

After Kosovo: Secession in the Middle East

Ruling could inspire misplaced secessionist movements in Yemen and Occupied territories

By Chibli Mallat

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First impressions matter in law. The world has received the advisory opinion of the International Court of Justice (ICJ) issued on July 22 as a victory for secessionist movements. It does not matter that it is an “advisory opinion” rather than a “case;” that the judgment is extremely verbose, (the official summary of which we present excerpts on this page is over thirty pages long) leading to multiple interpretations;

that the main decision was carried out by a weak majority; that all kinds of qualifications on the opinion as precedent were expressed by the majority judges. The first impression is clear: victory for secession, which reinforces a worrying secessionist trend the world over. By allowing that first impression, the World Court has abdicated its role in defining the exact conditions under which a group in a given territory can secede. Neither the majority judges nor the dissenters took the challenge as they should have, which is to explain that secessions can take place if the center persists in its authoritarianism, but that once democracy gets established in the center, and develops in the territory where secession is sought, the conditions for secession fail. This absence-of-democracy-conditioned principle should have been the ruling, not the majority’s elusive “yes, Kosovars may secede, but perhaps they will not.”

The secessionist trend will have grave consequences in the Balkans, especially in Macedonia, which straddles Bulgaria, Albania and Greece, in addition to the independent Republic by that name which seceded from the former Yugoslavia. But the Balkan states are all vying to join the EU, and their secessionist walls will give way to freedom of movement within, and muted sovereignties in favor of, a much larger entity. This is not the case in the Middle East. In an already troubled region, secession is getting closer in the case of the Sudan, because of the brutality of its dictator, while another secession is looming – this time in Yemen.

With the United Arab Emirates in the 1970s, Yemen is the only Middle Eastern country that has succeeded in transcending divided peoples and creating a unified, and therefore much stronger state, without violence. The peaceful unity of the two Yemens was achieved in 1990. Mismanagement led to civil war in 1994. Unity survives only by sheer violence, and the increasing patterns of authoritarianism in Sanaa are coming home to roost. In the past month the rebellious, secessionist

trends have scored major progress, in the Houthi advances in the northeast, and in the persistent troubles in Aden. More repression will follow. Unless democracy comes to Sanaa, where President Ali Abdallah Saleh has just celebrated 32 years in power, (as if this were something to celebrate) Yemen will split sooner rather than later.

In the Middle East, we also need to come to terms with yet another secessionist trend, in Israel-Palestine. I no longer support a separate (secessionist) Palestinian state, and now actively work towards a federal solution instead. Palestinians in the West Bank and Gaza have all the rights to their secessionist, independent state, precisely because of the authoritarian patterns imposed by the Israelis over 40 years of brutal occupation. This does not mean that a separate Palestinian state is better.

I prefer the one-state solution as both more humanist and more practical: humanist because it dwells on the commonality of Palestinians and Israelis (or Jews and non-Jews) rather than on their differences, practical because of the profound imbrication of the populations. Israel-Palestine is now bi-national, or bi-people, this is a fact. A federal state is better than the division of the land. This is also true for Kosovo and the other countries in the Balkans, as it is for Sudan and Yemen. The ICJ Kosovo ruling is good for secessionists, bad for democrats, and devastating for order in the planet.

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