

*Declarations of Independence: their objectives and their
sub-genres*

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What are declarations of independence (DoIs) meant to achieve? DoIs of unilaterally seceding states, since their “birth” in 1776 with the US DoI, have had at least two interrelated objectives: the delegitimization of the existing host state’s rule over the seceding territory (Nardin 2015: 100) and the legitimization of the new, emergent state which is seceding from the existing one. Listing grievances – injustices and harms suffered by the population of the emergent states – has been the standard way of delegitimizing the existing state and of legitimizing the new state: as in the 1776 US declaration, the new state is presented as the only remedy to the listed grievances.

However, in the process of the dissolution of the USSR and SFR Yugoslavia from 1990 onwards, a number of federal and sub-federal units abandoned the objective of delegitimizing the old (host) state in their declarations or acts of independence. While it is difficult to establish the reasons which led to this, at the time of these declarations the existing (federal) state was no longer perceived as a functioning state which was capable of asserting its legitimacy to rule over the seceding territory. This is apparent from the Foundational Constitutional Charter of the Republic of Slovenia, issued at the same time as its DoI, which in its preamble notes that the SFRY no longer functions as a law-governed state capable of resolving the (current) political and economic crisis (Slovenia, Charter 1991: Preamble).

Moreover, these two federations had been ruled by their respective Communist parties. These parties and their leaders were held accountable for the harms and injustices committed to the populations of the seceding states. However, by the time the DoIs were issued, these parties had been removed from power and were effectively dissolved. In a sense, therefore, the grievances against these Communist-ruled states belonged to the (recent) past and were

no longer relevant when the seceding states declared their independence. One could thus argue that the host states that would have been the target of delegitimization through a list of grievances had already lost their (operational) legitimacy when the relevant DoIs were issued.

In consequence, the declarations of independence of several federal units (and later of sub-federal units, such as Abkhazia and Kosovo) of these two federal states, focused, in some cases exclusively, on the legitimization of the new states. This was achieved by announcing or establishing state institutions that were taking over the state functions of the old state and/or by announcing the new state's commitments to several internationally sanctioned principles, policies, and international organizations. These declarations of independence were apparently expected to legitimize the new state in the eyes of other – non-Communist – states which, in turn, were expected to recognize it. This kind of legitimization of the new state in a DoI often culminated in a request or appeal to other states and international organizations to recognize the independence of the new state.

In this letter, we propose a categorization of DoIs based on contextual analysis of declarations the authors conducted in previous research (Kartsonaki 2020, Pavković 2020). In view of the strategies of delegitimization and legitimization, we distinguish the following three sub-genres of declarations of independence: grievance declarations, institutionalizing declarations, and commitment declarations.

Grievance declarations are those in which the list of grievances dominates the declaration, suggesting or stating that the declaration is issued as a (or the) remedy to the grievances listed. Prime examples of such declarations are the 1776 US declaration, the 1967 Declaration of Independence of Biafra (Biafra, Declaration, 1969) as well as the 2014 Acts on the State Independence of the Luhansk and Donetsk People's Republics (Donetsk, Act, 2014; Luhansk, Act 2014). These declarations name violations the host state committed against the seceding unit, including, human rights abuses, acts of genocide, discrimination, and breach of agreements, justifying their call for international recognition on remedial grounds.

Institutionalizing declarations are those whose primary function is to establish, or announce the establishment of, state institutions and their powers, and/or appoint officeholders. While some grievance declarations (such as the 1971 Bangladesh Declaration) also appoint new state officeholders and thus establish new institutions, a "pure" example of an institutionalizing declaration is the 1990 Armenian Declaration of Independence (Armenia, Declaration 1990): it names the state, establishes the rule of its constitution, its laws and its Supreme Soviet, defines the basic criteria for its citizenship, establishes its armed forces, the economic and financial institutions of the new state, and its control over all national wealth and foreign policy. This type of DoI emphasizes the institutional capacity of the emergent state without mentioning any grievances against the former host state. It seeks recognition of its indepen-

dent statehood solely on the basis of its institutional capabilities to create a functional state, whose capabilities are assumed to be equal to other recognized independent states.

The *commitment declarations* declare the commitments of the new state without necessarily naming or establishing state institutions; for example, commitments to the creation of an appropriate political system (commonly a variant of liberal democracy), to the membership of international organizations, and to cooperation and extensive relations with other states. A “pure” example of such a declaration is the 1991 Declaration on the Independence of Slovenia, which commits to broadly defined liberal democratic practices and policies, peaceful cooperation with other states, and internationally established norms of the rule of law and human rights while expressing willingness to join international organizations and adhere to their foundational documents. Commitment declarations call for international recognition based on their commitment to socialization within the international community, which is constituted by states committed to a liberal democratic (multi-party) system.

The above is not the only way to map the sub-genres of the declarations of independence nor is this division exhaustive of all sub-genres. Another sub-genre may be found among the declarations of the restoration of independence, which restore the independence that was initially proclaimed in a relatively recent past, such as Lithuania’s Act on the Re-establishment of the State of Lithuania (Lithuania, Act 1990). It is debatable, however, whether these are declarations of independence at all since they do not declare, but restore independence lost in the recent past. Further, a few declarations, such as the 1976 Proclamation of the Saharawi Arab Democratic Republic (Western Sahara, Proclamation 1976), commit the emergent state to the (armed) liberation of its people as well as support for other liberation movements around the world.

We believe that our categorization of DoIs offers a nuanced understanding of how aspiring (unilaterally seceding) states seek to gain international recognition. It moves beyond the assumption that the secessionists seek to delegitimize the host state in order to convince existing states to recognize their independence. In the post-Cold War era, institutionalizing and commitment declarations shift the focus from the host state to the capacities and commitments of the emergent state. Such declarations focus on the institutional capacity of the new state and how its creation would positively contribute to the achievement of inter-state cooperation and regional stability. In the case of the commitment declarations, we observe that they also serve another purpose. These DoIs construct an image of the new state and project a certain identity based on their commitment to the legal and political norms which were at that time assumed to be universally endorsed. The aspiring state is projected as a socializable unit, which in virtue of its shared values and norms, belongs to a community of independent states. Moreover, unlike the 1776 US declaration, these DoIs systematically avoid any mention of

a sudden or violent rupture with the (former) host state. This is understandable given their - often tacit - assumption that the (former) host state is no longer considered to be functional.

Our proposed categorization also offers an analytical framework for the interpretation of declarations of independence. In his seminal work, Armitage (2007) offered a template for analysis based on the 1776 US Declaration, mainly focusing on grievances and the newly proclaimed rights of the individual. While he had already identified DoIs as a genre of writing of “generic promiscuity” (Armitage 2007: 15), his primary interest was in the grievance DoIs; other possible sub-genres were not acknowledged. There is, however, a need for an alternative framework for analysis able to capture whether and how declarations of independence changed after the end of the Second World War and the efforts to create an international society, and more so, after the end of the Cold War, and the dominance of liberal democratic discourse in international affairs.

Thus, our contribution with this letter is a twofold one. First, we lay the foundations for a more refined understanding of the politics of secession. The proposed genres of DoIs, *grievance*, *institutionalizing*, and *commitment declarations*, offer insights on how secessionists promote their claims for international recognition and independent statehood. By considering DoIs as tools secessionists employ to achieve international recognition, this genre categorization offers a template for analysis of the strategies of secession. The second aspect of our contribution is a methodological one. Our categorization offers an analytical framework for the contextual analysis of declarations of independence to be used by other scholars conducting research in the field of secession.

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