**The Creation of New States through Interim Agreements:**

**Ambiguous compromises, intra-communal divisions, and contested identities**

**Nina Caspersen**

Department of Politics, University of York, UK

Email: nina.caspersen@york.ac.uk

**Abstract:**

For some separatist movements, interim agreements offer a possible route to recognized statehood. However, such agreements require these movements to compromise on their demand for immediate independence and risk the preservation of the joint state. How is this reconciled with their claim to self-determination and how is it received by the community they claim to represent? This article examines the four post-Cold War cases where an interim agreement has been accepted (New Caledonia, Bougainville, Montenegro and South Sudan). It finds that interim agreements are more easily accepted when the community is significantly divided on the issue of independence and when an inclusive and flexible construction of the community predominates. Somewhat paradoxically, this suggests that new states are more likely to emerge in cases without a determined, cohesive, ethnically-defined demand for independence.

**Keywords:**

Independence, nationalism, interim agreements, referendum, international recognition

**Introduction**

A new strategy has recently been added to the repertoire of would-be-states: interim agreements. Rather than a unilateral declaration of independence, such an agreement defers the holding of an independence referendum, and autonomy for the contested territory is implemented in the interim period. This temporary deferral of the final status decision differs from other interim legal arrangements, such as international territorial administrations, in that it specifies the procedure for the creation of a new state, without guaranteeing that this will be the outcome. Interim settlements have become a significant source of new states in an international system that remains heavily biased against secession. South Sudan and Montenegro both gained independence after such an interim period, Bougainville may follow suit when it holds a similar vote in 2019 and New Caledonia is due to hold a second independence referendum in 2020. However, these agreements remain under-analysed and there has to date been no analysis of the conditions under which they have been agreed. This article examines the acceptance of such deferred independence referenda by separatist movements. What made them accept an agreement that requires them to compromise on their demand for immediate independence and risk that it will never be realized? How was this acceptance reconciled with their claim to self-determination and how did it interact with intra-communal dynamics?

Weller (2008a) argues that interim agreements make it possible to escape the ‘self-determination trap’: they provide a way out of prolonged conflict stalemates that have resulted from an insistence that territorial integrity must always be maintained. Interim agreements should therefore be attractive to self-determination movements whose right to independence is not widely recognized. In addition, they could appeal to movements whose claim falls within the decolonisation framework, and whose right to (external) self-determination is therefore recognized, but who need more time to ensure majority support for independence. However, the self-determination trap is not so easy to escape. Interim agreements rely on a core ambiguity and are fundamentally risky for a movement set on full independence. They blur the state’s sovereignty (Bell, 2008: 11) and are deliberately ambiguous about the final status of the contested territory. A separatist movement may find it hard to sell such an agreement to its followers, especially if their claim to independence is based on a clear divide between ‘us’ and ‘them’ and an insistence that co-existence is impossible. It is therefore unsurprising that such arrangements have been rejected in a number of cases, such as in Western Sahara and Nagorno Karabakh (Caspersen, 2017).

Interim agreements are only proposed in conflicts where the separatist forces are in such a strong position that it is near-impossible to find a mutually acceptable solution that maintains the existing state. Such a position of strength can have two sources. Either the separatist movement enjoys significant military strength and controls a sizeable proportion of territory, or the contested territory has a widely recognized right to self-determination. The leaders of these independence movements therefore have something to lose, and their willingness to accept an interim agreement will be affected both by the likely response of their own community and their relations with the central government. The risk of an intra-communal backlash is expected to be affected by the ways in which the claim to self-determination is constructed - the definition and delineation of the community - and the degree to which the demand for external self-determination is unequivocal. The willingness of an independence movement to accept an interim agreement also depends on their relationship with the central government: will they honour the promise of a referendum, will the vote be free and fair, and will the result be implemented? Moreover, are they able to present an attractive vision of unity? Both the regime type and the definition of state identity are therefore expected to matter.

This article analyses the acceptance of interim agreements by the ‘rebel side’ in South Sudan, Bougainville (Papua New Guinea), Montenegro (Federal Republic of Yugoslavia) and New Caledonia (France). The analysis draws on in-depth analyses of the four agreements; an extensive review of secondary sources; and statements made by the leaders of some of the independence movements. The four cases represent the entire universe of post-Cold War interim agreements; it is not a sample. However, the four cases differ on variables that could be expected to affect the creation of new states. Two of the independence movements are usually viewed as civic nationalists (South Sudan and Montenegro), while two are typically described as ethnic nationalist (Bougainville and New Caledonia). The cases also differ when it comes to the political system of the parent state and the severity of the separatist conflict. Finally, there is significant difference between the cases when it comes to their position in international law: one is on the UN’s list of non-self-governing territories (New Caledonia), one was widely seen as having a right to self-determination following the Yugoslav dissolution (Montenegro), while the two others did not enjoy such rights.

The article will demonstrate that despite these differences, ambiguities and uncertainties abounded in all four cases and the independence movements faced similar challenges. Internal divisions, the type of claims made, and interactions with the central government significantly influenced the position taken by the separatist movements and the arguments they used to justify the signing of the interim agreement. Moreover, these differences also affected the extent and nature of intra-communal challenges to the agreement and post-settlement developments. The findings suggest that interim agreements are more easily accepted in cases with significant intra-communal divisions on the issue of independence. Moreover, a rigid, exclusive definition of the community constitutes a constraining factor. Interim agreements are compromises and these factors affect the ability of separatist movements to pragmatically depart from their maximalist position. However, given that this is one of the few strategies available to would be-states, it implies that self-determination movements *without* a determined, cohesive, ethnically-defined demand for independence are more likely to succeed. The political system in the parent state and *its* ability to present an inclusive vision of the joint states also appear to be facilitating conditions, but they can be replaced by other forms of guarantees and the specific effect depends on the nature of the separatist movement.

These findings add to the literature on the creation of new states, which otherwise tends to focus on either the international community (e.g. Fabry, 2010) or the position of the de jure parent state (e.g. Ker-Lindsay, 2012). Moreover, they feed into debates over different types of nationalist claims, which have rarely been linked to the creation of new states. The analysis adds further evidence to the absence of a clear divide between ethnic and civic nationalism and point to the relative malleability of claims, even in the short-term. However, it also shows how this can be constrained, especially by internal contestation.

**Interim Agreements and the Creation of New States**

Outside of the colonial context, the bias against unilateral session remains strong. The right to self-determination is ‘established as an exception to the doctrine of territorial integrity’ (Weller, 2008b: 25), but this exception is framed so narrowly that it only applies to very few contested territories.

In the absence of a widely recognized right to self-determination, even militarily strong separatist movements will struggle to achieve international recognition. International recognition does not depend on empirical sovereignty. Therefore, regardless of whether these movements have achieved de facto independence and created state-like institutions, they are highly unlikely to achieve their objective of recognized statehood (see e.g. Caspersen, 2012).

The international community may also try to dissuade a process of agreed dissolution. For example, the US envoy to the Sudanese peace talks strongly discouraged independence for South Sudan ‘…if self-determination means a separate country it’s a bad idea’ (Johnson, 2013: 147). However, once such settlements are agreed, there has been little international hesitancy in recognizing the new states created as a result. These new states emerge from a process of agreed dissolution of the state and do not therefore violate the principle of territorial integrity (see e.g. Fabry, 2010). Thus, South Sudan was admitted to the UN only five days after its declaration of independence, following a unanimous vote in the General Assembly. For independence movements whose right to self-determination is otherwise not recognized, an interim agreement could therefore provide a possible route to full, recognized statehood.

For colonial and non-self-governing territories, the situation is different. These territories already have a right to (external) self-determination. However, ‘an act of will of the people’ is still needed (Weller, 2008b: 23) and independence has to be supported by a majority of the population. The right to self-determination does not preclude integration with another state if this is the popular wish, as expressed through an informed and democratic process (UN, 1960). An independence movement that fears losing a popular vote may benefit from an interim settlement since it could use the transitional period, before the referendum, to demonstrate its governance capacity and build support for independence. Interim agreements are therefore a potentially attractive solution to independence movement. However, the existing literature on these agreements has underestimated the constructive ambiguity inherent in many of these agreements. This makes them highly risky and creates significant obstacles to their acceptance.

**Ambiguous Agreements**

Interim agreements entail the deferral of an independence referendum and autonomy for the separatist region is granted in the transitional period. These agreements differ from other interim legal arrangements, such as transitional power-sharing governments or international territorial administrations, when it comes to governance in the interim period and the possible final status outcomes. International territorial administrations (ITAs) can, just like interim agreements, be based on a perceived sovereignty problem, such as in the case of the United Nations Transitional Administration for Eastern Slavonia (Wilde, 2001). However, ITAs are in this case intended to remove obstacles to the reintegration of a contested territory. They do not allow for the creation of a new state. Other ITAs respond to a perceived governance problem, but unlike the agreements analysed in this article, they do not set out the solution to the conflict over status. The UN Mission in Kosovo provides an example of this (Ibid.)

Weller argues that an interim agreement entails the recognition of the contested territory as a self-determination unit that has the right to independence, but the separatist forces agree to freeze the implementation of that right for a specified period. Continued territorial unity is therefore ‘given a chance’ (2005: 159-160). However, sovereignty is not only blurred by deferring the independence referendum (see Bell, 2008). We also find often find significant ambiguity when it comes to the process that will determine the final status of the contested territory. For example, is the referendum legally binding or only advisory, and who has the right to vote and on what?

Such ambiguity helps sell the agreement to the conflict parties, including to the central government which may not be persuaded that secession is an acceptable outcome (see e.g. Collin, 2019). The degree of ambiguity varies from case to case, but even low levels add uncertainty and make independence far from a foregone conclusion (Caspersen 2017). The existence of such ambiguity in agreements involving colonial or non-self-governing territories may be surprising. After all, Weller (2008b: 30) argues that for these territories, ‘the system has been arranged in a way to ensure that the national liberation struggle will ultimately be a success’. However, these territories are only guaranteed a right to exercise self-determination through an independence referendum. The outcome is not guaranteed, and issues of ambiguity remain, often related to voter eligibility, which can be particularly controversial in cases with significant settler populations.

**Why Separatist Movements, Sometimes, Accept Interim Settlements**

The existence of a mutually hurting stalemate (Zartman, 2004) or the expected lack of majority support for independence may incentivise separatist movements to accept an interim agreement. However, such pragmatism will not be unconstrained. Two factors are examined in this article: 1) intra-communal dynamics, in particular the type of claims made and the existence of internal divisions; 2) inter-communal relations: how is the central government expected to respond?

The acceptance of an interim agreement involves a compromise on the demand for immediate independence and implies a willingness to give unity a chance. There is reason to expect this to be more difficult to reconcile with an ethnic nationalist than a civic nationalist claim. The ethnic nation is defined on the basis of shared language, culture, traditions and history (Fozdar & Low, 2015). It is conceived as an ethno-cultural not a political fact (Brubaker 1992), and ethnic nationalism typically includes a myth of common descent (see Smith, 1983: 180). You are born into the ethnic nation and its borders are therefore rigid. Civic nationalism, in contrast, is ‘rooted in individual assent rather than ascriptive identity’ (Keating, 1996: 5-6). There is no myth of common ancestry and anyone can join, irrespective of their ethnic origins (Ibid.). Based on this more inclusive form of nationalism, it should therefore be possible for the borders of the community, whose right to self-determination is proclaimed, to both expand and contract, depending on political circumstances. What are the likely implications for the acceptance of an interim settlement? Uriel Abulof argues in this special issue that ethnic nationalist movements are more likely to demand immediate independence, rather than self-determination within the existing state. We would also expect them to be more reluctant to give up on this demand. An ethnic claim to self-determination involves a clearer distinction between ‘us’ and ‘them’ which likely makes it harder for the leaders to sell the prospect of continued co-existence to their followers. Moreover, a more exclusive definition of the nation will make it harder for pro-independence movement to broaden their appeal during the transitional period and improve the chance of majority support for independence.

However, the distinction between ethnic and civic nationalism is much disputed, especially due to the ambiguity of the two concepts and their normative associations (see e.g. Brubaker 1999; Fozdar and Low, 2015). Most authors now agree that specific nationalist movements combine ethnic and civic elements; it is the relative importance that varies (Brubaker, 1999). However, there is a lack of analysis of the ‘mix’ of elements that is most likely to lead to the creation of new states. Another question is how fluid and malleable these claims are. To what extent can they be adapted, for example to win an independence referendum? While an ethnic nationalist claim to self-determination may be more difficult to reconcile with an interim agreement than a civic claim, there is not a clear dividing line between the two and a degree of flexibility is expected.

An additional complicating factor is the lack of intra-communal homogeneity. Self-determination movements typically include several factions (see e.g. Cunningham, Bakke and Seymour, 2012), and such internal divisions can lead to a risk of hardline spoilers trying to undermine an interim agreement (see Stedman, 1997). This may be more likely when the claim to self-determination is a highly rigid one, with a clear divide between us and them. However, intra-communal diversity can also include different views on who belongs to the nation and on the meaning of self-determination. If a significant proportion of the community would be willing to contemplate continued co-existence, then diversity could in fact make it easier for the leaders to accept an interim agreement. Such a scenario may be more likely in case of a civic nationalist claim to self-determination but is not excluded by an ethnic claim. The type of claim made, the acceptance of an interim agreement, and intra-communal dynamics are therefore all expected to interact.

The leaders of independence movements are not only constrained by internal dynamics: the position of the central government, or the parent state, also matters. For an independence movement to accept an interim agreement they have to be fairly confident that independence remains the likely outcome at the end of the transitional period. This depends not only on whether a majority can be convinced of the merits of independence, it also depends on the likely response of the central government. Can they be trusted to honour their commitments: will they allow the referendum to go ahead, will it be free and fair, and will the result be implemented? We would expect this to be more likely in a democratic system. Moreover, the way in which the state defines its identity is also expected to matter: does it include or exclude minority groups? This affects the extent to which unity can be an attractive, or at least acceptable, prospect.

**Case Studies**

The empirical analysis consists of the four interim agreements that have been accepted, and implemented, since the end of the Cold War. The Comprehensive Peace Agreement for Sudan (2005) promised South Sudan an independence referendum within six years of the signing of the agreement; the peace agreement for Bougainville (2001) included provisions for an independence referendum to be held between ten and fifteen years after the establishment of the autonomous government (i.e. between 2015 and 2020); the Noumea Accord (1998) promised New Caledonia no fewer than three self-determination referendums, with the first to be held between fifteen and twenty years after the signing of the agreement; while the Belgrade Agreement for Serbia & Montenegro (2002) held that either republic could request an independence referendum following an interim period of three years.

A few other agreements share some similarities, but without the promise of an independence referendum within a specific period. For example, the Oslo Declaration for Israel/Palestine included an interim period and deferred the issue of status but did not promise an independence referendum. The four cases analyzed therefore constitute the whole universe of post-Cold War interim agreements; it is not a sample. However, they differ on variables that could be expected to affect the creation of new states and can therefore be seen as ‘most different’ cases. Firstly, the four cases differ when it comes to the type of claims made by the independence movements. The Sudanese People’s Liberation Army and the pro-independence Montenegrin parties are generally held to be espousing a civic form of nationalism, and both initially demanded the reform of the joint state, rather than outright independence (see e.g. Johnson, 2013; Simić, 2002). The self-determination claims found in Bougainville and New Caledonia are more ethnically-defined (see e.g. Chappell, 1999; Wallis, 2012). Secondly, they differ when it comes to their parent states, especially its political system. France, Serbia & Montenegro and Papua New Guinea were classed as free by Freedom House when the agreement was signed, while Sudan was non-free.[[1]](#endnote-1) Figure 1 illustrates these differences with the 2x2 matrix used for this special issue. Additionally, the four cases differ when it comes to their position in international law: New Caledonia is on the UN’s list of Non-Self-Governing territories and Montenegro’s right to self-determination was viewed as part of the dissolution of the former Yugoslavia (see e.g. Fawn, 2008). In contrast, Bougainville and South Sudan were not widely recognized as self-determination units at the time of the peace talks (see e.g. Caspersen 2017). Finally, the conflicts differ in terms of their levels of violence: South Sudan and Bougainville were involved in prolonged and very bloody civil wars, New Caledonia saw a violent uprising in the 1980s, while the Montenegrin conflict remained non-violent, despite fears of escalation.

**Figure 1. Interim Agreements by Types of Independence Movement**

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| **Ethnic Nationalist/ Polyarchy:**New Caledonia (France)Bougainville (PNG) | **Civic Nationalist/Polyarchy:**Montenegro (FRY) |
| **Ethnic Nationalist/ Competitive Autocracies:***No example* | **Civic Nationalist/Competitive Autocracies:**South Sudan (Sudan) |

**Accepting a Deferred Independence Referendum**

Despite the significant differences between the four cases, pragmatism seems in all of them to have played a key role in the acceptance of the interim agreement. In the case of South Sudan and Bougainville, the significant territorial control of the Sudanese People’s Liberation Movement/Army (SPLM/A) and the Bougainville Revolutionary Army (BRA) was unlikely to translate into international recognition (see e.g. Caspersen, 2012). Moreover, the SPLM/A was faced with external pressures and had been weakened by the loss of regional support (Ahmed, 2009; Aalen, 2013). As a constituent unit in the former Yugoslavia, Montenegro’s prospect of recognition in case of a unilateral declaration of independence was much greater (Fawn, 2008), but the Montenegrin government was under strong international pressure to give unity a chance. The EU insisted that Montenegro’s only path towards closer integration with the EU was as a joint state with Serbia (Kim, 2005). Another factor was the possible lack of majority support for independence. According to the 1991 Yugoslav census, Montenegrins constituted 62% of the population, but this could reflect a national identity *or* a regional one, and the latter tended to be associated with support for the joint state. Lack of majority support for independence was *the* decisive factor in the case of New Caledonia, which is recognized as a non-self-governing-territory and whose inhabitants therefore has the right to determine their political status. The indigenous Melanesians, known as Kanak, only constitute around 45% of the population (Connell 2003) and their representatives in the Kanak and Socialist National Liberation Front (FLNKS) could not therefore be confident that an independence referendum would succeed.

There were therefore weighty reasons to accept an interim settlement, and internal divisions provided an additional incentive in all four cases. These agreements were not signed by separatist leaders with a unified, homogenous community behind them.

**Internal Divisions Leading to Acceptance of Agreement**

In all four cases, we find deep intra-communal divisions over the issue of independence, either at the level of the elite or the general population. The interim agreement, with its core ambiguity, provided an opportunity for reconciling competing factions and building majority support for independence.

The Sudanese People’s Liberation Movement/Army (SPLM/A) originally cast its struggle in anti-colonial terms and presented itself as a national, i.e. fully inclusive, organization. However, it split in the early 1990s over the issue of independence for the South. The movement continued to be divided over the goals to pursue: a reformed joint state or independence. The leader of the SPLM/A, John Garang, preferred a reformed ‘New Sudan’, but the separatist faction was growing stronger and the independence referendum was reportedly negotiated by Garang’s deputy (Young, 2013: 93-4). The interim agreement was a compromise between the two factions: it committed both the North and the South to work for unity, but independence was retained as an option, should the reformed joint state not materialize.

In Bougainville, the self-determination conflict was complicated by the outbreak of a brutal civil war between competing Bougainville factions, some of whom supported the Papua New Guinean army. The civil war was often fought over local issues, and usually followed kin-ship lines (Boege, 2009: 31), but there were also disagreements over the demand for independence. On the eve of the peace talks, there were three Bougainville factions: one insisted on secession, a second supported greater autonomy within the existing state, while a third claimed that independence had already been achieved and refused to join the talks (Ghai and Regan, 2006: 597). The two first factions agreed that the independence referendum would be deferred (Ibid.). This made it possible to paper over the continued divisions and allowed time for reconciliation. Many pro-integration supporters were able to back the referendum ‘on the grounds that it would give Bougainvilleans the chance to self-determine Bougainville’s political future’ (Wallis, 2012: 31).

Internal divisions were also a significant factor in the acceptance of the interim agreements in Montenegro and New Caledonia, but divisions at the level of the general population, rather than the elite, were the key driving force. The movement for Montenegrin independence had, just like the SPLM in Sudan, started out as a movement for reform of the joint state (see Djukanović, 1998). The Prime Minister of Montenegro, Milo Djukanović, broke with Serbian President Slobodan Milosević in 1997 over the latter’s isolationist policies and authoritarian rule (Caspersen, 2003). Without declaring independence, Montenegro pursued a reformist agenda and gradually separated itself from Serbia (Caspersen 2003). But following the 2001 elections, Djukanović came to rely on the staunchly separatist Liberal Alliance for his parliamentary majority and they made him promise to hold an independence referendum within a year (DPA, 2001). However, Montenegrin society was split on the issue of independence: 42% said they would vote yes, while 40% would vote no (Caspersen, 2003). Given this uncertainty, Djukanović decided to accept an interim agreement which he presented as a step towards independence. This interpretation was rejected by the Liberal Alliance, which described it as an act of ‘great treason,’ but the ambiguous compromise was popular with the Montenegrin voters. 61% supported the agreement, while only 23% were against (Caspersen, 2003).

In New Caledonia, the population is similarly divided. The indigenous Kanak do not constitute a majority in New Caledonia and a significant proportion of support the continued integration with France. The pro-independence FLNKS had therefore agreed already in 1988 to an interim agreement, the Matignon Accord, which promised an independence referendum after a ten-year transitional period (MacLellan, 1999). There agreement, which some saw as a betrayal, had faced significant opposition. Two of the FLNKS signatories were assassinated by Kanak spoilers and the independence movement split into several factions. However, by the mid-1990s, the Kanak leaders concluded that they were still not in a position to ensure independence and consequently accepted another interim agreement. The FLNKS hoped that an interim period would result in a change in both communal attitudes and the demographic balance. They therefore maintained that the Noumea Accord was going to lead to New Caledonian independence, and upon signing it declared, ‘independence begins today’ (Chappell, 1999: 386).

 Internal divisions were therefore in all four cases a contributing factor in the acceptance of an interim agreement. This presents the prospect that less cohesive movement are more, not less, likely to succeed in achieving recognized statehood. However, internal divisions interacted with the type of claim made and could also constrain such pragmatic acceptance.

**Ethnic and Civic Claims to Independence**

The acceptance of interim agreements necessitated the reformulation of the claim to self-determination and, in some cases, the community that was to exercise this right. While we find such pragmatic flexibility in all four cases, it proved more challenging and met more resistance in the context of an ethnic claim to independence.

The notion of self-determination had long been contested within the Sudanese People’s Liberation Movement/Army. In the early 1990s, two factions of the SPLM issued a joint conciliatory statement that stressed the importance of ‘the principle of self-determination – for the South as well as other regions’ (Johnson, 2013: 146). It also expanded the definition of the ‘marginalized communities’ on whose behalf this claim was made to include non-Arabic Muslim communities in Nuba and the Blue Nile (Ibid. 146-7). Separatist forces in the South objected to this widening of the claim, which they feared would delay and jeopardize self-determination for the South (Ibid. 148-9). The SPLM leader, John Garang (Aalen, 2013: 183), countered that self-determination was a process, not an objective in itself (Johnson, 2013: 149). However, the separatist faction was growing stronger and the interim agreement was a compromise between the different notions of self-determination found within the SPLM: between external and internal self-determination and between an inclusively and more exclusively defined community. This compromise meant that Nuba and the Blue Nile were not included in the territory whose inhabitants were to exercise their right to self-determination in an independence referendum. They were only offered the ambiguous option of ‘popular consultation’ (Johnson, 2013, 148-9). The case of South Sudan demonstrates how a civic claim to self-determination can change in response to external and internal pressures.

The Montenegrin claim to self-determination was also a civic claim. As Simić (1997: 122) argues, the conflict was ‘a schism within Montenegrin society itself’ rather than ‘a cleavage between Serbs and Montenegrins’. The distinction between Montenegrins and Serbs is highly fluid (see e.g. Roberts, 2002) and the increasing separation had always been justified on political grounds.[[2]](#endnote-2) This civic conception proved useful when it came to securing support for independence. To win the vote, the government had to appeal to the republic’s Albanian and Bosniak minorities. Significant efforts were therefore made to create a civic Montenegrin identity which could encompass these minorities. The demand for independence was justified by pointing to Montenegro’s state tradition, its negative experience with three Yugoslav states, its stable democratic institutions, and its harmonious interethnic relations (Simić, 2002: 204-5. See also Djukanović, 2001). There were also attempts to discover new roots of Montenegrin identity (Cerović 2001), but the appeal to national identity was cast in ambiguous terms (Caspersen, 2003). This civic claim to self-determination proved successful in the 2006 referendum when 55.5% voted in favour of independence, thereby narrowly passing the 55% threshold. This case therefore illustrates how civic conception nationalism facilitates the acceptance of an interim agreement and how it can help ensure majority support for independence.

However, such pragmatic flexibility is not confined to the two cases of civic nationalism. Wallis (2013: 313) describes Bougainville’s nationalism as ‘ethno-symbolist’ and Ghai and Regan (2006: 597) argue that the separatist dispute was mobilized around both long-held Bougainvillean grievances concerning the Panguna mine and Bougainvillean identity. Although they argue that the conflict was not ‘fundamentally ethnic’, it was marked by a strong rhetoric of cultural identity (ibid. 601-2). Bougainville is culturally, linguistically and geographically distinct from the rest of the PNG (Woodbury, 2015: 4). There is a strong sense of separate identity, with appearance as the primary identity marker, and this ethnic identity has been strengthened by the violent response of the PNG army (Ghai and Regan, 2006). However, Bougainville is also very diverse with an estimated 25 distinct languages and many more sub-languages and dialects (Ibid. 591). These differences grew in importance during the war. Thus, despite the ethnic claim to self-determination, we still find internal disputes over the preferred outcome of the self-determination exercise andthe definition of the community that is to enjoy this right.

The Bougainville Interim Government, which was established by the Bougainville Revolutionary Army (BRA) in 1990, was dominated by the Nasioi clan and viewed with suspicion by other groups (Woodbury, 2015: 6). Not all Resistance Forces, who sided with the PNG Army, were opposed to independence per se. Some simply feared independence under a government controlled by the BRA (Ibid. 16). Wallis argues that the war, and divisions over independence, contributed to the emergence of a long-term ‘ethnic divide’ (Wallis, 2013: 324). However, the post-settlement period has seen a largely successful attempt to construct a Bougainvillean identity that can unify the community. This reconceptualization of identity emphasizes clan membership - by birth, adoption or marriage - and ownership of customary land, and can be seen as a hybrid of ethnic and civic nationalism (Ibid. 319). Although divisions remain over the future status of Bougainville, a vote for independence is expected in the 2019 referendum. This demonstrates that an ethnic claim to self-determination does not preclude an interim agreement. Ethnic nationalism does not equal intra-communal homogeneity; it can co-exist with significant internal divisions, both over the meaning of self-determination and the people included in the claim; and it is not immune to pragmatic reconceptualization.

However, the case of New Caledonia suggests that a more rigid conception of ethnic nationalism can cause problems for the acceptance of an interim agreement.Despite the diversity of the indigenous community, the claim to independence has predominantly been founded on an ethnic conception of the Kanak nation. Chappell (1993: 323) describes it as a neotraditional ideology; an ethnic nationalism based on culture and a shared experience of colonial oppression. The independence movement has been divided over how to achieve its goals and the signing of the Noumea Accord caused further splits (Connell, 2003: 133). The need for majority support for independence has led to attempts by some factions to broaden the self-determination claim, but this has met resistance. One strategy has been to foster alliances with non-European migrants, who have generally been opposed to independence, for fear of lost job opportunities and possible repatriation (Connell, 2003: 135). Some Kanak politicians have campaigned for a more multiracial society, referring to fellow ‘victims of history’ (Connell, 2003: 135-6), and some have even put forward a civic Kanak identity, which would also include the descendants of European settlers (Korson, 2018). However, this has not gained widespread acceptance. The ethnic Kanak identity is used to advocate for special rights, and restrictive access to self-determination, and the concern is that this would be jeopardized if a more inclusive conception were adopted (Connell 2003, Korson, 2018). Despite the creation of the pro-independence Rainbow list, which appeals to both Kanak and non-Kanak voters and has made some electoral gains (MacLellan, 2015: 177-8), the pro-independence movement remains a largely ethnic movement and there appears to be limits to its broadened appeal. This was illustrated by the result of the first (of three) independence referendum in November 2018 when 56% voted against independence.

The above analysis has shown how self-determination claims can sometimes be very flexible and shift in response to external pressures and internal contestation. What seems to matter for the acceptance of interim settlements is not so much if the claim to self-determination is defined in ethnic or civic terms, but rather whether the community and the movement are internally divided, and whether the construction of the community allows for flexibility or is more rigid. The latter may be more likely if self-determination is claimed on ethnic grounds, and a civic claim could therefore be a facilitating condition for the acceptance of an interim agreement, even if it is not a necessary one. In any case, the type of self-determination claim and the extent of internal divisions are not the only factors of importance: they interact with the parent state’s political system and *its* definition of identity.

**Parent State: Political System and State Identity**

The acceptance of an interim peace agreement would be expected to be facilitated by an inclusive state identity, which allows for persuasive visions of co-existence, and if signed in the context of a democratic system. However, the four cases suggest that the effects of parent state characteristics depend on the availability of other guarantees, the demographic balance, and the type of claim made.

Given the non-violent character of the Montenegrin conflict and the recent democratic transition in Serbia, the deferral of the independence referendum carried few risks for the Montenegrin government. They could feel confident that the promised referendum would be honoured, especially given the extensive international involvement (see Kim, 2005). The Bougainville agreement only promises a non-binding independence referendum, which could could give the pro-independende parties reason to fear that a vote for independence will not be implemented. However, the Bougainville negotiators were convinced by international mediators that if they could unify the community and achieve a very high vote for independence, then it would be difficult for the Papua New Guinean government to ignore the result (Regan, 2002). Moreover, they secured a ‘double entrenchment’ of constitutional provisions concerning Bougainville, which means that any amendments would require a two-third majority vote in the Bougainville legislature (Ibid.). This suggests that the Bougainville negotiators retained a level of trust in the institutional framework of the joint state, despite the experience of severe human rights violations during the war.

The two other cases suggest a more complex relationship with the political system. The three independence referenda promised to New Caledonia are binding and will be held in the context of a consolidated democratic system. However, this does not settle another key issue that will likely determine the outcome: who has the right to vote? France has been accused of using migration as a means of keeping the Kanak a minority, thereby ensuring that the pro-integration side will win any independence referendum (Connell, 2003: 134). FLNKS demanded that this be addressed in the Noumea Accord and it was agreed that the electorate would essentially be frozen in 1998 (Ibid). Combined with the Kanak’s higher birthrate, this could change the demographic balance (MacLellan, 1999: 249) and convinced the FLNKS to support the agreement. However, this depends on a narrow definition of Kanak identity and could stand in the way of efforts to broaden the pro-independence appeal. Sudan’s Comprehensive Peace Agreement was signed in an authoritarian context and although this did not prevent the agreement from being signed, it did lead the South Sudanese leadership to take precautions. The SPLM retained their own army and could therefore make sure that this exit option remained on the table, even if the authoritarian Sudanese regime had a change of heart (see e.g. Walter, 2002). The referendum would be held on territory controlled by the SPLM, which further reduced fears of undue interference from pro-integration forces.

The effects of inclusive or exclusive state identity is also less than straightforward. In the case of Montenegro, it seems plausible that the absence of a clear ethnic divide between Serbs and Montenegrins (Simić, 1997) made a compromise solution easier. Similarly, the PNG government was convinced that Bougainville’s hearts and minds could be won over (Weller, 2005, 161; Woodbury, 2015). The country is extremely diverse and its national identity can accommodate Bougainvilleans. However this also suggests that an inclusive state identity need not facilitate separatist acceptance. In New Caledonia, the French state’s civic nationalism (see Brubaker, 1992) may have made continued unity more palatable but it has led to fears among some Kanak pro-independence forces that the interim period, and the promised social economic development, will increase pro-French sentiments and undermine Kanak support for independence (Connell, 2003: 127, 130). This case is however complicated by the fact that the Kanak community is explicitly excluded from the Caldoche community, which unites descendants of European settlers and Polynesian and Asian migrants against indigenous nationalism (Chappell, 1993). We are therefore simultaneous dealing with both an exclusive and inclusive identity.

The case of South Sudan suggests that an exclusive identity may not prevent the acceptance of an interim agreement but does make it less likely that unity prevails. The agreement contains an explicit commitment to make unity attractive, but this was made difficult by the accession to power of Islamists in the North (Ahmed, 2009: 139-40). Unity in the form of a New Sudan would necessitate a different conception of the Sudanese state, but the separatist wing of the SPLM argued that secularism in the North has been ‘traded away by getting self-determination for the South’ (Aalen, 2013: 183). Once the separatists took control of the SPLM, they began accusing the National Congress Party in the North of being ‘secessionists’, of wanting to ‘implement a Taliban system’ (Aaalen, 2013: 182). This was in was, in their view, incompatible with unity, leaving independence as the only option.

While characteristics of the parent state clearly matter, both for the initial acceptance of an interim agreement and for the eventual outcome, the four cases point to a complex interaction with the nature of the separatist movement and other conflict dynamics.

**Conclusion**

Interim agreements have become an alternative strategy for self-determination movements aspiring to independent statehood. If they can convince the central government to accept a deferred independence referendum, then they may be able to gain international recognition despite the international community’s continued bias against secession. However, their ability to accept such a settlement is not unconstrained. It necessitates a compromise on the demand for immediate independence and an implied commitment to give unity a chance (see e.g. Weller, 2005). Through an in-depth comparison of the four post-Cold War cases where an interim agreement has been signed (New Caledonia, Bougainville, Montenegro and South Sudan), this article has shown how the responses of self-determination movements to such proposals are affected by the types of claim made, the degree of intra-communal divisions, and the position of the parent state.

Although these factors do not determine the acceptance or rejection of an interim settlement, the analysis suggested that interim settlements are more easily accepted when the following conditions are present: significant intra-communal divisions on the issue of status and an inclusive and flexible construction of the community that is to exercise its right to self-determination. It is beyond the scope of this article to discuss parent state acceptance of interim agreements, but these conditions would arguably also make parent states more amenable to such proposals, as they could attempt to win over hearts and minds. This presents the paradoxical prospect that new states are more likely to emerge in cases *without* a determined, cohesive, ethnically-defined demand for independence.

The analysis also provided further evidence for the argument that elements of both civic and ethnic nationalism are included in the claims made by independence movements (see e.g. Brubaker, 1999). It added to this literature by pointing to the existence of short-term shifts in emphasis, due to internal and external pressures, but also how such shifts can be constrained by the dominant narrative and by internal contestation. Although both civic and ethnic nationalisms are exclusive (see e.g. Fozdar and Low, 2015), the basis of this exclusion is not necessarily equally rigid, and civic nationalism appears to be more adaptable in the face of a changed political context.

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1. **Notes**

 Data from https://freedomhouse.org/report/freedom-world/freedom-world-2017. [↑](#endnote-ref-1)
2. Only the Liberal Alliance - which became increasingly marginalized - emphasized the distinct national identity of the Montenegrins (Simić, 1997: 127).

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**Author biography**

**Nina Caspersen** is Professor of Politics at the University of York. Her research focuses on intra-state conflicts, peace processes and state recognition. Her books include *Peace Agreements: Finding Solutions to Intra-State Conflicts* (Polity Press, 2017) and *Unrecognized States: The Struggle for Sovereignty in the Modern International System* (Polity Press, 2012). [↑](#endnote-ref-2)