

On the Principles of Self-determination, Remedial Secession, and Responsibility to Protect: The Case of Nagorno Karabakh

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Abstract : Over the past decades, the political (and partly legal) doctrine of remedial secession has emerged on the basis of the development of internationally recognized human rights and rights of peoples stemming from various multilateral treaties, which stipulates that aggrieved and persecuted nations have the right to secede from the parent state as a remedy for their continuous and unstoppable grievances. The 44-day war in Nagorno-Karabakh and the following events posed severe challenges for Nagorno-Karabakh and its people. Constant aggression and threat, the humanitarian crisis caused by the closure of the Lachin Corridor, the persistent threat of ethnic cleansing of Artsakhi Armenians, and the state policy that has been executed towards Artsakhi people by the Azerbaijani authorities come to prove that the Artsakhi people cannot survive under Azerbaijani control and secession may be the last resort for ending oppression. The paper tries to make parallels with similar cases and discuss the doctrine of remedial secession applied selectively among different cases. This paper aims to figure out why in some cases the secessionist movements succeeded to gain independence based on the doctrine of remedial secession, in other cases, they refused to gain recognition from the international community. Through analyzing the domestic-level and then international-level factors, the study concluded that the doctrine of remedial secession is inherently in the political realm and almost impossible to draw substantial "recipes" for warranting secession, and the latter is not applied similarly among the cases, so its success mainly depends on the geopolitical interests of the great powers involved.

Keywords : R2P, remedial secession, self-determination, conflicts

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