Unrecognized States
To Keith and Emma
UNRECOGNIZED STATES
THE STRUGGLE FOR SOVEREIGNTY IN THE MODERN INTERNATIONAL SYSTEM

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This study began with a focus on the dynamics of conflicts involving unrecognized states, but transformed itself into an attempt to understand these ‘places that don’t exist’ in international relations: how do they survive, what kind of entities evolve in the context of nonrecognition, and how that evolution affects attempts to reach a peaceful solution. In my attempt to answer these challenging questions, I benefited immensely from discussions with a number of colleagues. Thanks to Kristin Bakke, Eiki Berg, Helge Blakkisrud, Stacy Clossen, Svante Cornell, Thomas de Waal, James Harvey, Antje Herrberg, Daria Isachenko, Pål Kolstø, Donnacha Ó Beacháin, Scott Pegg, Gareth Stansfield, Stefan Wolff, and everyone else who has helped with ideas, suggestions, and useful criticism. Also thanks to my colleagues at the Richardson Institute for Peace and Conflict Studies and to my students at Lancaster University who have over the years challenged, and sometimes defeated, my arguments on unrecognized states. Any remaining mistakes are, of course, my own.

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I dedicate the book to my partner Keith and to our beautiful baby daughter Emma.
When I first visited an unrecognized state, Nagorno Karabakh, it was with some trepidation. The British Foreign Office warns against all travel to the region and the statelet is frequently described as a criminalized ethnic fiefdom. This is an image common to most unrecognized states. Unrecognized states are the places that do not exist in international relations; they are state-like entities that are not part of the international system of sovereign states; consequently they are shrouded in mystery and subject to myths and simplifications. All this leaves a first-time traveller, especially one with a career in international relations, a little bewildered and perhaps even a little worried, but also fascinated. But what first struck me on this trip to Nagorno Karabakh was the sense of normalcy. The border guard glanced at my passport, asked a few questions about the purpose of my visit, and let me cross the de facto border without further delay. The journey then continued along a—for the Caucasus—remarkably pothole-free road towards the ‘capital’ of Stepanakert.

Although its capital looks more like a dusty provincial town than a capital city, Karabakh certainly has the semblance of a state: its own flag, army, and government; basic public services such as health and education; and it even provides basic amenities for the intrepid traveller, such as hotels and a few restaurants. Nevertheless, unrecognized states are not like other states; they have achieved de facto independence, but have failed to gain international recognition or are recognized by a few states at most. They insist on their right to self-determination, but are faced with the stronger principle of territorial integrity. Unrecognized states exist in the shadows of international relations, in
a kind of limbo, and the renewed outbreak of war is an ever-present risk and defining feature of their existence. Yet somehow these entities manage to survive, and even develop. This raises important questions about the nature of sovereignty and statehood. Unrecognized states are predominantly situated in highly volatile regions, and are themselves the product of violent conflict. In addition to Nagorno Karabakh (Azerbaijan), there are a number of such entities in the current international system, including Abkhazia and South Ossetia (Georgia), Somaliland (Somalia), Northern Cyprus (Cyprus), and Transnistria (Moldova). There are also a large number of historical examples of unrecognized states that have now either gained independence or, more frequently, been defeated militarily and reintegrated into their ‘parent states’. These include: Biafra (Nigeria, 1967–70), Chechnya (Russia, 1991–94, 1996–99), Republika Srpska Krajina (Croatia, 1991–95), Eritrea (Ethiopia, 1991–93) and Tamil Eelam (Sri Lanka, 1986–2009). Unrecognized states may until recently have represented largely forgotten conflicts,¹ but events in Kosovo, South Ossetia, and Abkhazia have now sparked significant international interest. Kosovo’s recognition provided encouragement for the leaders of other unrecognized states who argued that an important precedent had been set. As the then-president of Nagorno Karabakh put it, ‘If the world community is ready to recognize the independence of[...Kosovo, I think it will be very hard for them to explain why they don’t recognize Nagorno-Karabakh.’² Moreover, it provided Russia with an instrument for reasserting influence in its ‘near abroad’. Vladimir Putin already in 2006 had warned, ‘If someone believes that Kosovo should be granted full independence as a state, then why should we deny it to the Abkhaz and the South Ossetians?’³ On 7 August 2008, Georgia’s president Mikheil Saakashvili unwisely responded to Russian provocations and launched an attempt to retake South Ossetia by force.⁴ This gave Russia the needed pretext: under the guise of protecting the civilian population and acting under its peacekeeping mandate, the Russian Army quickly defeated the Georgian forces and on 27 August Russia announced its recognition of South Ossetia and Abkhazia. President Medvedev argued that independence could not be denied to these entities when it had been granted to Kosovo: ‘You cannot have one rule for some and another rule for others.’⁵ This move caused consternation in Western capitals, and it announced that after lying dormant for several years, the game of recognition had returned to global politics.

The relevance of unrecognized states—or in some cases partly recognized states—has therefore never been timelier. Yet we have very little understanding of how they operate; they remain ‘black boxes’
Introduction and anomalies in a world of sovereign states. This book provides a much-needed comprehensive analysis of unrecognized states, but it is not only about unrecognized states; it is a book about sovereignty and statehood. How do these anomalies survive in a system of sovereign states? How does the context of nonrecognition affect their attempts to build effective state-like entities?

Anomalies in the International System

The post-1945 world has often been described as being neatly divided into sovereign states, each wielding supreme power over a clearly defined territory. Earlier international systems included overlapping sovereignties, colonies, and trusteeships, but this has given way to a world in which ‘there are states and there is little else’. As Stephen Krasner has pointed out, ‘the language of diplomacy, the media and the street portrays nothing other than a world of fully sovereign states’, and Robert Jackson similarly argues that ‘we take it for granted that the surface of the earth is portioned into territorially differentiated independent countries and we act accordingly’. But although the current international system is clearly built on sovereign states, and these are the units that enjoy both rights and responsibilities, a number of territories do not fit into this system. The reality is a lot more complex, and unrecognized states are not the only entities that challenge the classical view of sovereignty.

Unlike what they often look like on a map, borders are often poorly represented by a clearly defined line. Even where borders are not contested, as they still are in a number of cases, they may still be blurred, gradual, and fluid: authority gradually diminishes as we move from the centre to the periphery and border regions can include miles of territory over which the effective sovereign authority is unclear or blurred. For example, the border agreement between Yemen and Oman establishes a 10-kilometre-wide border zone, which reaches 5 kilometres into the sovereign territory of each state. Within this zone, ‘neither Party may erect or maintain any fortifications, installations, military camps or the like’. On each side of the border we therefore find zones of diminished sovereignty. Even when it comes to their most important function—defending borders and ensuring the survival of the state—sovereign states are not necessarily as clearly delineated as we might expect. For example, both the U.S. and Russia have long-term, or even perpetual, leases for military bases on foreign soil, such as the Russian navy base in Sevastopol, Ukraine, and the U.S.
navy base in Guantanamo Bay, Cuba. In both cases, we can talk about a form of residual sovereignty. The U.S. lease of Guantanamo Bay was a condition for the withdrawal of U.S. troops from Cuba after the Spanish-American war at the turn of the nineteenth century. The Cuban government claims that the lease is invalid under international law and that the treaty that established the lease should be declared void. The present Cuban authorities have, therefore, refused to cash all but the very first rent cheque—and Fidel Castro argues that this was cashed by mistake. Sevastopol was home to the Soviet Black Sea Fleet and following the breakup of the Soviet Union, Moscow refused to recognize Ukrainian sovereignty over the port. The dispute was finally resolved in the 1997 ‘Peace and Friendship’ treaty, which confirmed Ukrainian sovereignty over Sevastopol but, in a separate treaty, established the terms of a twenty-year renewable Russian lease of land and resources. As a result, Sevastopol is now home to both the Ukrainian Naval Force and Russia’s Black Sea Fleet and the navies co-use some of the city’s resources. In April 2010 the lease was extended for another twenty-five years with an option to prolong it for five additional years.

The international system also contains a number of autonomous territories, which similarly illustrate that sovereignty is neither always exclusive nor absolute. One sees this in the example of the Channel Islands, which are British Crown Dependencies, and the Faroe Islands, which are a constituent country of the Kingdom of Denmark. These entities enjoy a distinct constitutional status and come close to being de facto independent states. They do not, however, control defence and foreign policy and therefore cannot be said to be fully independent, nor do they (currently) make claim to separate sovereignty. The same is true for territories such as Puerto Rico (U.S.) or the Cook Islands (New Zealand) that have the status of associated territories, which is a status short of independence with certain functions, including international representation, carried out by another state. Puerto Rican citizens have automatic U.S. citizenship and enjoy some of the protections offered by the U.S. Constitution. The local government has little or no participation in international affairs, and although it enjoys considerable internal autonomy, this is not absolute and restrictions remain. The Puerto Rican population has, however, repeatedly declined either to become integrated into the U.S.—as a U.S. state—or to gain full independence. The position of the Cook Islands falls closer to an independent state: they are fully self-governing and can for most purposes be considered independent, even in the conduct of foreign affairs.
The classical view of sovereignty is, perhaps more surprisingly, also problematized by a number of entities that are recognized as independent states. This is most obviously the case in states where an international administration has been established in the aftermath of a violent conflict. For example, the so-called High Representative retains the final say in Bosnia, and has the power to dismiss elected officials and impose laws, while Kosovo’s independence is supervised by a UN Special Representative. But even states that have not been engulfed by devastating wars do not always fully conform to the classical view of sovereign states as exclusive authorities. It is worth remembering, for example, that until the 1980s the British Parliament formally had to approve certain kinds of legislation, including constitutional amendments, in Canada, Australia, and New Zealand. The international system also contains a number of mini-states such as Andorra and Monaco that are members of the United Nations, but lack an independent defence policy. According to the 1993 Andorran Constitution, France and Spain—as the co-princes of Andorra—have to approve treaties involving internal security and defence, diplomatic representation and judicial representation, and they also retain the right to appoint two of the four members of Andorra’s Constitutional Tribunal. Similarly, Monaco’s defence remains the responsibility of France. These states are recognized, and are members of the international system of sovereign states, but they are not autonomous, since external actors are not excluded from domestic authority structures. An even more puzzling anomaly is the Vatican City. The Holy See—as the Government of the Vatican City—maintains diplomatic relations with 178 states; it is a member of various intergovernmental organizations and has observer status in the United Nations; yet it fails to meet many of the normal criteria for statehood. The Vatican does not, for example, have a permanent population, and its claim to effective government would be undermined by the fact that Italy carries out a number of its governmental functions, such as policing of St Peter’s Square and the supply of water. But the most curious example is the Order of Malta, which has embassies in fifty-nine countries and issues diplomatic passports recognized by other states, yet does not control any territory—and has not done so since 1798, when Napoleon drove the Order from Malta.

A number of authors have argued that not only these anomalies but states more generally fall short of the classical view of sovereignty. Joel Migdal, for example, asserts that the state is undermined from above, from below, and laterally: its capacity and autonomy are being diminished by international organizations, such as the European