mass atrocities that—as noted above—can hardly be justified in terms of any plausible conception of self-determination. This, again, can be seen in the 2005 World Summit Outcome document. As mentioned, states from the Global South have been quite successful in qualifying universalist language on democracy and human rights by inserting references to self-determination and related concepts into both the general chapter “Values and Principles” and the section “Democracy.” At the same time, such references have remained absent from the section on R2P, where the potential international response to “genocide, war crimes, ethnic cleansing and crimes against humanity” is, thus, *not* qualified by references to self-determination (or sovereignty) (A/RES/60/1, 30).<sup>17</sup>

## Conclusion

Both in academic debates and in the context of the UNGA, conceptual struggles over the (il)legitimacy of external interference are structured by a common normative reference point, that is, by the overarching concept of self-determination. On the one hand, those who argue for external interference in the name of democracy and human rights can hardly ignore the tension between such interference and the (acknowledged) principle of self-determination. As a consequence, the attempt to justify coercive regime change in the name of the promotion of (democratic) self-determination has largely failed—an attempt that arguably would have meant stretching the concept beyond reasonable limits (Poppe and Wolff 2013, 387).<sup>18</sup> On the other hand, those who categorically reject external interference in the

internal affairs of states have a hard time when it comes to so-called crimes against humanity. In this case, the social fact that such atrocity crimes cannot be justified as in line with the concept of self-determination plausibly helps explain the 2005 UNGA agreement on R2P as well as the quite notable global acceptance of the overall idea behind R2P in spite of fierce disputes regarding its precise meaning and implementation (see Benner et al. 2015, 10).

Conceptual analysis helps make sense of this observation. The virtually uncontested descriptive core of the concept of self-determination that is inextricably linked with strong normative connotations enables and drives an infinite struggle between competing conceptions that are embedded in different worldviews and serve different political purposes. But this same core, by delimiting the range of plausible conceptions, also constrains the range of policies that can be justified in terms of the concept. The concept of self-determination, as any concept, is used and manipulated by interested actors as much as it imposes its hegemonic meaning on the actor that makes use of it.

## Notes

1. Research for this chapter was conducted during a visiting stay at Nuffield College, University of Oxford, in 2013. I thank a series of colleagues at Nuffield and, most importantly, Laurence Whitehead; the participants of a workshop at the Hebrew University of Jerusalem in 2015; the editor of this volume, Piki Ish-Shalom; as well as two anonymous reviewers, for comments and suggestions.

2. The distinction between concept and conceptions is often traced back to Gallie (1956, 176) and/or Rawls (1971, 5), while Rawls himself refers to H. L. A. Hart's *The Concept of Law*.

3. Mor Mitrani (this volume) makes a similar observation with a view to the usage of the concept "international community." The underlying logic, however, is different. While in the case at hand there are heated debates about the "correct" conception of self-determination, in Mitrani's case it is the "emptiness" of the concept—international community as an empty signifier—that allows for different kinds of strategic usage of the concept, which itself remains uncontested.

4. This chapter deliberately leaves aside an important issue in the overall debate about self-determination, namely, the difficult question about the proper collectivity ("the people," "the nation," "the political community," etc.) that is to exercise self-determination and the series of subsequent questions of how to identify, define, or delimit the relevant collectivity in any given case. See, for instance, Buchanan (2003, 331–424); Crawford (2006); and Moore (1998).

5. The overall point here is that essentially contested concepts are not merely used

to describe something but at the same time ascribe a positive value to the phenomenon at hand, either because it is judged to be a good thing in and of itself or because it is seen to have positive consequences (Collier et al. 2006, 241). As Collier et al. (2006, 216) argue, Gallie himself only considers appraisiveness in terms of a “*positive* valuation,” but it is hard to see why decidedly “*negative* valuation” should be excluded. In this broader sense, then, the criterion of appraisiveness refers to the necessary “normative component” of essentially contested concepts.

6. In the terminology of Collier et al. (2006, 216–22), the remaining of Gallie’s seven criteria are openness, reciprocal recognition, exemplars, and progressive competition.

7. It has to be noted, however, that the debate about the secession from, or breakup of, states is still very much concerned with the traditional dimension of external self-determination (cf. Buchanan 2003, 331–424; Crawford 2006; Moore 1998).

8. This, of course, does not mean that it is—logically or politically—impossible to conceptualize self-determination in ways that deliberately break with these limitations. But such a move would mean that the speaker at hand either (mis)uses the concept of self-determination in ways that are inappropriate in terms of the conventional usage of the concept (and, thereby, renders the argument basically incomprehensible for audiences shaped by the conventional understanding) or deliberately tries to fundamentally change the terms of the political discourse, to use Connolly’s phrase, with a view to establishing a new overarching concept of self-determination (on this general issue, see Connolly 1993, 32–35).

9. A similar kind of differentiation can be observed in the debate about self-determination in international law (cf. Cassese 1995, 347; Crawford 2006, 334).

10. While this contested cluster of concepts is dealt with in the General Assembly’s Third Committee each year (and, throughout the 2000s, in fairly similar terms), I focus on the 59th and 60th General Assembly (2004–5), which included the preparation for and actual holding of the World Summit in September 2005. On the UNGA debates on self-determination and human rights in previous decades, see Burke (2010).

11. Here and subsequently, UN documents are cited by their official symbol. They can be accessed via the United Nations’ Official Document System, <https://documents.un.org/prod/ods.nsf/home.xsp>.

12. See the unofficial draft outcome document presented by UNGA president Jean Ping on 3 June 2005 (available at <http://bit.ly/29kL7a>) as well as the revised outcome document from 22 July 2005 (A/59HLPM/CRP.1/REV.1). I cannot trace the amendments mentioned to specific member states’ interventions, but, in terms of their substance, they respond to concerns usually voiced by members of the Non-Aligned Movement (see, for instance, the documents cited in note 13).

13. For instance, statements and proposals by the Pakistani ambassador (21 June 2005, available at <http://bit.ly/29u2Hqz>) as well as by the Non-Aligned Movement (1 September 2005, available at <http://bit.ly/29u2G5V>) explicitly pushed for including references to self-determination (relating this concept with principles such as sovereignty and noninterference).

14. See the more than four hundred revisions of the draft outcome document presented by the United States in August 2005, available at <http://bit.ly/29lBiJh>.

15. See the brief debate on the (draft) resolution in the UNGA's Third Committee on 24 November 2004 (A/C.3/59/SR.53, 10–2).

16. One paragraph, for instance, calls upon “all States to refrain from financing political parties or other organizations in any other State in a way that is contrary to the principles of the Charter and that undermines the legitimacy of its electoral processes” (A/RES/60/164, 2). Africa, Asia, and Latin America almost unanimously supported the resolution (110 states in total), while the US (together with Australia, Israel, Marshall Islands, Micronesia, and Palau) voted against the text and most European as well as a few African, Asian, and Latin American states abstained (61 in total).

17. This is, of course, not to say that no one tried to constrain the possibility of interference in the name of R2P. In its statement from 21 June 2005 (see above), Pakistan, for instance, argued: “Any endeavor to promote protection of civilians should not become a basis to contravene the principles of non-interference and nonintervention or question the national sovereignty and territorial integrity of States.”

18. As Martha Finnemore (2008, 208) has argued with a view to humanitarian intervention, “even those who support broad and active policies of humanitarian action strongly support self-determination.”

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