

Natalija Shikova
SELF-DETERMINATION AND SECESSION:
In Between the Law, Theory and Practice

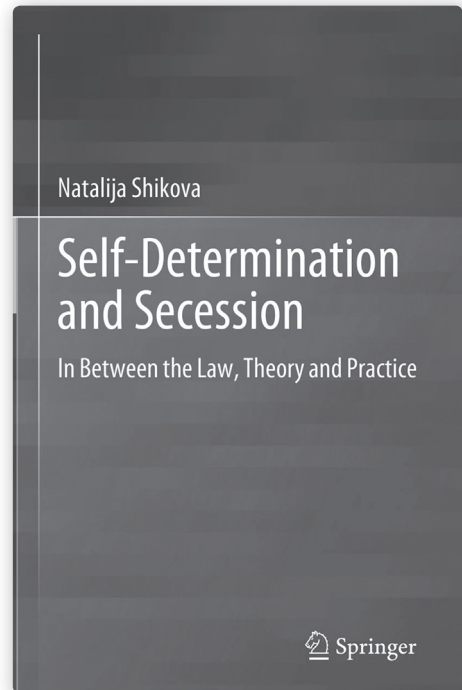
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It seems that the 21st century political reality brings to a point some of the issues that one might have thought they have been discussed, viewed upon and even forgotten long ago. But it is the fact that unpredictability is one of the most common rules of the international relations, no matter in which historical period we live.

Consequently, such situations offer to current authors plenty of possibilities to dwell on and research those seemingly everlasting issues from new point of view and within the new historical context. Hence, Dr. Natalija Shikova, associate professor of international law at the International Balkan University, Skopje, North Macedonia, took this opportunity and challenge with an aim to produce a highly up-to-date, thorough and systematic volume on the issue that was an outstanding one during the midst of the previous century, primarily related to the period of decolonization.

This monograph, titled **Self-Determination and Secession: *In Between the Law, Theory and***



Practice is the respected author's so far academic peak. The book is structured in four extensive parts. They cover self-determination and secession respectively as well as focus on internal self-determination, followed with the concluding part. And not to get lost in the immense number of discussions on this topic, the proclaimed author defines her

research frame with three key words from the book's subtitle: law, theory and practice. Law, as a matter of fact, international law is her fundamental *modus operandi*. Stemming from it, she also touches occasionally upon related issues, like diplomacy, human rights and similar. Within this legal embrace, the prominent author henceforth does her theorizing and its clear empirical backing. She is sovereign with both aspects: her indepth, thorough and systematic theoretical knowledge is supported with numerous case studies and examples of the discussed topic.

The book's first part is titled *Self-Determination and the Peoples*, structured in four subchapters on almost 90 pages. They discuss phases and developments of the right to self-determination of the peoples; next the right holders of self-determination, then focus on practicing the (external) right to self-determination, moving finally to the issue of statehood and recognition of states.

The second part is titled briefly *Secession*, while being structured in five subchapters on almost one hundred pages. They discuss the phenomenon of secession; then its dynamics, followed by focusing on the right to secession and then discussing the emergence of a secession entity, closing with the view on the legitimacy of secession claims.

The third part is titled *Internal Self-Determination* and organized within four subchapters on a little

more than 70 pages. They discuss first the internal aspect of the right to self-determination, then the social basis for the realization of internal self-determination, focusing next on tools and forms for the realization of internal self-determination according to the system of power sharing, and closing with tools and forms for the realization of internal self-determination, referring to access and integration.

The fourth part, the *Conclusion*, wraps up in one chapter (*Self-Determination Revisited*) in a form of an *Afterword* the main messages of the monograph, while adding, i.e. listing criteria and circumstances, primarily for the secession case.

The well-developed book's structure entails a very useful combination of theorizing, supported by empirical examples of both self-determination as well as secession. This shows the author's broad understanding and familiarity with practically each such case in the contemporary international community, discussed from historical point of view, placing it within the 21st century reality and firm theoretical frame.

Starting with the historical overview of the self-determination, the respected author dwells on the evolution from the principle to the right of self-determination, discussing it both within the UN system and with the focus on the legal basis for this right to materialize. Here, i.a., the cases of *Katanga vs. Zaire* as well as

Israel and Palestine (the Opinion of the ICJ about the Wall of the Occupied Palestinian Territory) are thoroughly discoursed (Part One, Chapter One). The cases of the Western Sahara and Gibraltar illustrate how difficult it is to define holders of the right to self-determination (Chapter Two). Next, the cases of the Aaland Islands and Puerto Rico support discussion on the internal self-determination (Chapter Three).

The discussion of the secession covers its theories, causes of secession and secession movements as well as the dynamics of secession, pointing out cases like Kosovo and Montenegro (Part Two, Chapters Five and Six). Following is the contemplation on the so called right to secession, referring to the cases of Eritrea (an example of the exercised right to secession) and the Canada - Quebec case (reviewing secession demands within the constitutional framework) (Chapter Seven). The emergence of a secessionist entity is illustrated by the cases of Katanga and Biafra (Chapter Eight) and the legitimacy of secession claims by cases of Bangladesh and South Sudan (Chapter Nine).

The discussion on internal self-determination points out cases of Iraqi Kurdistan and Sámi parliament (Part Three, Chapter Ten), to focusing later on social basis (national identity, clash of identities and multiculturalism) and thereafter on tools and forms of realization of internal self-determination (like autonomy,

decentralization and subsidiarity as well as political participation and educational rights).

This part ends with an indepth presentation and discussion on the Ohrid Framework Agreement that was signed in August 2001, thus ending the internal conflict between the majority population and ethnonational minorities in the then Republic of Macedonia. The solution, which followed the example of the Good Friday Agreement, was reached with the support of the EU and other international actors. The Agreement relies on the concept of multiculturalism and tends to build a multicultural society as a model, having in mind that along with the Macedonians also Albanians, Turks, Vlachs, Serb, Roma, Bosniak and several other people live in Nort Macedonia. As an unwritten rule says, multicultural and multiethnic societies are very rich in substance, but at the same time also very sensitive and vulnerable. Such richness must be preserved in any case.

In addition to a broad and indepth discussion, Prof. Shikova also offers her view on definitions of both phenomena she is researching. Contrary to what might be seen at the first glance, self-determination and secession are not easy topics to define. There are too many theoretical views and practical examples, along with political interests and state views, what all influences broader agreement on definitions.

Hence, self-determination would be a need to govern according to the will of the governed. As such it is a part of the UN system, recognized and guaranteed to all peoples, but it is at the same time complex structure, being materialized in several ways. It is a collective human right, related not only to colonial or post-colonial foreign occupation or simply to domination over people and / or peoples, but also tribes, nations. A list of open aspects and dilemmas is a long one and all influence possibly more concrete definition. It is set out in the most important human rights documents; however, the principle of territorial integrity is still superior to the right to self-determination.

Defining secession is basically clear, but at the same time there isn't a generally accepted definition: a separation of a territorial part of an existing state to create a new independent state. It is more than clear that states strongly oppose it in defense of their unity and integrity.

To round out the review, one has to point out some of the outstanding qualifications of this volume. The book is written in a very detailed as well as in an in-depth manner. It is de facto theorizing rules and principles of both self-determination and secession. Additionally, it offers a thorough presentation of numerous

cases from the discussed field. The style and the language of the monograph stand out for their academic and eloquent approach, which is primarily scientifically strict, but inviting. It is by no means an easy endeavour to reach such a fruitful combination of academic discourse. These facts are persuasively supported by the respected author's systematic and focused approach: she lists over 300 references, used in preparation of the book, presents over 800 footnotes, altogether on 277 pages in small print though. Additionally, the author lists cases and attempts of secession before and after the formation of the United Nations (pages 129-130).

As a wrap up this reviewer could clearly state how this volume is highly useful, recommendable and enriching. It additionally presents the respected author's academic evolution, research development and scientific progress, what is to be congratulated in any case. Last but not least, this edition presents, for its composition, style and approach, also a kind of an academic promise that its author, the distinguished and internationally reknown professor and researcher, will continue to produce similar research contribution to the broader field of her interest and for the benefit of a broader scientific community.