Squaring the circle of statehood?
Recognition strategy in de facto states: the cases of Nagorno-Karabakh and Somaliland

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To Emmy and Karen – thank you.

To the right for people to determine their own borders – a step along the road to a world without any.
Abstract

This thesis explores the nature and impact of contemporary unrecognised statehood through an analysis of the current recognition strategies of two de facto states: Nagorno-Karabakh and Somaliland. Through an assessment of how, in the absence of recognition, these de facto states engage with the wider landscape of recognised states in seeking to attain their goal of recognition via both traditional and non-traditional methods, the likelihood of whether the de facto state in question stands to achieve its stated aim is assessed. The thesis draws three main conclusions. First, the character of a de facto state's recognition strategy is heavily determined by its own specific circumstances. Second, recognition strategy itself has little bearing on the likelihood of the de facto state in question obtaining international recognition. This is because recognition is subject to uncontrollable great-power politics, and not the validity of a de facto state's claim to statehood under international law or in the eyes of the wider international community. Finally, recognition still matters for de facto states even if the prospects of achieving it are low because, objectively, there do exist significant drawbacks to non-recognition.
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<tr>
<td>APPG</td>
<td>All-Party Parliamentary Group</td>
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<tr>
<td>ASSR</td>
<td>Armenian Soviet Socialist Republic</td>
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<td>AU</td>
<td>African Union</td>
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<td>BCE</td>
<td>Before the Common Era</td>
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<td>CE</td>
<td>Common Era</td>
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<td>EU</td>
<td>European Union</td>
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<td>ID</td>
<td>Independent Diplomat</td>
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<td>IO</td>
<td>International Organisation</td>
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<td>IR</td>
<td>International Relations</td>
</tr>
<tr>
<td>MFA</td>
<td>Ministry of Foreign Affairs (NKR)</td>
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<tr>
<td>MFAIC</td>
<td>Ministry of Foreign Affairs and International Cooperation (Somaliland)</td>
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<tr>
<td>NGO</td>
<td>Non-Governmental Organisation</td>
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<td>NKAO</td>
<td>Nagorno-Karabakh Autonomous Oblast</td>
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<td>NKR</td>
<td>Nagorno-Karabakh Republic</td>
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<tr>
<td>OSCE</td>
<td>Organisation for Security and Co-operation in Europe</td>
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<td>SFRY</td>
<td>Socialist Federal Republic of Yugoslavia</td>
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<tr>
<td>SNM</td>
<td>Somali National Movement</td>
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<tr>
<td>TRNC</td>
<td>Turkish Republic of Northern Cyprus</td>
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<td>UAE</td>
<td>United Arab Emirates</td>
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<td>UK</td>
<td>United Kingdom</td>
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<td>UN</td>
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1. Introduction

On the face of it, we tend to think of the political world map as being neatly divided into its constituent states. And, while these states may not be seen as being of equal significance, we at least tend to view them as equally present and existing on the world stage. Yet in reality, millions of people worldwide inhabit entities that have little or no wider international recognition. Such entities include those that have obtained recognition from a significant number of United Nations (UN) member states (for example, Kosovo), those that have only the backing of a ‘patron state’ (for example, Transnistria, supported by Russia), and those that have no international recognition whatsoever (Somaliland). What these ‘de facto states’ do have in common is that each of their origins can be found in violent conflict and most exist today in a state of ‘frozen’ conflict, a predicament that is undoubtedly exacerbated by their isolation from the wider international community.

This thesis explores the nature and impact of contemporary unrecognised statehood through an analysis of the current recognition strategies of two de facto states: Nagorno-Karabakh and Somaliland. Through an assessment of how, in the absence of recognition, these de facto states engage with the wider landscape of recognised states in seeking to attain their goal of recognition via both traditional and non-traditional methods, the likelihood of whether the de facto state in question stands to achieve its stated aim is assessed. Additionally, de facto states are able to endure in spite of their isolation from an international system of states enjoying ‘full’ sovereignty and, in many cases, function relatively well. This paradox raises the question of whether today’s de facto states actually require international recognition at all.

First, through a review of the current and past scholarship on de facto statehood, the above research agenda is identified as a neglected area of the subfield. Secondly, the theoretical and conceptual framework pertinent to the research agenda is explored: sovereignty, the issues in international law relating to statehood, which entities qualify as a ‘de facto state’ and the substantive definition of this term and, finally, critical diplomacy studies as it relates to current recognition strategies in de facto states. The thesis’ empirical findings are then presented by means of the two case studies.
The thesis draws three main conclusions: first, the character of a de facto state’s recognition strategy is determined by its own specific circumstances. For example, in the case of Nagorno-Karabakh, the desire for integration into Armenia means that recognition strategy does not have as much momentum as it otherwise might. Second, recognition strategy itself has little bearing on the likelihood of the state in question obtaining international recognition. This is because recognition is subject to the whims and unpredictability of great-power politics, and not the validity of a de facto state’s claim to statehood under international law or in the eyes of the wider international community. Yet recognition still matters, even if the prospects of achieving it are low. De facto states perceive recognition to be of paramount importance while, objectively, there do exist significant drawbacks to non-recognition. As such, having in most respects already achieved empirical statehood, de facto states can be said to be ‘squaring the circle’ of statehood via their recognition strategies by trying to control the uncontrollable and achieve, if not the impossible, then at least the improbable.
2. Research Design

2.1 Terminological preface

Scott Pegg states that the subfield of unrecognised statehood has been beset by ‘prolonged terminological and definitional battles’ that have not helped to improve understanding of the entities concerned (Pegg, 2017). Reflecting this, in the existing literature, the entities that are the central focus of this thesis have variously been termed as, among others, ‘unrecognised states’ (King, 2001; Caspersen, 2012; Richards, 2014), ‘pseudo-states’ (Kolossov & O’Loughlin, 1998), ‘quasi-states’ (Kolstø, 2006), ‘contested states’ (Geldenhuys, 2009; Ker-Lindsay, 2012; Papadimitriou & Petrov, 2012; Kyris, 2015; Bouris & Kyris, 2017; Bouris & Fernández-Molina, 2018) and ‘de facto states’ (Pegg, 1998; Bahcheli, Bartmann & Srebrnik, 2004; Lynch, 2004; Popescu, 2007; Kolstø & Blakkisrud, 2012; Berg, 2013; Voller, 2013; Broers, 2013; Florea, 2014; Johnson & Smaker, 2014; MacQueen, 2015; Yemelianova, 2015; Caspersen, 2016). The sheer expanse of related terminology in this area is partly a reflection of the highly politicised nature of the issue itself (Ó Beacháin, Comai & Tsurtsumia-Zurabashvili, 2016: 441), and none of these descriptors is without its problems.

Fiona McConnell argues that, with its negative prefix, the term ‘unrecognised state’ problematically implies an assertion that sovereign statehood is a ‘zero-sum’ game in which the entities concerned have no recognition at all (McConnell, 2017: 145). As Deon Geldenhuys points out, in practice there do not exist polities that receive no recognition whatsoever. Instead, different levels of formal recognition can be observed among the entities in question and all would-be states receive at least some de facto recognition (Geldenhuys, 2009: 26). Nina Caspersen acknowledges that, despite having herself initially favoured the term ‘unrecognised state’, it is less useful and accurate since 2008 when Russia formally recognised South Ossetia and Abkhazia because these entities can now be described as ‘partially recognised’ (Caspersen, 2016: 9).

The term ‘pseudo-state’, introduced by Vladimir Kolossov and John O’Loughlin, contains an undesirable value judgement given that pseudos is the Greek for ‘a lie’ (Kolstø, 2006: 725). To imply that such entities are unauthentic creations would be unfair when it is considered that some states enjoying full de jure recognition could themselves be described as a ‘sham’ in terms of their empirical statehood.
(Geldenhuys, 2009: 27). In general, framing such entities in consistently negative terms, with regard only to what they have failed to achieve, only serves to inhibit analysis and ignores these entities’ many achievements (McConnell, 2009: 345) (see also Wood, 2010 and Byman & King, 2012 who refer to states without recognition as ‘limbo world’ and ‘phantom states’ respectively).

In a critique of the work of Robert H. Jackson (1993), Pål Kolstø makes a cogent argument that the term ‘quasi-state’ should be used to refer to entities lacking external sovereignty (i.e., international recognition) and not, as Jackson contends, to states lacking internal sovereignty; more commonly now referred to as ‘failed states’ (Kolstø, 2006: 725). Kolstø makes this assertion because, among other reasons, he deems the descriptor to be suitable for entities that are ‘located at the margins of the international system of states and challenge basic assumptions of this system’ (ibid.). While the term ‘quasi-state’ has merit (being free of negative value judgements and an undue focus on what such entities are not, and instead encapsulating both their evolutionary nature and their potential), the term has however failed to achieve widespread use in the subfield, remaining associated with Jackson’s work.²

The term ‘contested state’, conceived by Geldenhuys, seeks to highlight ‘the internationally contested nature of [the entities’] purported statehood’ and emphasises a ‘deficit in de jure recognition’ (Geldenhuys, 2009: 3, 23). The term is favoured, for example, by James Ker-Lindsay (2012, 2015) because, as he contends, ‘it captures an important ambiguity in the nature of these entities. The contestation can refer to their status on the international stage or to whether they are states at all’ (Ker-Lindsay, 2015: 268). Yet Geldenhuys himself does not seem to question whether the subjects of his work deserve to be called ‘states’, pointing out that most of them fulfil the main formal prerequisites of statehood in international law aside from external recognition (Geldenhuys, 2009: 26). Geldenhuys suggests that the term ‘contested state’ needs to be introduced to the subfield in order to qualify the kind of statehood exhibited by the entities in question because of its ‘highly disputed

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¹ Examples include microstates such as Andorra, Monaco and San Marino, and also Bosnia and Herzegovina and South Sudan; arguably none are fully sovereign in the classical sense (Caspersen, 2012: 120).

² This, along with reasons of academic consensus, is cited by Kolstø as the main reason for his having discontinued use of the term ‘quasi-state’ in favour of ‘de facto state’ (Author’s Personal Communication, 2018).
nature’ (ibid.). However, yet another new term does not need to be introduced into the literature to indicate this. As analysis of recognition strategies employed by de facto states is an internal focus, the term ‘contested state’ places too great an emphasis on the outside view of such entities and their perceived controversy. In addition, the definition of the term ‘contested state’ used by Geldenhuys is somewhat wider than, for example, that used for ‘unrecognised state’ by Caspersen (see section 4 below), meaning that Geldenhuys includes entities such as the Sahrawi Arab Democratic Republic (Western Sahara) and Palestine that Caspersen would exclude. As this thesis is concerned with recognition strategies in the context of non-recognition and its case studies are the entities that have received the least international recognition (and, in the case of Somaliland, no recognition at all), ‘contested state’ is not the most appropriate term.

Although not without its critics, the term ‘de facto state’ is the descriptor that has probably gained the most traction in the subfield. Donnacha Ó Beacháin, Giorgio Comai and Ann Tsurtsumia-Zurabashvili maintain that the term ‘de facto state’ is of little use given that all states, recognised or otherwise, exist de facto (Ó Beacháin et al., 2016: 442). However, Laurence Broers employs the term ‘de facto state’ because he sees it as ‘simultaneously the least inaccurate and least offensive’ among the competing terminology (Broers, 2013: 11, note 1), even if it is not free from defects. Further, for Pegg and Kolstø (the latter having discontinued use of the term ‘quasi-state’), it is the preferred terminology partly ‘because it is widely used’ (Pegg & Kolstø, 2015: 193). While ubiquity does not always mean suitability, there is merit in efforts to harmonise terminology in a given subfield, something acknowledged by Caspersen who, since 2016, also now refers to the entities as ‘de facto states’ in her work despite her most significant work to date (2012) referring to them as ‘unrecognised states’ (Caspersen, 2016: 9). Furthermore, as Dov Lynch writes, in spite of an (often unfair) reputation for being ‘criminal black holes’ or simply the puppets of ‘base states’, using the term ‘de facto state’ emphasises the state-building efforts of these entities and draws attention to the ‘political underpinning of the projects that have sustained these regions despite their isolation’ (Lynch, 2007: 486).

For these reasons, the entities that are the central focus of this thesis will from this point onwards be referred to as de facto states.

The term ‘base state’ (Byman & King, 2012) will be used in this thesis to refer to the state from which the de facto state seceded. The term is, as Ó Beacháin et al.
contend, a ‘neutral and accurate’ alternative to the more often used term ‘parent state’ (Ó Beacháin et al., 2016: 442) which implies guardianship on the part of the base state, or dependence on the part of the de facto state, when this is not always the case. The uncontroversial term ‘patron state’ will be used to refer to the state that uses its political and financial power to strengthen and support the de facto state in question.

The terms ‘international system’ and ‘international community’ are frequently used in the literature on de facto states (Toomla, 2014: 14). Even though there is no agreed definition of either term and there is overlap between them (ibid.; Buzan & Gonzalez-Pelaez, 2005: 31; Buzan & Little, 2000: 90), in this thesis they are not used interchangeably. The subject of entire bodies of work in their own right, here, ‘international system’ is simply taken to mean the global constellation of states that emerged out of the Peace of Westphalia in 1648 as generally understood, albeit with large variation, in international relations (IR).

As Barry Buzan and Ana Gonzalez-Pelaez posit, there are two general meanings to the term ‘international community’. First, there are those that see it as a form of ‘moral collectivity of humankind’ which, even if unorganised as a whole, exists as an ethical reference point or even as an agent (for example, the liberal West) with the capacity for action (either through cooperation or international organisation) (Buzan & Gonzalez-Pelaez, 2005: 32; Ellis cited in Toomla, 2014: 15-16). Secondly, there are those that contend, in line with Samuel Huntington, that the term ‘international community’ is simply interchangeable with the term ‘Free World’ and is used to legitimise the actions of the U.S. and other western powers (Huntington cited in Toomla, 2014: 15). In this thesis, while the first interpretation is accepted, the second interpretation is also valid, not least because many western powers (plus Russia) have used and continue to use the ‘interests’ of the international community as a reason to deny or grant recognition, when in reality these determinations arguably serve only their own interests.

Lastly, one of the case studies of this thesis, the Nagorno-Karabakh Republic (NKR), was officially renamed the Artsakh Republic (from an old Armenian word for the territory) as part of a constitutional referendum in February 2017, partly in order to reflect a wider territorial claim than the territory currently controlled by
the NKR (Rettman, 2017). In this thesis, while remaining neutral regarding the NKR’s territorial claims, the de facto state will still be referred to as Nagorno-Karabakh in a general sense and as the NKR where a governmental sense is required (although it should be noted that the area currently controlled by the NKR is not in all of the literature and other commentary deemed to be contiguous with Nagorno-Karabakh as a region). This approach is taken because in almost all of the literature relating to Nagorno-Karabakh, it is referred to as such and, crucially, because in Nagorno-Karabakh itself, ‘NKR’ and ‘Artsakh Republic’ are still used interchangeably, including on ‘official’ government websites and publications (also including those of the Republic of Armenia).

2.2 Justification

De facto states are not simply interesting geopolitical anomalies. As entities which do not fit neatly into the idealised international system composed of recognised sovereign states, de facto states directly challenge IR’s existing and developing notions of the state and the importance (or otherwise) of external sovereignty and its interrelation with internal sovereignty. Research on de facto states has contributed to, and continues to contribute to, a growing recognition within IR that the international system is more variegated than is commonly thought and that there exist widespread exceptions to the rule of absolute, indivisible sovereignty exercised equally by all states (Pegg, 2017). As Adrian Florea contends, research on de facto states can be seen ‘as a stepping stone toward more comprehensive efforts at understanding the entire constellation of alternative forms of political organisation in the international system’ (Florea, 2014: 808). Geldenhuys believes that there are many reasons for students of IR and policymakers to take de facto states seriously, writing that ‘the pretender states consigned to the borderland of the world community have an external influence disproportionate to their limited numbers and the smallness of their populations, territories and economies’ (Geldenhuys, 2009: 234). In addition, from a practical perspective, millions of people worldwide live in or have other links with de facto states and are therefore directly

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3 The wider territorial claim includes seven districts situated outside of the Soviet-era Nagorno-Karabakh Autonomous Oblast that are considered by Azerbaijan to be part of its territory and are currently controlled by the military forces of the NKR, supported by Armenia.

4 For a detailed discussion of the significance of the different apppellations for Nagorno-Karabakh, see Toal & O’Loughlin, 2013.
affected by the predicament in which such entities find themselves. The current status and future trajectory of de facto states therefore has real-life political and social implications, rather than being a purely academic debate.

De facto states as a phenomenon within IR are widely acknowledged as being under-studied (Geldenhuys, 2009: 3, 234; McConnell, 2009: 344; Caspersen, 2012: 23; Potapkina, 2013: 821). Within the existing literature, an initial focus on the external perception of de facto states and their significance for recognised states and the wider international system has in more recent times given way to analysis of their internal dynamics, their state-building efforts and an acknowledgement that although their lack of recognition impacts their democratic and institutional development, it does not prevent it (and, in some cases, may even enhance it). Of these studies, very few analyse the current recognition strategies employed by de facto states, including the ways in which de facto states mimic recognised statehood as a method of achieving legitimacy and eventual recognition (see Bouris & Fernández-Molina, 2018). This thesis contributes to the limited existing literature on both the internal dynamics of de facto states and their recognition strategies.

2.3 Focus and objective of the research

The primary objective of this thesis is to analyse and add to the existing literature on de facto states, chiefly by researching the range of strategies that they employ in seeking recognition. The question of how de facto states engage with the wider landscape of recognised states in the absence of recognition will be paramount. In particular, this thesis will explore whether both ‘tried and tested’ and more innovative strategies for recognition that have been adopted by de facto states, such as hybrid diplomacy and mimicry of recognised statehood, translate into a greater likelihood that such states will achieve their stated goal of international recognition.

The above quandaries tie into the further puzzle of how it is the case that many de facto states manage to function (in some cases very) effectively as states in the absence of external sovereignty and, as a result, the question of whether, in the twenty-first century, de facto states actually need full international recognition will also be addressed as a secondary issue.
2.4 Research questions

The central research questions of this thesis are: **What strategies do contemporary de facto states employ in seeking to obtain recognition? Do such strategies make it more likely that the de facto state will obtain recognition?**

As a secondary issue, the following sub-question will also be addressed: **In the twenty-first century, do de facto states actually require recognition?**

2.5 Methodology

The research questions are approached by means of two qualitative case studies: Nagorno-Karabakh and Somaliland. Within each case study, a range of both primary and secondary sources determine the thesis’ empirical findings. Primary sources include the findings from interviews, written responses to questions and analysis of policy documents, reports, press releases and ‘official’ government websites. Secondary sources consulted comprise the academic literature (books and journal articles) on de facto states and critical diplomacy studies.

Eiki Berg and Pegg acknowledge that ‘[a]lthough de facto states are not “informational black holes”, it still remains difficult to find good empirical data on these entities for a variety of reasons, including remote locations, secretive regimes, and a lack of coverage by most international and non-governmental organisations’ (Berg & Pegg, 2016: 3). Partly with this in mind, interviews inform the findings of each case study and supplement the other research methods employed in this thesis. As Alan Bryman notes, interviewing is a flexible and practical way to conduct research over a defined, non-extensive period of time (Bryman, 2008: 436). In relation to Nagorno-Karabakh, an interview was undertaken with the Press Secretary to the President of the National Assembly of the NKR and written responses to questions were received from an attaché to the NKR Ministry of Foreign Affairs (MFA). The first respondent was chosen because she was easily reached through a personal contact. This respondent was later able to provide the contact details of the further respondent from the MFA. Additionally, government officials are suitable interviewees in this case as they are likely to be closest to current recognition strategy. In relation to Somaliland, an interview was carried out with the former project manager of a global private diplomacy consultancy regarding work undertaken with the Somaliland government relating to recognition. Written responses to questions were received from the Somaliland
Honorary Representative to the Netherlands. Finding respondents relating to Somaliland proved a challenge, although the contact details of the Honorary Representative were publicly available on the website of the Somaliland Ministry of Foreign Affairs and International Cooperation (MFAIC).

All interviews were conducted following the semi-structured interview schema set out in the Appendix to this thesis and all written responses are also based on this schema. Given the fairly focussed nature of the research agenda (recognition strategies in de facto states), it was appropriate to have a script of questions for each interview. However, although all of the questions were asked of each interviewee, a semi-structured approach was adopted whereby there was flexibility to ask additional questions should tangential issues arise during the interview that may be useful to the research agenda as a whole. The advantages of adopting a semi-structured approach to interviewing are that, especially where there are multiple case studies, cross-case comparability is ensured by the same questions being asked of each interviewee, while there is also the aforementioned in-built flexibility to ask additional questions and sub-questions if desired (ibid., 439-440). All interviews were audio-recorded so that they could be referred back to.

2.6 Limitations of the research

Due to financial constraints, the practical difficulty and, in some cases, danger of conducting research on the ground in de facto states, travel to the de facto states under study in this thesis was not possible. This means that one of the interviews was conducted online using videoconferencing and the other by telephone. These methods of interviewing have the disadvantage that, by not meeting the subjects in person, it is more difficult to form the personal rapport with interviewees that may set them at greater ease and lead to less ‘guarded’ answers and the divulging of additional information that may not otherwise be obtained. Similarly, as Bryman points out, with non-face-to-face interviews, it is not possible to observe body language and how interviewees respond ‘in a physical sense’ to questions. This may be important because it affects the interviewer’s ability to ‘discern such things as discomfort, puzzlement or confusion’ which could help to inform questioning (ibid., 457).

In addition, two respondents who were initially proposed as interviewees – the attaché to the MFA and the Somaliland Honorary Representative to the
Netherlands – preferred to provide written responses to the questions set out in the Appendix rather than be interviewed. This was likely a consequence of having provided the list of questions as part of the introductory email correspondence with each respondent who, given the sensitive nature of the issue, no doubt preferred to provide written responses over which they could have total control. This removed the opportunity for any face-to-face engagement with the respondents that, as noted above, may have gleaned additional information and insights. Further, a drawback of interviewing government officials in any setting is that they may provide ‘official’ responses to questions that do not reflect the realities and nuances of the aims and actions of the de facto state in question.

2.7 Case selection
This thesis specifically analyses the recognition strategies of two de facto states by means of case studies: Nagorno-Karabakh and Somaliland.

In any study on this topic, it is hard to ignore the four de facto states in the post-Soviet space: the NKR, the Republic of Abkhazia, the Republic of South Ossetia, and the Pridnestrovian Moldavian Republic (Transnistria). Abkhazia and South Ossetia are both recognised by four UN member states: Russia, Nicaragua, Venezuela and Nauru (Ó Beacháin et al., 2016: 443). They also recognise one another and are recognised by Transnistria and the NKR, with South Ossetia additionally being recognised by Western Sahara (NEWSru, 2006; Ararat-Online, 2010; Lomsadze, 2010). However, Nagorno-Karabakh and Transnistria are not recognised by any UN member state; only by each other and by South Ossetia and Abkhazia (Ó Beacháin et al., 2016: 443; NEWSru, 2006; Ararat-Online, 2010). This means that (along with Somaliland which has no recognition whatsoever) Nagorno-Karabakh and Transnistria sit at the far end of the spectrum of non-recognition. This makes them more attractive case studies than South Ossetia or Abkhazia, both of which since 2008 have enjoyed recognition from their patron state, Russia.

Surveys conducted by O’Loughlin, Kolossov & Gerard Toal (2014) found a strong preference for integration with Russia among respondents in South Ossetia and Abkhazia. The recognition strategies of these two de facto states are therefore likely

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5 Vanuatu has previously recognised Abkhazia and Tuvalu has previously recognised both Abkhazia and South Ossetia, but both nations have since withdrawn this recognition (Bullough, 2014).
characterised by this desire (although this could be an area for further study and it should be noted that the preference varies considerably by nationality in Abkhazia (O’Loughlin et al., 2014: 452)). Therefore, by analysing the recognition strategies of either Nagorno-Karabakh or Transnistria, the two post-Soviet states that are most ‘isolated’ and experiencing greater levels of existential insecurity than either Abkhazia or South Ossetia (both of which have been afforded military protection from forcible eradication since 2008 (Pegg, 2017)), a clearer picture may emerge of the ways in which non-recognition impacts the strategies employed to obtain recognition.

Nagorno-Karabakh was ultimately selected over Transnistria. In Transnistria, the desire among its citizens to be incorporated into Russia evidenced by the work of O’Loughlin et al. implicates it with Abkhazia and South Ossetia as having high levels of Russian influence. Among the post-Soviet de facto states, Nagorno-Karabakh arguably offers the highest level of contrast when compared to each of the other three. Nagorno-Karabakh displays some variation in terms of its demographic diversity, having (like South Ossetia, but unlike Transnistria and Abkhazia), a relatively small and, following significant population displacement, highly-homogenised ethnic population (Pegg, 2017). Nagorno-Karabakh also has much higher levels of diaspora support than other post-Soviet de facto states (ibid.). Lastly, the violence, fatalities, destruction of property and population displacement that preceded the creation of Nagorno-Karabakh (and South Ossetia and Abkhazia) was considerably less pronounced in Transnistria (Broers, 2013: 60; O’Loughlin et al., 2014: 444).

Summarising the current state of research on de facto states, Pegg writes ‘[w]e need more comparative work on the post-Soviet cases, but we also need more comparative work that goes beyond them to other de facto states and/or other adjacent phenomena’ (Pegg, 2017). With this in mind, Somaliland is this thesis’ second case study. Even more so than Nagorno-Karabakh, Somaliland sits at the very end of the spectrum of non-recognition, with no UN member state or other de facto state currently recognising it. Notwithstanding this, it is remarked upon in the literature how Somaliland not only maintains a relatively high degree of contact with external actors in the international system, but also manages to function as a largely peaceful and ordered entity (particularly when viewed in relation to Somalia and within the wider sub-Saharan African context) (Richards, 2014; Pegg & Kolstø,
2015). Somaliland forms a suitable contrast with Nagorno-Karabakh as a post-Soviet case study, not only because of its geographic location, but also because, unlike Nagorno-Karabakh, it does not depend on the support and assistance of an external patron state. Additionally, Somaliland’s politics and society do not display the desire seen in Nagorno-Karabakh to be incorporated into a patron state and this may mean that the substance of Somaliland’s recognition strategies can be differentiated from the other case study on this basis.

Table 1. Basic data relating to the case studies

<table>
<thead>
<tr>
<th>Official name (in English)</th>
<th>Artsakh Republic (Nagorno-Karabakh / NKR)</th>
<th>Republic of Somaliland (Somaliland)</th>
</tr>
</thead>
<tbody>
<tr>
<td>Origin</td>
<td>Secession</td>
<td>Reversion and secession</td>
</tr>
<tr>
<td>Capital city</td>
<td>Stepanakert</td>
<td>Hargeisa</td>
</tr>
<tr>
<td>Base state</td>
<td>Azerbaijan</td>
<td>Somalia</td>
</tr>
<tr>
<td>Patron state</td>
<td>Armenia</td>
<td>None</td>
</tr>
<tr>
<td>Year originated</td>
<td>1991</td>
<td>1991</td>
</tr>
<tr>
<td>Population</td>
<td>150,932 (2015 census)</td>
<td>3,508,180 (2017 estimate)</td>
</tr>
<tr>
<td>Area (km²)</td>
<td>11,458</td>
<td>176,120</td>
</tr>
<tr>
<td>Ethnic composition</td>
<td>99.7% Armenian (2015 census)</td>
<td>Clan system, of which the Isaaq make up 80% of the population</td>
</tr>
<tr>
<td>Recognition</td>
<td>Abkhazia, South Ossetia, Transnistria</td>
<td>None</td>
</tr>
<tr>
<td>Freedom House ranking</td>
<td>Partly free</td>
<td>Partly free</td>
</tr>
<tr>
<td>Products</td>
<td>Copper and gold mining, agriculture, alcohol (wine, vodka, cognac)</td>
<td>Livestock, agriculture, limited mining</td>
</tr>
<tr>
<td>Currency</td>
<td>Armenian dram, Artsakh dram (not widely used)</td>
<td>Somaliland shilling</td>
</tr>
</tbody>
</table>

(Geldenhuys, 2009: 242; Ó Beacháin et al., 2016: 443; Freedom House, 2018.)
3. Literature Review

This section provides an overview of the existing literature on de facto states. Through a review of the past and current scholarship on the topic, it offers a description, summary and critical evaluation of these works in order both to delimit the larger field of study and, following from this, to identify gaps in this literature and, therefore, the research question of this thesis.

3.1 Key works

Caspersen’s *Unrecognized States: The Struggle for Sovereignty in the Modern International System* (2012) currently stands as the core text on de facto states. Caspersen’s work represents something of a departure from the previous scholarship within the subfield in that she does not only consider the entities by looking at their place in the international system as a whole and the ways in which fully-recognised states interact (or otherwise) with them, but also looks within de facto states through analysis of their internal political structures and institutions. Caspersen asks, ‘are they [de facto states] merely states-in-waiting that have reached different levels of state-building, or is there something qualitatively different about unrecognised statehood?’ and this stands as the central research question of her work (Caspersen, 2012: 51).

Caspersen analyses the impact of the lack of recognition on the character of statehood in de facto states. She argues that not only, as one would expect, does lack of recognition have the effect that engagement by de facto states with other states is constrained or rendered impossible, but also highlights the complications caused in the relationships that de facto states are able to have with other actors, including international organisations (IOs), international donors and commercial investors. The result, Caspersen finds, is that while many de facto states rely on the support of stronger external patron states for their survival, ‘the dominant trend is one of isolation’ (ibid., 49). Out of this predicament emerge the opposing forces that can be found in most de facto states: on the one hand, the legacy of secessionist warfare causes militarisation, authoritarianism and, sometimes, ethnic exclusion while, on the other, the desire to achieve external sovereignty implies a path of democratisation and liberalism. This is a dichotomy that, according to Caspersen, leaves de facto states ‘in an ambiguous and largely transient position’ (ibid., 121).
Through her analysis of the internal state-building processes in de facto states, Caspersen makes the key observation that the need for national unity in such states in the face of the ever-present threat of a base state, coupled with a position of isolation on the world stage, has the effect that political pluralism within de facto states is compromised, a factor that hinders democratisation. Conversely, however, Caspersen also shows how, in the case of external factors shaping state-building, democratisation in de facto states has been hastened by the role of patron states, diaspora communities and IOs. In this context, Caspersen discusses the concept of *earned sovereignty* and how, for instance, IOs have sought to impose more stringent criteria on de facto states in order for them to be accorded recognition than those traditionally contained in the Montevideo Convention (for more on which, see section 4 below) (ibid., 20, 38, 69).

Caspersen goes on to examine the controversial issue of whether de facto states challenge existing notions of sovereignty and statehood. Writing that ‘[l]ack of recognition does not render statehood impossible or meaningless, but the resulting statehood differs in important respects from recognised statehood’ (ibid., 121, emphasis added), Caspersen positions herself in the middle ground between the opposing constitutive (recognition is an essential element of statehood) and declaratory (recognition is merely acknowledgement and cannot by itself determine the status of an entity) approaches to statehood in international law. She posits that de facto states do indeed ‘challenge dominant conceptions of sovereignty by pointing to the different forms that internal sovereignty can take’ (ibid.), but also stresses the continuing importance of recognition to such entities.

Caspersen demonstrates that there are ‘shades of grey’ among de facto states when it comes to recognition and sovereignty. Some have been recognised by many UN member states (for example, Kosovo), some by only their patron state (for example, Northern Cyprus (the TRNC) by Turkey) and others by none (Somaliland). Caspersen points out the paradox whereby Somaliland, as a de facto state lacking any international recognition, should in theory be the most isolated example, but this is not the case. Somaliland is better integrated into the world economy and the international system in general than many de facto states that enjoy some level of recognition (ibid., 105).

Caspersen emphasises the uniqueness of different de facto states and acknowledges the great variation that can be found among them, writing for
instance that ‘[w]e cannot conclude from Chechnya that all unrecognised states are largely anarchical entities, or from South Ossetia that they all are closely in tune with their patron state’ (ibid., 148). Caspersen rightly challenges the widely-held notion that de facto states are ‘black holes’ or ‘anarchical badlands’, as victims and perpetrators of terror that exist wholly in isolation from their neighbours. Instead, she highlights their many successes in building polities that in some cases can be described as democratic and functioning. Caspersen therefore raises the paradox whereby some de facto states are better governed than many recognised states (again, a key example being Somaliland in relation to Somalia).

Caspersen demonstrates that, in fact, it cannot be said that lack of recognition is a factor that influences either positively or negatively the levels of democracy, accountability, or freedom of speech in de facto states (as shown in Freedom House rankings that include several de facto states) (ibid., 89). She notes the recent tendency for some de facto states to move towards authoritarian rule (with accompanying restrictions on civil society) in recent years. Caspersen attributes this to the partial recognition that has been achieved by Kosovo, in which an initial ‘standards before status’ approach laid down by the international community initially led to knock-on democratisation efforts in other de facto states in the hope that recognition would be extended to them in the same manner. However, once democratic standards were quietly disbanded as a requirement for Kosovo’s recognition, leaders in other de facto states were sent a clear message that democracy is not a prerequisite to achieving recognition, but the machinations of great-power politics are what matter more (ibid., 73).

As the final element of her work, Caspersen ponders the future of de facto states. While some, she writes, face the prospect of being reabsorbed into their base states by military means (as with the Republic of Serbian Krajina’s integration into Croatia in 1995), others will experience long-term non-recognition, while others may eventually gain recognition and admittance to the UN. Caspersen ultimately argues that, in all circumstances, engagement by the international community with de facto states should be the preferred policy choice, isolation being undesirable from both a humanitarian and conflict resolution perspective (ibid., 142-144, 153-155).

Caspersen’s thoughts on the viability of de facto states ultimately seem slightly confused. In a critique of Caspersen’s work, Pegg writes that while on the one hand Caspersen argues that ‘forcible military eradication remains the most likely
outcome for these entities’ and highlights that de facto states are ‘highly unstable’, the average longevity of the de facto states featured in Caspersen’s work is in fact around fifteen years and continuing (Pegg, 2013: 572). Given that Caspersen tentatively acknowledges that de facto states are indeed ‘likely to be sustainable in the medium-term’, a thoroughly convincing argument as to precisely why de facto states are not viable in the long-term is lacking (ibid.).

In her review of Caspersen’s work, Stacy Closson questions whether many de facto states actually meaningfully advocate for recognition, arguing that the status quo of non-recognition actually serves the interests of the international community as a whole and, in some cases, de facto states themselves (Closson, Kolstø, Seymour & Caspersen, 2013: 675). For instance, the TRNC and South Ossetia benefit considerably from the aid received from their patron states (Turkey and Russia respectively) on account of their status as de facto states and this, Closson argues, has the effect that their leaders do not actively pursue independence (ibid.). However, Caspersen maintains that her research has found that recognition remains the key existential issue for de facto states (ibid., 681). The constant threat of extinction due to the lack of protection from the international norm of non-intervention means that ensuring access to the wider international community is very much a priority for the leaders of de facto states and a commitment to the goal of recognition and its accompanying promise of security and prosperity (ibid.).

Caspersen argues that recognition is to a great extent a political issue, rather than, for instance, a principled restrictive application of self-determination on the part of the international community. As Closson notes in her critique of Caspersen’s work, the diplomatic stalemates characteristic of cold war-era Soviet-western relations perhaps explain the current lack of recognition accorded to the NKR and Transnistria as much as anything else (ibid., 675). Similarly, the widespread recognitions of East Timor, Eritrea and Kosovo do not follow an identifiable trend, but instead can be considered as exceptions that reflect the unique political circumstances of each case (ibid.). In this context, something that Caspersen rightly questions in her work is whether the legal precedence for recognition really matters in light of the indisputable role of politics in each case.

Empirically, Caspersen draws upon a wide range of current cases. According to Lee Seymour, this is both a strength and a weakness of Caspersen’s work because, while the ‘sheer breadth’ of examples is a welcome addition to a literature that has
primarily focussed on single cases or regional studies (for example, the Caucasus),
the extent to which meaningful general comparisons can be drawn between de facto
states and whether it also makes sense to analyse them together can be questioned
(ibid., 679). Caspersen is aware of this limitation, however, and argues that the
expansive approach enables her work to actually engage with broad issues such as
the nature of statehood and the relationship between internal and external
sovereignty (Caspersen, 2012: 24) and also that, since ‘lack of recognition has a
significant impact on the kinds of entities that develop’, it is valid, despite their great
variation, to treat de facto states as a single conceptual category (Closson et al., 682).

Linking Caspersen’s work more specifically to this thesis, while she touches on
recognition strategies employed by de facto states, this is far from a central element
of her work. Caspersen refers to broad, across-the-board trends only,
acknowledging that recognition strategies are ‘continuously being refined and
renegotiated’ in light of changes in international norms and practices of recognition
(Caspersen, 2012: 68). She notes a gradual shift from ‘claims based on national
identity and past grievances’ to claims centred on the concept of earned sovereignty:
that de facto states ‘deserve’ recognition because they are now fledgling democratic
entities (see section 4 below). A detailed analysis of the recognition strategies
undertaken (or lack thereof) in the case studies Caspersen discusses is, however,
absent.

In its totality, the existing literature on de facto states is very limited (Geldenhuys,
majority of scholarship focusses on the implications of the existence of de facto
states for the wider international system, while other, separate, studies analyse the
conflicts that produced these entities and the current relationship between de facto
states and their base states (Potapkina, 2013: 821). Closson writes that, prior to
Caspersen’s work, ‘[p]revious literature, particularly of monograph length on
internal developments of unrecognized states is dated or, with one exception (Pegg
1998), not grounded in theory’ (Closson et al., 2013: 675, emphasis added).

Pegg’s International Security and the De Facto State (1998) was the first book-length
substantive theoretical attempt to analyse de facto states. Pegg sets out his argument
that de facto states exist, can be distinguished from other actors in IR and are
therefore worthy of analysis in their own right (and together as a category of study),
and are not simply fodder for condemnation for their perceived illegality (Pegg, 1998: 250; Pegg, 2017).

Pegg’s work first addresses the question of ‘What is a de facto state?’ which he defines as a political entity not recognised by the international community as a sovereign state, yet which has an organised political leadership which has risen to power through some degree of indigenous capability; popular support; and provides governmental services to a particular population in a specific territorial area which it is able to control for a significant period of time (Pegg, 1998: 26). Pegg then moves on to detailed case studies of four such entities: Eritrea prior to its independence, the TRNC, Somaliland and Tamil Eelam (militarily subsumed by Sri Lanka since the time of writing), which he states evidence the ‘tremendous diversity inherent within [de facto states]’ in terms of their territorial justifications, degrees of democracy and the nature of their relations with wider international society (ibid., 114-115). Finally, Pegg assesses the impact of de facto states on the study of IR and the practical and policy implications of these entities.

Overall, Pegg concludes that, while de facto states are far from the most significant actors in the international system, they can and do influence it (ibid., 251). Further, with state creation issues being the largest source of global conflict post-1945, the ‘near-total academic neglect’ of de facto states is unjustified and problematic (ibid., 20, 251). In a plea that Caspersen would echo over a decade later, Pegg also makes the case for ‘more balanced and less judgmental treatment’ of de facto states which, while not being without their problems, ‘should not be viewed solely in negative terms’ (ibid., 251).

In Engaging Eurasia’s Separatist States: Unresolved Conflicts and De Facto States (2004), Lynch offers the first in-depth comparative analysis of the four de facto states that emerged out of the breakup of the Soviet Union: Abkhazia, South Ossetia, Nagorno-Karabakh and Transnistria. Lynch paints a bleak picture of de facto statehood within this specific context, arguing that any positive effects of non-recognition are outweighed by impoverishment, the collapse of state infrastructures and high levels of criminality equalling a situation in which, for the average citizen, ‘life has become desperate’ (Lynch, 2004: 93-94).

While in some respects this assessment stands at odds with Caspersen’s muted positivity regarding de facto statehood, Lynch uses this standpoint to strongly advocate for a rapid response from the international community towards these
entities that he sees as threatening the security of entire regions. Lynch is highly critical of the perceived inefficacy of the approaches of both individual states and IOs towards the post-Soviet de facto states. He therefore sets out a five-point framework that he believes must be addressed by the international community if the situation is to be resolved: resolution of the status of de facto states, the return of internally displaced populations, security measures, intra-societal links and external support (ibid., 127-132). Lynch’s work is ambitious and innovative, but, fourteen years on from its publication, the international community is very far from taking the steps that he sets out, while at the same time these entities that ‘appear destined to collapse’ (ibid., 141) show little sign of disappearing.

Reflecting a larger critique of western scholarship of de facto states for its alleged bias against these entities, Galina Yemelianova criticises Lynch’s work as being ‘compromised by its design as a set of policy recommendations to the governments of the USA and the EU on how to deal with these de facto states and with Russia’s role in ethno-territorial disputes which produced these separatist regimes’ (Yemelianova, 2015: 232). Yemelianova then claims more generally that ‘western scholarship on the former USSR has failed to overcome cold war ideological stereotypes of Russia and has even succumbed to a new mythology driven by its demonization’ (ibid., 234).

Lastly, Geldenhuys’ Contested States in World Politics (2009) comprises ten case studies of entities with varying levels of international recognition (including Palestine, Taiwan and Western Sahara) prefaced by conceptual analysis. Geldenhuys makes it clear that the plethora of international treaties and the diverging views of scholars on the principle of self-determination, the legality or otherwise of secession and the definitions of an independent state and of recognition in international law are arguably only descriptive in nature with little practical meaning (Geldenhuys, 2009: 20-21). Taking a view that Caspersen concurs with in her work, Geldenhuys submits that states’ interests are better served by recognition based on political considerations, rather than the strict application of (he contends, incoherent) international law (ibid.).

3.2 Recent literature
Taking stock of the current state of research in the subfield of de facto statehood, Pegg surmises that twenty years of de facto state studies have produced ‘mixed
results’ (Pegg, 2017). While he lauds the ‘tremendous progress’ that has been made to advance ‘understanding of the internal and external dynamics driving the creation, development, impact, and evolution of these entities’, he also notes that disagreement among scholars over terminology and definitions, the number of de facto states that exist and their prospects for survival has meant that this ‘remains an immature subfield that has failed to generate cumulative progress across some important areas’ (ibid.).

The more recent literature has largely consisted of case-specific studies, rather than general works on the phenomenon of de facto states. For instance, Markus Hoehne looks at Somaliland’s internal politics to argue that its hybrid political order (combining customary forms of governance with the institutional forms more traditionally associated with the western state model) has outlived its early successes and is now an ‘unbalanced’ and ‘crippled’ hybrid model (Hoehne, 2013). In a study focusing on Kosovo alone, Ker-Lindsay examines the arguments that Kosovo’s declaration of independence in February 2008 was, as has since been claimed, a ‘unique case deriving from a unique set of conditions’ which did not represent an act of self-determination nor set a precedent. Ker-Lindsay ultimately dismisses these arguments, claiming that the settlement in Kosovo is a way for the West to mitigate ‘a mess of its own making’ and sets out the problems this approach causes for other de facto states (Ker-Lindsay, 2013: 854).

Some of the more recent studies have noted that democratisation in de facto states is not simply a cynical ploy to achieve recognition, but has made real strides. For instance, Ó Beacháin et al. detail the remarkable way in which, as a result of elections in Abkhazia and Transnistria, power has passed ‘without societal upheaval’ from incumbent governments to opposition parties, something which is rarely achieved in many recognised post-Soviet states (Ó Beacháin et al., 2016: 447). Indeed, scholars have now shown that external factors are arguably only a small part of what drives de facto states to democratise. They point instead to other factors such as the need for an elite to consolidate over often relatively homogenous communities and an absence of external backing, meaning that the survival of state-building processes in de facto states relies on societal investment and support which democratisation helps to provide (MacQueen, 2015: 430; Richards & Smith, 2015: 1729).
Pegg notes that a recent key area of progress within the literature has been developments in terms of empirical data collection and measurements, writing that the subfield ‘has taken a significant turn toward empirically based fieldwork and various attempts to develop quantitative measurements of these entities or incorporate novel primary sources to explain them’ (Pegg, 2017). Pegg considers Florea’s (2014) study to be ‘the most ambitious attempt to develop a large-N quantitative dataset on de facto states’ (Pegg, 2017). Through a study of thirty-four de facto states between 1945 and 2011, Florea generates original findings on the great variance within de facto states’ length of survival (Florea, 2014: 796) and their ultimate trajectories, identifying continued existence as a de facto state, peaceful or forcible reintegration into the base state and graduation to sovereign statehood as possible final outcomes (ibid., 792, 796-797). Considered to be similarly innovative is Raul Toomla’s (2016) use of fuzzy set Qualitative Comparative Analysis to ‘test whether there are different necessary and sufficient causes that might lead to [a] de facto state having foreign representations on its soil’. He finds that ‘having economic ties, a powerful patron state and basic democratic freedoms is a sufficient combination to have more foreign representations in a de facto state’ (Toomla, 2016: 331).

Further examples include George Kyris’ (2015) extensive fieldwork in the TRNC which includes a raft of interviews with EU officials and northern Cypriot politicians and civil society leaders to assess the impact and influence of the EU there. Innovative use of primary source material can be seen in Pegg and Berg’s two studies from 2016 that use over one thousand WikiLeaks U.S. diplomatic cables to examine U.S. relations with Abkhazia, the NKR, the TRNC, Somaliland and Transnistria (Berg & Pegg, 2016; Pegg & Berg, 2016). However, such studies chiefly focus on the efforts of external actors’ engagement with de facto states and its subsequent effects, as opposed to looking at how de facto states themselves try to engage with the wider international system. This thesis adds to the limited existing literature that attempts to remedy this deficit.
4. Theoretical and Conceptual Perspectives

4.1 Sovereignty

Stephen Krasner rightly states that ‘[t]he contemporary world is beset by conflicts and issues that seem to challenge the utility of sovereignty as conventionally understood’ (Krasner, 1997: 651). Yet the traditional narrative of sovereignty as supreme authority within a territory which has its roots in the writings of, among others, Niccolò Machiavelli, Jean Bodin and Thomas Hobbes and the contemporaneous Westphalian model of state foundation, has dominated analysis of the international system since the seventeenth century (Philpott, 2016: 1). In contemporary IR theory, sovereignty is still central to the idea of political authority and is largely seen as its fundamental characteristic (ibid., 2). Indeed, Alan James describes sovereignty as ‘the organising principle of inter-state relations’ (James, 1986: 268-269). In the main, the state is viewed as the political institution in which sovereignty is embodied and it is the ‘assemblage’ of sovereign states that forms the modern international system (ibid.).

Further examining the generally-accepted definition of sovereignty referenced above, the holder of sovereignty possesses authority, although this is not merely coercive power but legitimacy translating as a right to command and a right to be obeyed (ibid., 3). This authority, which is supreme and therefore superior to all other authorities under the holder’s purview, is derived by means of a consensus-based source of legitimacy; for instance, a divine right, a constitution, or international law. In the modern era, a body of law is most often the source of sovereignty (ibid.). Territory, the principle whereby members of a community are identified by means of their residence within particular borders, is a key element of sovereignty. It is chiefly within a defined geographic territory that the state, as the modern holder of sovereignty, is supremely authoritative (ibid., 4). Daniel Philpott contends that ‘[u]nderstanding sovereignty [...] involves understanding claims to it’ and, historically, ‘these claims have taken extraordinarily diverse forms’ (ibid.). Such claims to sovereignty include de facto states and their demands to be recognised as fully-sovereign states and members of the international community.

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6 However, the centrality of the Peace of Westphalia (1648) to the evolution and structure of the international system has been disputed (see, for instance, Krasner 1999) and discredited as perpetuating a Eurocentric bias in IR theory (see, for instance, Kayaoglu 2010).
There are essentially three dimensions to debates over sovereignty: on the holder of sovereignty, on the absoluteness of sovereignty, and on the internal and external dimensions of sovereignty (ibid.). The study of de facto states implicates all three dimensions. Although, historically, a range of actors have held sovereignty – monarchs and dictators, for instance – in current times, the holder of supreme authority within a territory is generally acknowledged to be the state (ibid., 6). Sovereignty can be absolute or non-absolute, with non-absoluteness not necessarily being incompatible with sovereignty’s supremacy (ibid., 5). This is because absoluteness refers not to the extent or character of sovereignty (which is always supreme), but rather to the ‘scope of matters’ over which a holder of authority is sovereign (ibid.). While the Hobbesian notion of sovereignty envisions it as absolute, extending to all matters within a territory equally, it has since been argued that an authority can be sovereign over some matters within a territory, but not all (ibid.). A contemporary example of this is the way in which EU member states exhibit non-absoluteness of sovereignty, for instance by governing their own defence polices, but not their currencies, trade policies or social welfare policies which are determined in cooperation with the EU institutions (their authority deriving from EU law).

The difference between ‘internal’ and ‘external’ sovereignty is also a key element of the concept and one that is particularly pertinent to analysis of de facto states. Philpott maintains that the two terms do not denote exclusive sorts of sovereignty, but different aspects of sovereignty that are ‘coexistent and omnipresent’ (ibid., 6). The distinction alludes to it standing to reason that if sovereignty is exercised within a defined territory, it also must rely on outsiders not interfering with the internal governance of that territory. Non-interference with the governance of a sovereign state has been an accepted, if not always observed, principle of the Westphalian order and is enshrined in the Charter of the UN, article 2(4) of which prohibits attacks on ‘political independence and territorial integrity’ and article 2(7) of which curtails intervention. External sovereignty itself depends on recognition from outsiders, a ‘set of mutual understandings that give […] the state immunity from outside interference’ (ibid.). Thus, external sovereignty itself establishes the widely-held basic condition of IR, namely anarchy, that prevents a higher authority from laying claim to lower authorities (ibid.).
Philpott describes the above trajectory of sovereignty as ‘one of the most formidable and successful political trends in modern times’, yet the concept has equally been met with doubt or qualification from certain scholars (see, for instance, Maritain, 1951 and de Jouvenel, 1957), especially in light of sovereignty’s perceived ability to provide a pretext for its holders to commit cruelties and injustices free from the scrutiny of outside interference (for example, Nazi Germany’s perpetration of the Holocaust, Turkey’s violations of Kurdish human rights or Russia’s military campaigns in Chechnya) (ibid., 14; Williams, Scharf & Hooper, 2003: 350). Legal and institutional circumscriptions of the rights of sovereign states have indeed arisen post-1945, most notably via international conventions on human rights, global commitments to doctrines such as the UN-backed Responsibility to Protect, and through European integration by means of the EU.

For a de facto state, sovereignty is key to its trajectory because, as Pegg writes, such a state’s ‘ultimate goal’ is ‘sovereignty as constitutional independence’ (Pegg, 1998: 125, emphasis added). As James posits, sovereignty ‘consists of being constitutionally apart, of not being contained, however loosely, within a wider constitutional scheme’ (James, 1986: 24). Practically speaking, this constitutional independence differentiates, for instance, Vanuatu from Virginia. Both have identifiable territories, populations and governments, but only Vanuatu is considered sovereign in IR because of its constitutional independence (the state of Virginia of course being subject to the U.S. federal government). Pegg submits that this desire for constitutional independence is what differentiates de facto states from entities that seek only a change in position within an existing state, or ‘local secession’ as opposed to ‘national secession’ (for example, the canton of Jura’s separation from Bern Canton in Switzerland or the separation of Nunavut from the Northwest Territories in Canada) (Pegg, 1998: 33).

As Pegg points out, the very interpretation of sovereignty has an impact on the likelihood of de facto states being present in the international system or not, namely the distinction between what J. Samuel Barkin and Bruce Cronin term ‘state sovereignty’ and ‘national sovereignty’ (Pegg, 1998: 125). While state sovereignty ‘stresses the link between sovereign authority and a defined territory’, national sovereignty, on the other hand, ‘emphasises a link between sovereign authority and a defined population’ (Barkin & Cronin, 1994: 108). While the two types of sovereignty are institutionally and structurally akin, they differ in the source of their
legitimation because state sovereignty is based on people and national sovereignty on territory (Pegg, 1998: 125). Barkin and Cronin contend that when an international order focuses on state legitimation, tensions arise in national legitimation and vice versa. In other words, settlements following conflict tend to favour one over the other and this focus is often shifted with the beginning of a new world order (Barkin & Cronin, 1994: 115). Thus, while the post-Napoleonic war era favoured state sovereignty, the post-World War I era favoured national sovereignty, the post-World War II era favoured state legitimacy once more and the post-cold war era indicates a shift back to national legitimacy (Pegg, 1998: 125).

The prevailing sovereignty norm present in the international system at any given time affects the prospects that a de facto state has for achieving secession (Barkin & Cronin, 1994: 108). When state sovereignty predominates, the international community will defend the rights of sovereign states against de facto states’ demands for full sovereignty and recognition. Conversely, when national sovereignty is the prevailing sovereignty norm, the international community tends to exhibit greater sympathy to self-determination demands of de facto states, at the expense of established states (ibid.). De facto states challenge the existing state order, and it follows from Barkin and Cronin’s observations that challenges to this order are more likely to succeed in periods when sovereignty is conceived along national lines (Pegg, 1998: 126). Therefore, as a direct example of the impact of the way the concept of sovereignty is conceived on de facto states themselves, Pegg summarises that there is a much greater likelihood of encountering de facto states in the international system during periods when state sovereignty prevails because such a norm acts as a ‘ceiling’ that ‘prevents the de facto state from attaining juridical recognition of its empirical success’ (ibid.).

De facto states also directly challenge the classical view of sovereignty in an international system in which, as Krasner contends, ‘the language of diplomacy, the media and the street portrays nothing other than a world of fully sovereign states’ (Krasner, 2004: 87). De facto states, evidencing what Krasner terms ‘problematic sovereignty’, do not fit into this system, but do endure nevertheless (Krasner, 2001a). Following from this, poststructuralist scholarship on the concept of sovereignty, in particular the work of Cynthia Weber, maintains that ‘the meanings attached to sovereignty and the practices which follow from them are historically and geographically variable’ (Weber, 1992: 204). As Barkin and Cronin similarly claim,
as most scholars focus on the legal aspects of sovereignty, it is wrongly viewed as ‘fixed’, but sovereignty is in fact as much a function of legitimacy as it is legal content and as ‘understandings of legitimacy tend to change from era to era [...] the rules of sovereignty are neither fixed nor constant, but rather are subject to changing interpretations’ (Barkin & Cronin, 1994: 107-108). These analyses lead Pegg to conclude that ‘[s]overeignty is thus a social construct characterised by changing intersubjective understandings’ (Pegg, 1998: 125, emphasis added). This thesis ascribes to this more recent scholarship in its assessment of sovereignty through the lens of the international politics of recognition.

The classical views of sovereignty referred to above would hold that, without external sovereignty (international recognition), de facto states cannot be sovereign. James adopts this standpoint, writing that ‘sovereignty, like pregnancy, is either present or absent, never only partially realised’ (James cited in Caspersen, 2012: 13). However, for Caspersen, this view of sovereignty is merely a neorealist ‘analytical assumption’ in which the concept is narrowly conceived as indivisible, the argument being that without independence there can be no supreme authority essential to sovereignty itself (ibid.). In the classical view, in line with the constitutive approach in international law, sovereignty, being a ‘fixed and exogenous attribute of states’, is inextricably linked to the idea of statehood itself, such that ‘a state is either sovereign, or it is not a state’ (Tansey, 2011: 1519). This argument therefore implies that a de facto state cannot develop statehood (Caspersen, 2012: 14).

However, often with entities such as de facto states in mind, it has now been argued within IR that sovereignty is multifaceted with a range of different and changing meanings and forms that can be present to a greater or a lesser extent, statehood being a matter of degree (ibid.; Sørensen, 1999; Cox, Dunne & Booth, 2001: 4; Lake, 2003). Krasner in particular has advanced arguments that sovereignty is not indivisible. He theorises, instead, that it has four distinct elements or interpretations that need not necessarily all be present simultaneously: (i) ‘international legal sovereignty’, referring to mutual recognition (external sovereignty); (ii) ‘Westphalian sovereignty’, relating to the ‘exclusion of external sources of authority’ (internal sovereignty); (iii) ‘domestic sovereignty’ referring to authority structures within states and their ability to ‘effectively regulate behaviour’; and (iv) ‘interdependence sovereignty’ as ‘the ability of states to control movement across
their borders’ (Krasner, 2001b: 231-233). Krasner’s first two elements pertain to authority, whereas the last two elements – domestic sovereignty and interdependence sovereignty – introduce a notion of de facto sovereignty (or ‘positive’ or ‘empirical sovereignty’), namely the state’s capacity to ‘control its territory and provide basic public services’ (Caspersen, 2012: 14). This form of sovereignty has been described as a continuum (evidenced, for example, in notions of a ‘strong’, ‘weak’ or ‘failed’ states) such that, while authority can be seen as absolute, control and power are relative and a matter of degree (ibid., 15). It is Krasner’s conceptualisation that makes degrees of sovereignty, and, consequently, arguments that de facto states can and do exhibit sovereignty possible, it being neither indivisible, nor absolute. As Caspersen writes, ‘status, capacity and autonomy can be wholly, or partially, disconnected and this could be taken to mean that external sovereignty can exist without statehood and vice versa’ (Caspersen, 2012: 15).

Caspersen, pointing out that Krasner’s study does not analyse either the ways in which domestic and interdependence sovereignty vary or their interaction with the two other forms of sovereignty he identifies, advances the argument that de facto states show that internal sovereignty can and does exist in the absence of external sovereignty (ibid.). For Caspersen, statehood without sovereignty is possible, but it takes ‘a specific form’, differing in important respects from recognised statehood and occupying the ‘partial disconnect between external and internal sovereignty’ (Caspersen, 2012: 121, 150). In a practical sense, this, Caspersen argues, leaves de facto states in an ‘ambiguous and largely transient position’ (ibid., 121).

Weber refutes sovereignty’s presumed precedence as the principle rule or structure of authority in the international system. Instead, she argues that sovereignty (viewed as an ‘institution’ or ‘discourse’) is endogenous to the international system and produced and reproduced by the practices of states themselves (states being viewed as ‘identities’ or ‘agents’), sovereignty and state being ‘mutually constitutive and constantly undergoing change and transformation’ (Tansey, 2011: 1519, 1520; Biersteker & Weber, 1996: 11; Weber 1992: 200). Referring to sovereignty as a ‘foundational myth’, Weber additionally contends that ‘there is no “natural” sovereign state because there is no “natural” foundation of sovereignty’ (Weber, 1992: 215). For Weber, in relation to statehood,
sovereignty refers only to the ‘performative criteria’ that an entity must undertake in order to receive ‘intersubjective recognition’ as a sovereign state (ibid., 200).

A relatively recent conceptualisation of the way in which sovereignty may be obtained by de facto states lies in the concept of earned sovereignty which has developed to reflect instances of democratisation being seen as integral to the granting of recognition (Williams, Scharf & Hooper, 2003). The growing trend for states and de facto states to partake in a process of earned sovereignty is reflective of the increasing will of the international community to aid state-building and to help manage successful transfers of sovereign powers and authority (ibid., 350). Earned sovereignty is essentially a normative evaluation of secessionist claims that considers ‘primarily the extent to which the seceding entity has fulfilled such liberal democratic principles as democratic rights and values, civic nation-building and minority rights’ (Berg & Mölder, 2012: 528). The ‘earning of sovereignty’ therefore equates to the establishment of an essentially liberal democratic regime (ibid.).

The most frequently cited example of the concept in action is the ‘standards before status’ policy adopted by the UN mission in Kosovo, which prescribed that recognition of Kosovo as a fully-sovereign, independent state was contingent on certain standards of effective democratic governance being attained (Caspersen, 2012: 20). Earned sovereignty is particularly interesting here because it demonstrates that an entity’s empirical capabilities are seen as crucial for recognition (ibid.). This being said, in practice, the conditionality that earned sovereignty imposes appears to operate in reverse because, as Toomla finds, ‘[a] good human rights record is itself not necessary for engagement [between de facto states and the wider international community], but its absence is necessary for no engagement’ (Toomla, 2014: 173). This finding underscores the chiefly political nature of recognition.

4.2 Creating a state: international law relating to statehood, recognition, secession and uti possidetis
States have been viewed as the principal units of the international system since the time of the Peace of Westphalia in 1648, yet there is still no universally agreed definition of ‘statehood’ (Farley, 2010: 790). The elements that can be considered the most broadly accepted constituents of statehood are set out in the 1933 Montevideo Convention on the Rights and Duties of States, article 1 of which reads: ‘[t]he state as a person of international law should possess the following qualifications: (a) a
permanent population; (b) a defined territory; (c) government; and (d) capacity to enter into relations with the other states’ (ibid.). An opinion of the Badinter Arbitration Committee, established in August 1991 by the Council of Ministers of the then European Community to provide legal advice on the dissolution of the Socialist Federal Republic of Yugoslavia (SFRY), echoed the Montevideo Convention, stating that: ‘the state is commonly defined as a community which consists of a territory and a population subject to an organised political authority [and] is characterised by sovereignty’ (Pellet, 1992: 182).

The Montevideo criteria are, however, far from exclusive as determinants of statehood. As Gerhard Erasmus notes, its requirements ‘deal only with the effectiveness of the entity claiming to be a state’, ignoring the nature of government, its policies and how it came into being (Erasmus, 1988: 215, emphasis added). Erasmus goes on to write that there is an emerging trend whereby the ‘quality’ of statehood has also been an important element in it being deemed to be present, in which ‘independence through peaceful means and in accordance with the principle of self-determination and basic human rights […] are increasingly considered to be new international legal standards for statehood’ (ibid.). Moreover, failure to satisfy the Montevideo criteria has not prevented entities from obtaining statehood (Farley, 2010: 791). For instance, on its independence from Belgium in June 1960, the Republic of Congo (now the Democratic Republic of Congo) did not possess an effective government, existing in a state of anarchy, but its application for UN membership was approved unopposed and the new state ‘propped up’ by the UN and the Congo’s former coloniser (Crawford cited in Farley, 2010: 791). Similarly, in 1950, Liechtenstein, being at the time a non-UN member state that had delegated full control of its foreign affairs to Switzerland, was admitted as a party to the Statute of the International Court of Justice (an integral part of the UN Charter), an entitlement reserved for states only (van der Vyver, 1991: 13). It is therefore possible, and there exists historical precedent, that an entity considered ineffective, such as some de facto states, can receive international recognition.

The question of statehood is closely tied to the legal effect of recognition (Farley, 2010: 792). There are traditionally two opposed schools of thought regarding the legal impact of recognition on a would-be state: the constitutive approach and the declaratory approach (Lauterpacht, 1947). The constitutive theory of state recognition holds that recognition is a fundamental requirement of statehood, an
entity only becoming a state once it has been recognised as such. The declaratory school rejects the legal effect of recognition, holding that recognition is merely descriptive of what is already fact: that, if complying with the criteria set out in the Montevideo Convention, the entity in question is a state (Farley, 2010: 192; van der Vyver, 1991: 12). As James writes ‘[r]ecognition presupposes a state’s existence; it does not create it’ (James, 1986: 147). According to Johan D. van der Vyver, the declaratory approach is the preferred theory among the ‘overwhelming majority of international law experts’ (ibid.). Van der Vyver notes that Soviet scholars have been particularly critical of the constitutive approach, characterising it as an ‘imperialist ploy’ to negate the sovereignty of states coming into being through (socialist) revolutions of national liberation (van der Vyver, 1991: 12-13). The declaratory approach is not wholly on the side of de facto states, however. Being closely linked to the Montevideo criteria, the final limb of which (‘the capacity to enter into relations with the other states’) is often difficult or impossible for de facto states to fulfil in the absence of recognition in the first place.

To this end, van der Vyver dismisses the constitutive-declaratory dichotomy as overly simplistic, positing that the relevant question is not when is a state a state, but to whom is a state a state (Farley, 2010: 792). He goes on to point out that there exists a middle ground between the two approaches. Some states can still be states in the absence of recognition ‘within the four walls of their domestic (territorial) enclave’ (i.e., internally), if not externally. Further, a state may be a state in the eyes of one or several states, if not in the eyes of the international community more generally (van der Vyver, 1991: 99). This is the case for many de facto states; for instance, Abkhazia, South Ossetia and the TRNC. Caspersen echoes this view, taking a ‘middle position between the declaratory and constitutive approach[es]’ to state that recognition is ‘not simply a formality’ (Caspersen, 2012: 121). There are, Caspersen maintains, tangible differences between recognised statehood and de facto statehood, the latter being characterised by ‘specific tensions and ambiguities’ often not found in recognised states that, themselves, can lead to a fluidity that enables de facto states to ‘move in both direction on the spectrum between failed and fully functioning’ (ibid., 2012: 121-122).

The above is qualified by an appreciation that in no way can the importance of recognition to a state be underestimated. As Benjamin Farley maintains, de facto states suffer ‘a disability in the modern international system’, their capacity to
function both domestically and internationally being constrained by, among other things, lack of access to international financial institutions, investors and direct bilateral assistance with trade also being hampered by a lack of recognised regulatory controls (Farley, 2010: 792-793). Furthermore, failure to obtain international recognition has been the demise of many would-be states, for instance Biafra (Nigeria), Katanga (Democratic Republic of the Congo) and Chechnya (Russia) to name only three (ibid., 793). Hersch Lauterpacht, arguably the most preeminent scholar on international legal recognition, suggests that, such is the importance of recognition to states and the international system as a whole, that there is a legal duty on existing states to recognise qualifying entities (Lauterpacht, 1947: 6).

In reality, Lauterpacht’s views have not gained traction and recognition is still a political act at the discretion of states (Farley, 2010: 793). As Alfred P. Rubin writes, ‘[t]hird-party states normally do not pronounce on the issue until they perceive it in their national interest to do so, and then their pronouncements are coloured by that interest’ (Rubin cited in Farley, 2010: 794). Typifying Rubin’s view, in December 2009, the Republic of Nauru received $50 million in aid from Russia in exchange for becoming the fourth country to recognise Abkhazia (Farley, 2010: 794).

In addition to the concept of statehood and recognition, two further principles of international law are pertinent to a de facto state: secession and uti possidetis. Secession arguably characterises de facto states, which, dependent on viewpoint, either have seceded from their base states or (certainly in the eyes of the base state in question) have allegedly seceded. Secession is defined as ‘the separation of part of the territory of a state which originally takes place in the absence of consent of the previous sovereign’ (Haverland cited in Baer, 2000: 46). The term has negative connotations, denoting an entity’s ‘illegitimate political separatism’ and, more generally, the formula of ‘secession plus state-formation’ has been seen as directly challenging international stability as it can be seen as ‘diametrically opposed to the principle of equal territorial sovereignty of the states’ (Baer, 2000: 46). Secession, representing the break-up of a once unified autonomous state ‘necessarily threatens the state-centred order’ (Farley, 2010: 796). As Josette Baer points out, as international law does not contain a general right to secession, ‘self-determination via statehood’ depends wholly on the recognition of third states and the UN (Baer, 2000: 47). This represents a predicament for de facto states.
International law does not, however, prohibit secession (Lauterpacht, 1947: 6). Some commentators argue that it is not merely linked to a right to self-determination, but can be a ‘permissible political strategy in its own right’ (van der Vyver, 2011: 17). Secession is however only perceived to be valid in two scenarios: (i) the separation of territory with the consent of all parties (as with the separation of Czechoslovakia into the Czech Republic and Slovakia in 1993); and (ii) the redrawing of national boundaries resulting from a peace treaty at the end of a conflict (as with Eritrea’s secession from Ethiopia in 1993) (ibid., 18). In spite of UN Secretary-General U Thant proclaiming in the late 1960s that the UN ‘has never accepted and does not accept’ the principle of secession, since that time at least forty states created through secession have been admitted to the UN (Farley, 2010: 798).

Lastly, the principle of *uti possidetis* (from the Latin for ‘as you possess’) governs the international borders of a newly-created state in that, unless otherwise agreed, the emergent state inherits the borders it previously had as an entity lacking recognition (Fabry, 2008: 56). The doctrine specifically emerged in the context of decolonisation and denoted the conversion of former colonial boundaries into international frontiers at the moment of decolonisation (Farley, 2010: 802). In the 1986 *Frontier Dispute Case*, the International Court of Justice enshrined *uti possidetis* as a general principle of international law aiming to protect the boundaries of newly-created states being threatened by a coloniser’s withdrawal from that state (Frontier Dispute Case, 1986).

Since then, *uti possidetis* has evolved beyond the purely post-colonial context into a general limitation on the validity of secession. For instance, in January 1992 the Badinter Arbitration Committee employed the principle to select which territorial units from the former SFRY would become eligible for international recognition (Farley, 2010: 804). In sum, today the principle dictates that ‘secession is valid so long as the seceding territory is a distinct, cohesive, and recognisable unit’ and serves as a limiting factor on the creation of new states which can only be valid if their extent matches that of a pre-existing territorial unit (ibid., 805).

### 4.3 Defining the de facto state

There is some debate within the subfield as to how a de facto state is precisely defined and, consequently, on the number of de facto states currently in existence.
in the international system. In this thesis, Caspersen’s definition of the de facto state is preferred.\(^7\) The definition has five interrelated elements (Caspersen, 2012: 11):

A de facto state:

1. **Has achieved de facto independence.** This means that the de facto state in question controls at least two-thirds of the territory to which it lays claim, including its main city and key regions. This requirement excludes cases such as Western Sahara, which cannot make a claim to de facto independence because its government only controls around fifteen per cent of the territory it claims (the remainder being controlled by Morocco) (ibid., 8). The NKR and Somaliland both claim more territory than they actually control. In the case of the NKR, it claims several regions under Azerbaijani control and, in the case of Somaliland, its territorial claim includes the north-eastern regions of Maakhir and Sool (i.e., all of the territory of the former British Somaliland) although these territories are autonomous within Somalia and disputed, respectively. However, both de facto states still control at least two-thirds of the territory that they claim, including the entity’s capital city and key regions (ibid., 8–9);

2. **Has a leadership that is seeking to build further state institutions and demonstrate its own legitimacy**;

3. **Has declared formal independence or demonstrated clear aspirations for independence.** Caspersen contends that it is not apt to exclude all entities that have not made a formal declaration of independence because the failure to do so can be a ‘strategic attempt to increase room for manoeuvre and the prospect for international support’ (for example, Taiwan) and de facto states that have not formally declared independence may function in a similar way to those that have (ibid., 9). Examples of aspiring to independence include the holding of an independence referendum and the adoption of a separate currency (ibid., 11). This requirement excludes ‘states-within-states’ that exhibit high levels of independence but do not voice a desire for secession, recognise the central government in question and receive tacit approval of

\(^7\) In *Unrecognized States: The Struggle for Sovereignty in the Modern International System* (2012), Caspersen refers to de facto states as ‘unrecognised states’ but has, since 2016, used the term de facto state in her work. This change in terminology does not have implications for her 2012 definition of an ‘unrecognised’ state.
their de facto independence from that central government meaning that there is no external threat to their independence (for example, the Nakhichevan Autonomous Republic in Azerbaijan and the Puntland State of Somalia) (ibid., 10);

4. Has not gained international recognition. Caspersen does not consider that partial recognition prevents de facto statehood. The de facto state may for instance have gained the recognition of its patron state and perhaps a few other minor states (as is the case with, for example, the TRNC and Abkhazia). Caspersen is of the view that no matter how important a patron state is, its recognition should not affect an entity’s theoretical de facto status (Toomla, 2014: 52). Caspersen considers Taiwan and Kosovo to be ‘borderline cases’, being recognised by eighteen and around one hundred and ten UN member states respectively (the exact figures frequently change as governments periodically withdraw or grant recognition) (Ministry of Foreign Affairs of the Republic of China, 2018; Choi, 2017). While Caspersen notes that, in the case of Kosovo, the entity’s ‘supervised independence’ limits the entity’s internal sovereignty, she nevertheless includes it (along with Taiwan) in her analysis because they are considered useful ‘contrasting examples of entities that have a somewhat different positions in the international system, yet have important similarities’ (Caspersen, 2012: 10); and

5. Has existed for at least two years. Following Pegg (1998), this criterion serves to distinguish de facto states from short-term holders of power and acknowledges that, while there is no specific theoretical justification for setting this at two years, as Toomla states, ‘[i]t takes some time to show the credentials of a state, especially if the birth of this state is during warfare’ (Toomla, 2014: 54).

The above analysis leaves Caspersen with a ‘relatively small universe of cases’: six entities that can in the present time be considered de facto states (Abkhazia, Nagorno-Karabakh, Somaliland, South Ossetia, Transnistria and the TRNC) and two ‘borderline cases’ (Kosovo and Taiwan) (ibid., 11).\(^8\)

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\(^8\) Caspersen also includes nine entities that could previously be considered to be de facto states, but can no longer be considered as such (mostly because they have now been incorporated into their base state): Bougainville, Chechnya, Eritrea, Gagauzia, the Kurdish Autonomous Region, Montenegro, Republika Srpska, Republika Srpska Krajina and Tamil Eelam.
Linking back to the competing terminologies within the subfield used to describe de facto states referred to at the beginning of this thesis, Caspersen’s methodology in defining and identifying de facto states differs in some respects from other scholars, while also containing many similarities. Toomla, in his analysis of nine different conceptualisations of de facto states (Pegg, 1998; Kolossov & O’Loughlin, 1998; King, 2001; Lynch, 2004; Spears, 2004; Bartmann, 2004; Kolstø, 2006; Geldenhuys, 2009; and Caspersen, 2012), finds that all of these place emphasis on the four Montevideo criteria (a permanent population, a defined territory, a government and the capacity to enter into IR with other states) along with the absence of recognition. A declaration of independence, a minimum time period of existence and legitimacy or ‘some indigenous capacity for existing, popular support’ are additional criteria that have not been universally acknowledged by Toomla’s set of scholars (Toomla, 2014: 48).

Chiefly, and unsurprisingly given that the main difference between a state and a de facto state is lack of recognition, definitional differences in the subfield centre on how much recognition, if any, a de facto state can have in order to be labelled as such. Geldenhuys, for example, seems to employ a wider permissible recognition threshold than Caspersen’s fairly strict one. As Toomla writes, Geldenhuys ‘does not propose a particular level of recognition at which the state is no longer a contested one, but refers to full UN membership as the ultimate form of recognition’ (ibid., 51, emphasis added). Toomla goes on to point out the problems with defining UN membership as the ‘gold standard’ of recognition. For one, UN membership is not compulsory and some states enjoying full recognition have chosen not to join the organisation (for instance, until 2002, Switzerland). Secondly, there is nothing to prevent a non-sovereign state from joining the UN (although currently all members are sovereign states). For instance, India joined the UN two years before it achieved independence from the United Kingdom (UK). Finally, the UN itself does not grant recognition; this falls to states themselves (ibid.). Other authors fall somewhere between Caspersen’s and Geldenhuys’ formulations.

In sum, Caspersen’s definition is used in this thesis because her analysis contains the main elements of common ground that Toomla identifies in the definitions put forward by other scholars while, at the same time, the additional conditions that Caspersen includes that some other authors leave out (a declaration of independence, a minimum time period of existence and legitimacy) are not
incongruent with the chosen case studies of this thesis. As previously stated, because this thesis analyses recognition strategy in the context of the de facto states with the least international recognition, a definition such as Caspersen’s that is restrictive in this regard is most appropriate.

4.4 Hybrid Diplomacy

This thesis is chiefly concerned with the ways in which the de facto states under study seek to obtain recognition. Diplomacy, one of the oldest modes of statecraft, has, despite critical diplomacy studies being labelled ‘the poor child of [...] IR theory’, recently entered a new phase of theorisation in which it is post-structurally conceived of as ‘a historically and culturally contingent bundle of practices that are analytically alike in their claim to represent a given polity to the outside world’ (Pouliot & Cornut, 2015: 297). Such new conceptualisations are relevant here because de facto states increasingly employ forms of diplomacy as a feature of their recognition strategies. As Dimitris Bouris and Irene Fernández-Molina note, this proliferation has ‘even given rise to a unique consultancy industry and organisations [...] which specialise in advising unrecognised would-be states in developing their diplomatic capabilities, strategies, and techniques’ (Bouris & Fernández-Molina, 2018: 1). Such diplomacy has been dubbed ‘hybrid diplomacy’ on account of it straddling the space between binary conceptions of state versus non-state diplomacy (Constantinou, Cornago & McConnell, 2016: 52).

As McConnell writes, de facto states are ‘politically excluded from hegemonic power structures in international politics’ and ‘formally denied a voice in diplomatic forums’, yet are still integral elements of the international system (McConnell, 2017: 141). Yet, as ‘liminal actors’, de facto states are sometimes able to push traditional areas of geopolitical enquiry made possible by their ‘out-of-placeness’ within the international system to construct what McConnell terms ‘transformative spaces of quasi-official diplomacy’ (ibid., 140). In this way, de facto states as diplomatic actors ‘occupy an in-between position, but this is not a static or fixed status’. Instead, de facto states can enjoy an ‘inherent dynamism’ on account of their ability to ‘emulate a state diplomat or an IO at certain periods’ while, at other times, adopting strategies more associated with political activists or non-governmental organisations (NGOs) (ibid., 147). While this mimicry of recognised state actors allows de facto states to ‘look similar to states proper’, the flexibility and innovation possible on account of
their marginality creates, it is argued, diplomatic opportunities that are inaccessible even to fully-recognised states (Bátora & Hynek cited in McConnell, 2017: 147; McConnell, 2017: 147).

Bouris and Fernández-Molina push these implications further by examining the diplomatic practices of de facto states with the aim of challenging accepted ‘structural legal-institutional accounts of these actors’ international engagement’ which they deem both insufficient in explaining change and lacking acknowledgement of de facto states’ agency. Crucially, they find that hybrid diplomacy engenders social forms of international recognition in the absence of legal recognition. Empirically based on Palestine and Western Sahara, Bouris and Fernández-Molina find that mimicking traditional state diplomacy empowers the political aims of each of these entities, allowing them to achieve results that could be seen as unexpected given their lack of international recognition (ibid.). Their study analyses how everyday interactions affect issues of recognition, to argue that there exists an ‘unconventional/unstructured social form of international recognition’ (ibid., 2).

More generally pertinent to this thesis is Bouris and Fernández-Molina’s focus on what de facto states do (in this case, hybrid diplomatic practices), as opposed to the traditional emphasis within the literature on what they are (actors at the fringes of the international system) (ibid.). Viewed as ‘geopolitical shapeshifters’ that appear and act differently in different times and in different settings (McConnell cited in Bouris & Fernández-Molina, 2018: 2), this shift of attention makes this conceptualisation relevant here because, through this outlook, a de facto state’s real prospects of obtaining international recognition can arguably be better ascertained. This is because, as Bouris and Fernández-Molina argue, their conceptualisation ‘makes it possible to scratch below the surface of the conventional legal view of international state recognition and to capture more unstructured, social, and relational forms of recognition that can be incrementally accumulated by multiplying the quantity and quality of international engagement’ (ibid., 16). These are elements that, taken together, may ultimately increase the chances of formal recognition being obtained by a de facto state, or, conversely, may negate formal recognition entirely.
5. Nagorno-Karabakh

5.1 Background

The landlocked territory in the South Caucasus that today forms the NKR and its wider territorial claim has a long and chequered history. Artsakh, the Armenian name for the region roughly contiguous with Nagorno-Karabakh and its additional territorial claim (although neither term has a ‘stable territorial referent’ (Toal & O’Loughlin, 2013: 164)), finds its roots as a province of the Kingdom of Armenia between the second century BCE and the fourth century CE (ibid., 163). This is a legacy that goes a long way to explaining why the region is today still seen as ‘an essential part of the cradle of the Armenian nation’s ethnogenesis’ (Vardanyan cited ibid.).

Throughout the Middle Ages and into the modern era, control of the Nagorno-Karabakh region passed, at various times, between Armenia, Albania, the Seljuk Turks, the Mongols, Persia and Russia, including periods of existence as a de facto independent principality (Toal & O’Loughlin, 2013: 163-164; Potier, 2001: 1-2). By the early nineteenth century, however, the area known as Karabakh (including
Nagorno-Karabakh) became a protectorate of the Russian Empire and throughout the nineteenth century the region experienced large influxes of Russian and Armenian migration (Potier, 2001: 2). From the time of the October Revolution of 1917, Karabakh became part of the independent Republic of Azerbaijan. In 1919, Karabakh Armenians agreed to accept their inclusion in Azerbaijan provided that this was based on the granting of ‘territorial autonomy for all Karabakh and national-cultural autonomy for its Armenian population’ (ibid.). In 1920, as part of the post-World War I Paris Peace Conference, western powers recognised Azerbaijan’s claim to Karabakh, but, as Tim Potier states, the process of deciding whether Karabakh should remain as part of Azerbaijan or be joined to Armenia showed ‘disregard and insensitivity’ to the people of both nations (ibid., 3).

Throughout 1920, the invasion and conquest of both Azerbaijan and Armenia by the Soviet Red Army left the status of Karabakh again in dispute and ‘pacifying and assimilating’ both sets of forces was a significant challenge for the Red Army and the Bolshevik leadership (Toal & O’Loughlin, 2013: 164). A year later, a formal body under the auspices of the Bolsheviks recommended that the Armenian Soviet Socialist Republic (ASSR) declare Nagorno-Karabakh (which it had been agreed would be separated from the lowland part of historic Karabakh) part of its territory. Widespread Azerbaijani opposition to this led to an about-turn and the eventual awarding of Nagorno-Karabakh to Soviet Azerbaijan, but the retaining of wide-ranging regional autonomy as the Nagorno-Karabakh Autonomous Oblast (NKAO) (ibid.). In both countries, the move was widely perceived as a Stalinist ‘divide and rule’ strategy (ibid., 165). Although the NKAO was one of the very few divisions of the Soviet Union that did not explicitly state which ethnicity it was formed on behalf of, it remained majority-ethnic Armenian and each of its further administrative divisions were given Armenian names (ibid.). Initially having a short border with the ASSR, this was revised in the 1930s such that the NKAO became an enclave within Soviet Azerbaijan.

Although the ‘loss’ of Nagorno-Karabakh remained a ‘sore’ for Armenia throughout the Soviet era (Potier, 2001: 5), it was not until Gorbachev’s policies of perestroika and glasnost in the 1980s that a space for protest on an issue that had simmered for decades was finally made possible (Toal & O’Loughlin, 2013: 165). In February 1988, the NKAO voted to request its transfer from Soviet Azerbaijan to the ASSR (Potier, 2001: 6), a move swiftly rejected by the Azerbaijani Supreme Soviet.
Violent clashes quickly escalated between ethnic Armenians and Azerbaijanis and Moscow imposed direct rule over the NKAO in January 1989 as a result (Toal & O’Loughlin, 2013: 165). Nevertheless, the situation inside the NKAO continued to deteriorate with rival ethnic militia groups beginning to arm themselves while Moscow reverted control to Soviet Azerbaijan which, in turn, imposed military rule over the region (ibid., 165-166). Meanwhile, in December 1989, the ASSR declared that the NKAO was incorporated into its territory. The NKAO experienced low-intensity warfare for the next eighteen months until, in April 1991, an Azerbaijani and Soviet joint military operation was launched to expel Armenian militias from the majority-ethnic Armenian Shahumyan province outlying the NKAO (ibid.). By this time, ‘[t]he NKAO’s political geography was becoming increasingly irrelevant as conflict engulfed the wider region’ (ibid.).

In the wake of the start of the disintegration of the Soviet Union, and Azerbaijan’s declaration of independence at the end of August 1991, a joint meeting of the legislative councils of the NKAO and of Shahumyan province declared independence from Azerbaijan (and not from the Soviet Union) as the NKR on 2 September 1991 (ibid.; Potier, 2001: 8). Azerbaijan abolished the NKAO two months later. In December 1991, the NKR held a referendum on independence with ninety-nine per cent of voters affirming the NKR’s previously declared secession from Azerbaijan (with ethnic Azerbaijanis boycotting the vote) (Potier, 2001: 8). The NKR declaration of independence was formally enacted by the newly-convened National Assembly in January 1992 and, in September of that year, the National Assembly formally petitioned the UN for recognition as a sovereign state (ibid.).

During these political developments, the conflict itself did not abate, evolving into the Nagorno-Karabakh War that would lead to at least 25,000 deaths and the displacement of hundreds of thousands of people (Caspersen, 2012: 33-34). ‘Disorganised and disintegrating’, Azerbaijani forces faced successive setbacks in the face of ‘motivated and organised’ Armenian-supported NKR forces such that by the close of 1993, most of the former NKAO plus almost five thousand square kilometres of Azerbaijani territory beyond the former NKAO was under the control of NKR forces (Toal & O’Loughlin, 2013: 167). The final collapse of Azerbaijan’s military forces and a resulting ceasefire in May 1994 left the NKR in control of territory that was never claimed as part of the NKR (ibid., 168).
The ceasefire between the NKR and Azerbaijan has, up until now, largely held. International involvement in the conflict has, since 1992, been primarily via the Organisation for Security and Co-operation in Europe’s (OSCE) ‘Minsk Group’, co-chaired by France, Russia and the U.S. Its work is ongoing and ‘its tasks have not been fulfilled’, Azerbaijan in particular being critical of the Group for its perceived Armenian-bias (Berg & Toomla, 2009: 42-43).

5.2 Nagorno-Karabakh’s claim to statehood
Taking into account the legal considerations discussed in section 4 above, it can be said that the NKR satisfies all four statehood requirements of the Montevideo Convention. First, the NKR has a permanent population of around 150,000 (see Table 1 above). Secondly, it has a defined territory comprising the former NKAO, seven districts that fall outside of the former NKAO (claimed by Azerbaijan and currently under the control of NKR military forces) and a claim on Shahumyan province, control of which is currently split between NKR and Azerbaijani forces. Thirdly, the NKR has a functioning government and, lastly, the capacity to enter into relations with other states. Yet, as set out above, meeting these criteria alone does not mean and, in the NKR’s case has not meant, that international recognition will be forthcoming.

In its own eyes, the NKR is a state on account of its perceived right to self-determination and the legitimacy accorded to it by the popular will of its citizens. In 2000, the deputy chairman of the NKR National Assembly stated:

Nagorno-Karabakh is a fully-fledged state with all its attributes. In December 1991, we had a referendum on independence; 99.58 per cent voted in favour. On 25 December, we had the first elections to the National Assembly, followed by elections on 25 April 1995 and on 18 June 2000, and we also had two presidential elections. All of this shows that we have all the attributes of statehood.

(Okhanjanian, cited in Lynch, 2004: 49)

However, as Caspersen states, the NKR now appreciates that recognition bids that are based solely on the right to determination are ineffective (Caspersen, 2007; Caspersen, 2011). The NKR therefore has evoked the argument that it has earned its sovereignty through its process of democratisation and the establishing of ‘rightful authorities’ (Berg & Mölder, 2012: 528). In undertaking an assessment of the validity
of the NKR’s claim to earned sovereignty through studies based on focus groups, Berg and Martin Mölder find that the NKR has yet to prove itself as an effective state embracing full liberal democracy, and is unable to meet the legitimacy criteria necessary according to liberal democratic principles to justify the ‘earning’ of sovereignty (ibid., 543). The reasons for this include that the NKR struggles to provide security for its citizens and also the finding that those citizens hold independence and sovereignty in higher regard than democracy itself (ibid., 542-543).

The NKR has, in tandem with arguments based on its right to self-determination and earned sovereignty, claimed a ‘remedial’ right to secession whereby it is argued that the base state Azerbaijan denies it civil and political rights (Caspersen, 2012: 37). The 1991 declaration of independence of the NKR refers to the alleged ‘policy of apartheid and discrimination pursued in Azerbaijan’ (Declaration on Proclamation of the NKR, 1991). Nevertheless, these efforts appear to have had little effect, three UN Security Council resolutions of 1993 (853, 874 and 884) considering the NKR to be an integral part of Azerbaijan’s sovereign territory remain in force (ibid., 42).

In the next section, the NKR’s recognition strategy is analysed against the backdrop of the undesirability of non-recognition to ask whether these strategies make it any more likely that the NKR will succeed in gaining recognition and why, in the twenty-first century, recognition still matters for the NKR.

5.3 The NKR’s recognition strategy
In almost three decades that have passed since its declaration of independence, the NKR has not managed to obtain recognition from any UN member state or other sovereign nation, including its patron state Armenia. Caspersen notes that the NKR ‘remains one of the most internationally isolated de facto states’ (Caspersen, 2015: 404). Yet the NKR government’s recognition agenda, in name pursued by the MFA based in the capital Stepanakert, actively employs a range of strategies, incorporating a mix of ‘traditional and non-traditional avenues’ (Written Responses 1, 2018). Achieving international recognition is stated to be ‘the main goal in the NKR’s political agenda’ (Author’s Interview 1, 2018).

An interviewee relates that the recognition strategy is ‘not a set-out plan’ and cannot be described ‘by a definition’, but is one that is purportedly flexible in order to respond to a ‘fast-changing world’, with ‘circumstances, resources and potential
all taken into account regarding long-term goals' (ibid.). The recognition strategy is, according to an attaché from the MFA, determined by the current ‘programme’ of the President of the NKR (Written Responses 1, 2018). However, the programme is not publicly available.

An interview with the Press Secretary to the President of the NKR National Assembly underlined the global reach of the NKR’s recognition strategies which appear to favour decentralised cooperation with recognised states and are characterised by a reliance on the Armenian diaspora to agitate on the NKR’s behalf (Author’s Interview 1, 2018). A respondent indicates that, due to non-recognition, ‘non-official diplomacy’ at the sub-state level is the most realistic and tenable option (Written Responses 1, 2018). As such, the MFA has adopted a ‘bottom-up’ approach by forging extensive links with sub-state entities such as city councils and provincial governments across Europe and beyond. For example, eleven French towns and cities have signed ‘friendship declarations’ with municipalities in the NKR (Cercle d’amitié France-Artsakh, 2018). These declarations, designed to promote economic and cultural links between France and the NKR, are an initiative of the ‘France-Artsakh Friendship Circle’, an initiative set up in 2013 that brings together around sixty French elected officials (senators, members of parliament, mayors and others) with the stated aim of supporting the OSCE Minsk Group in finding a resolution to the conflict (Cercle d’amitié France-Artsakh, 2018).

Although presented by an interviewee as if it were an initiative of the NKR government, the Friendship Circle is in fact a French-led initiative, its website stating that it, (translated from French) ‘promotes a form of parliamentary diplomacy, complimentary to French foreign policy in the region’ and that the group is open to ‘any elected French official’ (ibid.). Around twenty other similar sub-national ‘sister-city’ agreements exist between the NKR and municipalities in the U.S., Australia, Lebanon, Brazil and Spain (Written Responses 1, 2018). Such initiatives can be seen as somewhat outside of the control of the MFA and are an example of how the NKR’s recognition strategy could be described as somewhat passive.

The recognition strategy also involves use of active parliamentary diplomacy, a ‘friendship group’ having been established in the European Parliament composed of forty to fifty Members of the European Parliament who are sympathetic to the NKR. According to an interviewee, they ‘support resolutions, makes statements on
the situation on the frontline and general developments in the region’ (Author’s Interview 1, 2018). Additionally, the MFA maintains permanent missions in five countries: the U.S., France, Germany, Russia and Australia and has a representative to Middle Eastern states (ibid.). In addition, annually since 2006, a delegation led by the President of the NKR, the Speaker of the NKR National Assembly or the NKR Foreign Minister has been received at the U.S. Congress in Washington. Meetings take place with U.S. elected representatives and, outside of Congress, other actors in Washington’s political space, for instance, thinktanks and lobbying organisations (ibid.). The involvement of the Armenian diaspora in the U.S. appears crucial to the substance and content of such delegations (Office of the NKR President, 2018).

The MFA appears to be highly reliant on the influence of the global Armenian diaspora in raising awareness of the NKR and promoting its agenda with foreign governments. For instance, the activities of the diaspora at the state-level in the U.S. have led to the recognition of the NKR by eight state legislatures between 2012 and 2017, including those of California and Massachusetts (Author’s Interview 1, 2018). Additionally, six U.S. states, for example Mississippi, have taken the step of rejecting bills that would recognise Azerbaijani territorial integrity, without formally extending recognition to the NKR (Times.am, 2014). In October 2012, the state of New South Wales in Australia adopted a resolution formally recognising the NKR and the right to self-determination of ethnic Armenians (Author’s Interview 1, 2018). These sub-national recognitions, in both the U.S. and Australia were, according to an interviewee, directly facilitated by the activities of the Armenian diaspora through grassroots methods (ibid.). Influential lobbying groups, such as the Armenian National Committee of America and the Armenian National Committee of Australia agitate at the local level to influence politicians.

While these sub-state recognitions are significant achievements, it does not necessarily follow that they have the potential to lead to recognition by a national government. Indeed, since New South Wales’ recognition, Australia’s federal government has reiterated on several occasions that it does not itself recognise the NKR (Nine Digital, 2015). As an interviewee acknowledges, a strategy that worked in California may not necessarily work at the federal level in Washington (Author’s Interview 1, 2018). What’s more, the activities of the widely disbursed and ‘relatively affluent’ Armenian diaspora (O’Loughlin et al., 2014: 428) fall outside of the direct control of the MFA. Similarly, while an interviewee stresses the role of the NKR
National Assembly in the formulation and undertaking of recognition strategy, she also notes that ‘members of parliament are free and they are not required to follow state strategy’ (Author’s Interview 1, 2018).

The NKR’s patron state, Armenia, has not formally recognised the NKR, although, as an interviewee states, ‘cooperation is as if the NKR were officially recognised – we have everything except an official statement of recognition’ (ibid.). Lack of recognition from the patron state (Abkhazia and South Ossetia, for example, both gained recognition from their patron state Russia in 2008) is an obvious drawback for the NKR’s outward legitimacy within the context of its wider recognition strategy. Added to this, when it is considered that, according to an interviewee, ‘all Armenians agree that Artsakh is an indivisible part of Armenia. Our final goal is unification with Armenia’ (ibid.), the contradiction inherent in the NKR’s struggle for recognition emerges.

Research undertaken by O’Loughlin et al. corroborates the interviewee’s statement, around half of the Karabakhi respondents in their study stating that ‘integration with Armenia’ is their preferred final status for the NKR (O’Loughlin et al., 2014: 448). The NKR is undeniably entwined with Armenia: it uses the Armenian currency, Armenian is the official language of the NKR and almost the entire population is ethnically Armenian (see Table 1 above). In fact, as Caspersen writes, ‘when it comes to economy, culture and defence, Nagorno-Karabakh and Armenia can be seen as a single space’ (Caspersen, 2012: 56). An interviewee echoes this, describing the relationship as leading to the NKR and Armenia to be ‘one state, but two states’, although she also stresses that the NKR is not dependent on Armenia, having ‘formed all of the institutions required for a sustainable state’ since its independence (Author’s Interview 1, 2018).

This claim to non-reliance on Armenia can be questioned by the fact that Armenia provides the NKR with an essentially non-repayable annual interstate loan that covers 75–80 per cent of its budget (Lynch, 2002: 847; Berg & Mölder, 2012: 536). Overall, however, that Armenia pervades many aspects of the NKR leads to some contradictory standpoints that are reflected in the NKR’s recognition strategy. Despite the final goal of the NKR’s overall trajectory being stated to be reunification with Armenia, simultaneously, as an interviewee states, ‘for now, our strategy and main goal is recognition [as an independent state]’ (Author’s Interview 1, 2018). The interviewee continued, ‘I always joke that maybe then Armenia will want to join us,
to be unified with Artsakh’ (ibid.). Although the reasons for this could be due to a lack of resources (this was not clear from interviews and written responses), it is clear that the enthusiasm within the NKR to be integrated into Armenia leads to a contradiction inherent in the NKR’s efforts to achieve recognition and, arguably, makes the strategy, if not wholly disingenuous, certainly passive and ambivalent. As Berg and Mölder write, it is ‘questionable to consider Nagorno-Karabakh separately from Armenia proper and to tackle its striving for self-determination through independence as an utmost goal’ (Berg & Mölder, 2012: 535).

5.4 Does Nagorno-Karabakh require recognition?
Respondents to this research stress the relative normality of daily life in the NKR in spite of its isolation from the international community. NKR citizens are, for instance, able to travel with Armenian passports and Armenia is described as Nagorno-Karabakh’s ‘bridge’ to the wider world (Author’s Interview 1, 2018). Non-recognition has been described as ‘not such an obstacle for the people of the NKR as the blockade by Azerbaijan’ (ibid.). Primarily, the drawbacks of non-recognition from a practical perspective appear to be development-related. IOs, with the exception of the Red Cross, do not operate in the NKR, so ‘aid and democratic development is not fully supported’ (ibid.). Similarly, both the NKR government and Karabakhi NGOs are not eligible for international grant funding from, for example, the International Monetary Fund or the European Bank for Reconstruction and Development. An interviewee laments, ‘we have no support from abroad to develop democracy even though we want to’, but also stresses that this is not solely a question of money: the NKR also cannot access the advice, sharing of experiences and evaluation necessary to build a more robust and democratic state apparatus (ibid.). As a respondent also pointed out, from a social perspective, ‘students and entrepreneurs are not able to partake in exchange programs, educational, scientific or business events. This limits the citizens’ right to development as such’ (Written Responses 1, 2018).

There is a view that, due to the lack of a forthcoming resolution to the conflict with Azerbaijan and the constant threat of violence (as evidenced by clashes in 2016 between the Artsakh Defence Army and the Azerbaijani military in what has been termed in the NKR the ‘April War’) recognition of the NKR is the only solution to providing it with long-term stability. As a respondent states, ‘the aggressive
behaviour of Azerbaijan [during the April War] showed that the only way of survival of the people of the Republic of Artsakh is international recognition as a way and a remedy of protection of the rights of the people living here’ (ibid.).

5.5 Likely trajectories

A report commissioned in 2009 by the U.S. Embassy in Yerevan concludes that, ‘the Azerbaijani, Armenian, and Nagorno-Karabakh societies are in no mood at present to swallow the tough compromises that will be necessary for resolution of the conflict’ (Pennington cited in Berg & Pegg, 2016: 10-11). Almost a decade later, the continuation of the conflict makes it appear unlikely that a resolution to the NKR’s status will be found anytime soon. Caspersen alludes to a stasis on the resolution of the issue that is, in part, caused by the NKR’s reliance on and strong cultural, economic and political identification with Armenia. As such, the NKR currently finds itself ‘torn between insisting on its autonomy and viability as an independent state, while also emphasising its reliance on ethnic solidarities and its link with the kin-state’ (Caspersen, 2012: 148). Berg and Toomla push this further, inferring that the NKR’s close ties to Armenia ‘suggest that its real aim is not full sovereignty’ (Berg & Toomla, 2009: 42).

From the Azerbaijani perspective, analysts there have posited that, provided Azerbaijan’s territorial integrity is maintained, it could be possible for the NKR to have as much de facto independence as it wants, perhaps including ‘special links’ with Armenia (Caspersen, 2012: 141). However, as Caspersen notes, international guarantees that would be hard for both parties to obtain would need to be in place to make such a settlement viable and acceptable (ibid.). The leaders of the NKR are ‘adamant that independence is non-negotiable, and insist that Azerbaijan has to accept the “current reality” (i.e. de facto independence)’ such that while it may, in theory, be possible to negotiate an agreement, it is not one that the base state is likely to accept (Caspersen, 2016: 13). A way forward that has been suggested is a popular vote following an interim period to determine the region’s future status. But Azerbaijan is vehemently opposed to any vote that could lead to independence for the NKR, arguing that the entire country must have a say if the referendum includes the option of independence (Caspersen, 2016: 18).

Caspersen predicts that the leaders of the NKR will, over time, increasingly struggle to convince the population that its security is ensured, that they are moving
closer to recognition and that the NKR is viable as an entity (Caspersen, 2012: 137). It is difficult for the NKR authorities to maintain a ‘narrative of future recognition’ while also being unable to ‘sell’ non-recognition as a viable future trajectory (ibid., 138). On the other hand, it could be argued that the feeling that the NKR will always have Armenian support in every case creates a complacency, limiting the motivation for the NKR to seek recognition at all costs. When asked whether the events of April 2018 in Armenia in which Serzh Sargsyan resigned as prime minister (dubbed the ‘Velvet Revolution’) could have any unforeseen consequences for the NKR’s likelihood of achieving recognition, the interviewee responded that they did not because both the overthrown government and all opposition parties in Armenia support the NKR’s independence (Author’s Interview 1, 2018).

In general, underneath the official rhetoric, it appears that the NKR’s quest for recognition is characterised by a degree of ambivalence. This marries with research undertaken by Caspersen who finds that, following the partial recognitions of Kosovo, South Ossetia and Abkhazia, the NKR’s leaders denounced these recognitions as illegitimate, stating that the entities in question had not achieved ‘full independence’ (Caspersen, 2015: 403). For Caspersen, these denunciations ‘question the value of international recognition, especially if this recognition is only partial’ and, for the NKR, recognition would only assist independence and security if it were ‘accepted by Azerbaijan and did not require too many compromises’ (ibid.). Caspersen goes on to note that, since acceptance by Azerbaijan is extremely unlikely and, absent the great-power support that facilitates recognition, ‘the [NKR] authorities are now talking a lot less about recognition’ and it no longer dominates the official agenda ‘like it used to’ (ibid.).

5.6 Conclusion
The NKR, which satisfies the Montevideo criteria for statehood, has also emphasised its right to self-determination, its (questionable) entitlement to earned sovereignty and a remedial right to secession from Azerbaijan as reasons why it should be granted the international recognition that has, as yet, not been forthcoming. Officially at least, the NKR identifies obtaining international recognition as its primary foreign policy objective. Yet the recognition strategies that it employs are characterised by ambivalence and passiveness, relying, for
instance, extensively on the activities and assistance of the global Armenian diaspora.

Most importantly, the desire within the NKR to be fully-integrated into its patron state Armenia sits directly at odds with its stated aim of international recognition as an independent, sovereign state. The lines between Armenia and the NKR as separate entities are extremely blurred and, as such, recognition strategy in the NKR can be said to be somewhat ‘toothless’, the stated aim of recognition being able to be called into question. Although daily life for the average Karabakhi appears relatively unaffected by the NKR’s non-recognition, economic development is stunted. Given that a resolution to the Nagorno-Karabakh conflict has not been forthcoming and does not look likely anytime soon, it seems that the most likely trajectory for the NKR is a continuation of isolation combined with extensive support from Armenia.
6. Somaliland

6.1 Background

The Republic of Somaliland declared independence from its base state, the Federal Republic of Somalia, in 1991. Today, almost three decades on, no state or non-state actor has recognised Somaliland as a state in its own right. Yet Somaliland has not only endured in spite of non-recognition, but can on the whole be considered to be stable and democratic, particularly relative to its base state and to many other sub-Saharan African states that enjoy full international recognition (Farley, 2010: 777). Since declaring independence, Somaliland has adopted a constitution by referendum, held numerous peaceful parliamentary and presidential elections, established a central bank that prints its own currency, and has functioning security forces (Raghavan, 2013; Pegg & Kolstø, 2015: 193).

By contrast, in Somalia, a UN member state recognised by the international community, civil war has ensued with varying degrees of intensity since the 1980s, such that successive UN-backed transitional governments have failed to take hold and ‘threats to international security have festered in its ungoverned space’ (Farley, 2010: 777). Military operations by the Somali Federal Government installed in August 2012, in conjunction with U.S. forces and those of the African Union (AU), have met with some success in recent years in stemming the tide of various insurgent groups. However, multiple explosions in Mogadishu in October 2017 thought to have been carried out by fundamentalist jihadist group al-Shabaab (and resulting in over five hundred deaths) are a factor that explains Somalia’s current ranking of second (behind only South Sudan) in the Fragile States Index (The Fund for Peace, 2018).

As a geopolitical entity properly delineated, Somaliland finds its origins in the colonial protectorate of British Somaliland, the borders of which were established through British treaties and protocols with France, Italy and Ethiopia throughout the closing decades of the nineteenth century (Farley, 2010: 779). Following World War II, the process of decolonisation of British Somaliland began in earnest, with Somalilanders starting to replace British expatriates in the protectorate’s

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9 At the time of Somaliland’s declaration of independence on 18 May 1991, what is now the Federal Republic of Somalia was presided over by the Interim Government of the Republic of Somalia, itself established in the aftermath of the collapse of the Somali Democratic Republic in January of that year (Farley, 2010: 783-784).
administrative institutions in the late 1950s. Somaliland’s first legislative council passed a resolution requesting independence from Britain in April 1960 and it was swiftly agreed in principle that British Somaliland and Italian Somalia should be unified on the independence of both territories. Nevertheless, Britain proceeded to prepare British Somaliland for independence as a solitary state (ibid., 780). Known as the ‘State of Somaliland’, British Somaliland became an independent state on 26 June 1960, recognised by thirty-five countries, including the U.S. However, only five days later, the legislatures of both Somaliland and the newly-independent Italian Somalia met in Mogadishu to officially unite as the Somali Republic, consciously creating ‘a new state out of two distinct states’ (ibid., 780-781).

After less than a decade of existence, in October 1969 the Somali Republic was overthrown in a coup d’état that established Said Barre as president of the new Somali Democratic Republic, a one-party, Marxist-Leninist socialist state. Although Somalia modernised somewhat under Barre’s rule, the disastrous Ogaden War with Ethiopia in the late 1970s led to the formation of armed opposition groups that generally formed along clan lines (ibid., 782). Opposition to an increasingly totalitarian regime escalated throughout the 1980s, culminating in Barre’s fall from power and the outbreak of a civil war in 1991 which would effectively destroy the institutions of the Somali state. The Somali National Movement (SNM), a rebel group largely drawing its support from the Isaaq clan, the dominant tribal group in Somaliland, established control over Somaliland (ibid., 783). It was at the end of a three-week long inter-tribal conference in May 1991, organised by SNM leaders and held in Burao, Somaliland’s second-city, that Somaliland declared its independence with borders contiguous with what had been British Somaliland thirty years earlier (Nur, 2018).

While, since 1991, Somalia has been in a state of ‘near-constant conflict’, Somaliland has undergone an evolution from a tribal mode of governance to a representative democracy (Farley, 2010: 786-787). In 2001, ninety-seven per cent of votes cast in a Somaliland-wide referendum approved both Somaliland’s independence and its provisional constitution (ibid., 787). Elections held in 2002 have been judged ‘free and fair’ by international election observers and, in 2010, power peacefully transferred between the incumbent president and an opposition candidate, making Somaliland only the fourth state in Africa to witness a peaceful transfer to an opposing presidential challenger (ibid.). Somaliland has also been
successful in resolving internal conflicts without resorting to internal armed conflict (ibid., 788).

**Figure 2. Map showing Somaliland within the Horn of Africa**

### 6.2 Somaliland’s claim to statehood

Having a permanent population (of around 3.5 million people; see Table 1 above), a defined territory (the borders of the former British Somaliland), a government and the capacity to enter into relations with other states, Somaliland fulfils the statehood criteria set out in the Montevideo Convention. Although the semi-autonomous Somali region of Puntland claims a portion of Somaliland, competing territorial claims and boundary disputes have not traditionally prevented a state from satisfying the ‘defined territory’ limb of the Montevideo criteria, ‘so long as the state effectively governs a certain coherent territory’, which Somaliland indisputably does (Farley, 2010: 806). If there could be any doubt over whether Somaliland possesses a functioning government (and in any case, as noted earlier in this thesis, would-be states without governments have succeeded in obtaining statehood and recognition), an excerpt from a report commissioned in 2003 by the UN High Commissioner for Refugees reads:
The [Somaliland] government does maintain functional control over the national army; the police force and courts maintain public order; customs officials collect taxes at the port; the two houses of the legislature convene and debate bills; and at least some of the ministries are making serious attempts to play a constructive role in their assigned sector.

(Menkhaus, 2003: 25)

Additionally, Somaliland’s government not only has the mere *capacity* to enter into relations with other states, it routinely does so. The MFAIC in Somaliland’s capital, Hargeisa, maintains diplomatic missions globally, entering into agreements with, for example, the United Arab Emirates (UAE) regarding the construction of a military base in the port city of Berbera and EU governments regarding failed applications for asylum, and conducting ministerial meetings with IOs such as the World Bank (Farley, 2010: 808; Author’s Interview 2, 2018).

Even if the Montevideo criteria are disregarded as an objective measure of statehood which, as noted earlier in this thesis, has increasingly been the case, Somaliland is still able to qualify for statehood. As also discussed above, normative concerns over the quality and nature of purported statehood, rather than simply its effectiveness, have increased in importance. It would be hard to argue that Somaliland, which declared its independence through peaceful means, has not since operated in accordance with the principle of self-determination and with respect for basic human rights, not least when other states that have achieved statehood and even admission to the UN have failed to do so (to cite just two such examples, Syria and Yemen).

Any concerns over the validity of Somaliland’s secession from its base state are easily allayed. Although there is no right of secession in international law, it is equally not prohibited, thus Somaliland’s secession should be compared with other secessions in which the state in question attained statehood and was admitted into the ‘community of nations’ (ibid., 815). Like the SFRY, the Republic of Somalia was, from 1960 until 1991, the result of a merger of multiple independent states. Somaliland briefly experienced independence – and statehood – prior to its joining Somalia and, in this sense, it is similar to Croatia before it became part of the SFRY (ibid.). From 1991 onwards, Somalia, described as an instance of ‘complete state collapse’, was wholly unable to ‘wield effective authority’ over its territory (ibid.).
contrast, Somaliland has consistently exercised control and effective authority over the territory that it claims. Farley argues that, as a result, Somaliland ‘re-emerged’ as an independent state and this re-emergence has ‘necessarily dissolved’ and (as with the SFRY) ‘extinguished’ the Republic of Somalia (ibid.). As such, although the Republic of Somalia no longer existed to recognise the newly re-emergent Somaliland, the case of the SFRY’s dissolution shows that this is not necessary for Somaliland’s independence to be valid (ibid.). Objections to Somaliland’s independence from various Somali transitional governments, which, it is argued, are not successors to the dissolved Republic of Somalia, are therefore best viewed in the same way as Serbia’s flawed claim to be the successor state to the former SFRY (ibid.). It should also be noted that Somaliland’s adherence to its former colonial borders satisfies the doctrine of uti possidetis. Somaliland therefore meets the objective criteria for statehood discussed earlier in this thesis and its separation from Somalia in 1991 reflects secession in accordance with established principles of international law.

Legally-speaking, Somaliland is a state. Yet it is one that lacks any substantive international recognition. This is reflective of recognition being essentially a political consideration to those who have the ability to confer it. In Somaliland’s case, whatever their merits, the reasons most frequently cited for its non-recognition are ‘the parochial strategic interests’ of Somaliland’s neighbours, a desire on the part of western powers not to ‘meddle’ in African affairs (the U.S. having explicitly relegated the issue of Somaliland to the AU), the perceived need to preserve a unitary Somali state and a view that recognition of Somaliland could derail the peace process in Somalia and incite ‘ethnic conflict and irredentism across the [African] continent’ (ibid., 809-810, 812). In line with scholars referred to above who reject the constitutive/declaratory paradigm of recognition as insufficient and unreflective of the realities of state recognition in practice, Somaliland occupies Caspersen’s ‘middle ground’ whereby, although having failed to obtain recognition, it does possess statehood, merely a statehood that fundamentally differs in a practical sense from recognised statehood. That there are undeniably considerable shortcomings to Somaliland’s de facto statehood is evidenced by its now almost three decades-long struggle to obtain recognition.

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10 Article 4(b) of the AU’s own Constitutive Act explicitly states that the AU will respect borders existing ‘on the achievement of independence’ (Constitutive Act of the African Union, 2000).
In the next section, Somaliland’s recognition strategy is analysed against the backdrop of the undesirability of non-recognition to ask whether these strategies make it any more likely that Somaliland will succeed in its quest for recognition and why, in the twenty-first century, recognition still matters for Somaliland.

6.3 Somaliland’s recognition strategy

International recognition has not been forthcoming over the course of Somaliland’s three decades of independence, Somaliland’s Honorary Representative to the Netherlands describing the process of obtaining recognition as ‘a long and sometimes very difficult road’ (Written Responses 2, 2018). Yet the state’s efforts to obtain recognition continue and Somaliland employs a range of strategic tactics in its attempt to achieve this goal.

Somaliland’s relative stability and effectiveness is seen as its key asset and, as Caspersen finds, Somaliland follows a clear strategy of pursuing recognition via the notion of earned sovereignty as a result. For example, the Somaliland government has stated that it views its elections as ‘tests’ for the de facto state’s recognition bid (Caspersen, 2015: 400). Additionally, Somaliland highlights its role in countering piracy and radical Islamism as a strength that should incite the international community to further engage with Somaliland and appreciate the possible strategic benefits of granting it recognition (ibid., 401). Caspersen contends, however, that Somaliland may be on the wrong track with a reliance on obtaining recognition through earned sovereignty. This is because, since Kosovo has been granted international recognition by a significant number of UN members states without having first met previously prescribed ‘standards’, earned sovereignty has been undermined as a reliable strategy through which to obtain recognition (ibid., 397). Instead, political considerations are key to recognition being granted, with great-power politics being the primary explanation for the recognitions of Kosovo (by, for instance, the U.S.) and Abkhazia and South Ossetia (by Russia) (ibid.).

External assistance appears to be a key feature of Somaliland’s recognition strategy. Emphasising the role of non-domestic actors, when asked how recognition strategy is determined and by whom, the Honorary Representative responded that this is by means of ‘bureaus that are specialised in helping countries that are not recognised’ (Written Responses 2, 2018). In this vein, Somaliland’s recognition strategies notably include the practice of hybrid diplomacy. Independent Diplomat
(ID), a consultancy staffed by former diplomats and international lawyers that describes itself as ‘an innovative venture in the world of IR’, has undertaken recognition-related work on behalf of the Somaliland government (Independent Diplomat, 2018).

ID is, according to the former manager of ID’s Somaliland project (2010-2017), one of ‘the most experienced organisations in handling matters of self-determination’ and it operates chiefly by ‘feeding in ideas from one context to another’ with the aim of ‘building a constituency of support in the international community over a long period of time’ (Author’s Interview 2, 2018). He summarises that Somaliland not only leans heavily on its strong legal claim to statehood, but also ‘behaves as much as possible like a state’ in order to secure international recognition (ibid.). Practically speaking, ID has advised the MFAIC on diplomatic matters via a consultant within the MFAIC on the ground in Hargeisa, without actually conducting diplomacy on Somaliland’s behalf. Somaliland’s international diplomacy is mainly carried out personally by Somaliland’s incumbent Foreign Minister who receives a ‘steady trickle’ of foreign visitors in Hargeisa and has undertaken numerous diplomatic visits to Addis Ababa, New York and Washington and to the European External Action Service in Brussels (ibid.). In April 2013, the former President of Somaliland, Ahmed Mahmud Silanyo, met with the then UK Prime Minister David Cameron at Downing Street (ibid.).

Somaliland’s diplomatic endeavours largely occur much as they would in any recognised state. The former manager of ID’s Somaliland project observes how Somaliland is also typically treated ‘the same as any recognised state’ during the course of its interactions with other states. For instance, in Rwanda’s capital Kigali, the red carpet was rolled-out for a visiting delegation from Somaliland and, at the ceremony to mark South Sudan’s independence in 2011, the flag of Somaliland was flown alongside those of fully-recognised African nations (ibid.). These seemingly small gestures are significant because they are evidence of positive responses on the part of recognised states to McConnell’s contention that de facto states are, through mimicry of recognised statehood, able to ‘look similar to states proper’ on account of the flexibility that their marginality creates. It also echoes Bouris and Fernández-Molina’s findings that a de facto state’s mimicking of traditional state diplomacy can allow them to achieve results that could be seen as unexpected: in this case, being
accorded the same treatment as any other state within a traditional diplomatic setting.

The ‘official’ website of the MFAIC indicates that the government has established an extensive global diplomatic network of missions (MFAIC, 2018). Paramount among these are the missions in Addis Ababa, New York and London, while the furtherance of Somaliland’s relations with the AU (the seat of which is in Addis Ababa) is also a priority (ibid.). Somaliland’s Mission in New York is aimed at advancing the recognition agenda at the UN and, specifically, within the UN Security Council. As the former colonial power in Somaliland, the UK is seen as the ‘penholder’ for Somaliland within the Security Council and the British-Somaliland relationship is viewed as generally important and fostered by Somaliland in a number of ways (ibid.). ID’s former Somaliland project manager states that Somaliland’s Mission in London was the ‘most effective’ that he encountered in his seven years working on recognition-related issues on behalf of the MFAIC. Much of this, he states, is due to Ayan Mahamoud, Somaliland’s ‘Resident Representative’ to the UK and Commonwealth (the MFAIC refrains from using the term ‘ambassador’) who is particularly effective at ‘cultivating relationships and influencing opinions’ (ibid.). Mahamoud has established effective working links with the UK Foreign and Commonwealth Office and makes use of social media, particularly Twitter, to raise awareness and to push the MFAIC’s recognition agenda.

Additionally, the MFAIC strategically courts African nations that have historically shown sympathy for Somaliland’s statehood – for instance, Rwanda, Ghana and South Africa – and also those African nations who are seen as most influential on the world stage: Nigeria and, to a lesser extent, Kenya (ibid.). Ethiopia is seen as a particularly important relationship to Somaliland, due to both the country’s political importance in East Africa, and also because Ethiopia has consistently been vocal in its support for Somaliland’s independence. Yet, in an admission that perhaps also reflects the views of the other states that Somaliland courts, the Ethiopian government has publicly stated that, while it will willingly be the second state to recognise Somaliland, it will not be the first to do so (ibid.). Likewise, the UK has indicated that it is waiting for African countries to first recognise Somaliland (Farley, 2010: 813). This ‘You First’-approach evidently leaves Somaliland with an insurmountable quandary vis-à-vis obtaining recognition.
As the Honorary Representative acknowledges, it is not purely the Somaliland government through the MFAIC that can raise awareness of Somaliland globally; the citizens of Somaliland and its diaspora also play a key role (Written Responses 2, 2018). The Somaliland Mission in London has, for instance, made great efforts to engage the relatively large Somaliland diaspora in the UK, particularly in terms of encouraging lobbying of members of the UK parliament to raise awareness of Somaliland’s lack of recognition (Author’s Interview 2, 2018). These efforts led, in October 2016, to the creation of the All-Party Parliamentary Group (APPG) for Somaliland within the UK House of Commons with the overall aim of furthering UK-Somaliland relations. A delegation from the APPG conducted a visit to Hargeisa in April 2018, meeting with the Somaliland Vice President, representatives of political parties, members of the Parliament of Somaliland and Somaliland civil society groups (ibid.; Duale, 2018). It is unclear, however, the extent to which such activities have either succeeded in raising the profile of Somaliland among the British political establishment, or in pushing recognition of Somaliland higher up (or even putting it on) the UK political agenda.

As the former manager of ID’s Somaliland project states, none of the strategies employed by Somaliland in seeking recognition can be described as particularly ‘innovative’ and, essentially, ‘there is not much alternative to a long slog’ (Author’s Interview 2, 2018). Yet, at the same time, Somaliland is ‘not doing anything wrong’ in terms of its approach and there ‘is not an exciting, innovative strategy out there that is going to be a “game changer”’ (ibid.). The Honorary Representative seems to tacitly adhere to this view, indicating that recognition strategy is really a matter of ‘trying and then trying some more’. Having generally not provided particularly concrete answers to questions on the formulation and likely efficacy of current recognition strategy, when asked whether the current strategies adopted by the MFAIC, including hybrid diplomacy, were more likely to lead to recognition, the Honorary Representative simply responded ‘it starts with believe’ (Written Responses 2, 2018).

6.4 Does Somaliland require recognition?
With recognition arguably still an untenable goal, at least for the foreseeable future, Somaliland’s relative success as a state begs the question as to whether it absolutely requires recognition. Caspersen maintains that ‘recognition matters’ and, indeed,
the consensus from this research strongly indicates that recognition remains of paramount importance to Somaliland (Caspersen, 2016: 14). As the Honorary Representative unequivocally states: ‘to us, recognition is everything’. He does also add, ‘however, a good and stable country is what we are aiming for, with or without recognition’ (Written Responses 2, 2018).

As Farley writes, de facto states suffer considerable ‘disability’ on account of their non-recognition and Somaliland is no exception, notwithstanding its many successes (Farley, 2010: 792). As Farley further submits, the international community’s unwillingness to recognise Somaliland threatens its very survival as an entity, along with the ‘modicum of stability and international security’ that it represents in the Horn of Africa, a turbulent region afflicted by terrorism and piracy where any level of constancy should presumably be encouraged (Farley, 2010: 777).

The perceived benefits of recognition to Somaliland appear to be seen primarily through economic considerations, Somaliland being deemed ‘unlikely to take off economically as long as it is unrecognised’ (Author’s Interview 2, 2018). By global standards, Somaliland does remain ‘trapped in a cycle of poverty’, remaining underdeveloped in terms of its infrastructure and its potentially large mineral wealth has not been exploited due to the ‘corruption of elites and the way in which resources are shared’ and this is in large part due to its non-recognition (ibid.). Efforts to develop the Somaliland economy frequently stall, such as an exclusive economic zone declared by the President in February 2017 that has had little to no practical impact. Further, Somaliland is unable to prevent either foreign aircraft from traversing its airspace or Yemeni vessels from fishing in its territorial waters on account of its inability to bring cases before any international court or tribunal due to its non-recognition (ibid.).

Crucially, as a de facto state, Somaliland is not eligible for loans from the World Bank, nor can it easily attract foreign direct investment, the number of willing international investors being extremely small (ibid.). Somaliland therefore remains reliant on the small amount of development assistance that comes in from a donor community including, most importantly, Somaliland’s diaspora. In sum, while non-recognition does impact on the daily lives of ordinary Somalilanders, it is supposed that this is a price they are willing to pay in order not to be subject to Mogadishu’s unstable and corrupt government (ibid.).
6.5 Likely trajectories

Absent recognition by a major power, the ‘quickest, surest method of achieving recognition’ for Somaliland could be meeting an agreement on its status with Somalia (ibid.). Efforts in this direction are, however, hampered by the feeling in the Somaliland government that a heavy price would need to be paid to Mogadishu in return for recognition, the Somali government being undoubtedly keen to have some access rights to Somaliland’s unexploited mineral wealth (ibid.). This would be difficult for Somalilanders to agree to.

Essentially, Somaliland is working towards obtaining recognition from either the U.S. or the UK in the hope that a ‘domino effect’ of wider recognition will ensue (ibid.). Therefore, Somaliland achieving recognition seems to be in the hands of major powers such as the U.S., yet U.S.-Somaliland relations themselves have waxed and waned according to the prevailing political climate. For instance, in September 2010, the U.S. Department of State adopted a ‘dual track’ approach in dealing with Somalia and its so-called ‘sub-state actors’, including Somaliland, in tandem (Boon, Huq & Lovelace, 2012: 528). However, in August 2012, when Somalia established its first permanent central government since the start of the Somali Civil War, the Obama administration veered away from the dual track policy in an effort to facilitate Somalia’s new federal government in consolidating itself, leaving Somaliland newly isolated. This about-turn is an example of how the likelihood of Somaliland’s recognition essentially exists at the whim of great-power politics.

The inherent problem with Somaliland adopting a strategy of concentrating on winning the favour of a major power is that its success depends on factors beyond Somaliland’s control, such as timing and the appetite for the U.S. or British political establishment to view Somaliland as a priority, or even as significant at all. In the case of the U.S., with the Trump administration’s unexpected and controversial recognition of Jerusalem as the capital of Israel in December 2017, it is not however inconceivable that, if recognition of Somaliland were to gain sufficient attention and sympathy in Washington, further political actions diverging from the current status quo could occur. However, Somaliland of course pales into insignificance on the U.S. political agenda when compared to Israel and, in general, there is ‘tremendous international complacency towards Somaliland’, it being far from a priority for the international community to find a solution (Author’s Interview 2, 2018).
Crucially, unlike Nagorno-Karabakh, Somaliland has no patron state, or significantly powerful group (such as the Armenian diaspora) that is able to lobby its cause. South Sudan’s success in achieving international recognition and admission to the UN in 2011 has been attributed, at least in its origin, to the lobbying efforts of evangelical Christian groups in the U.S. (ibid.). Therefore, it may be the case that, whatever Somaliland’s efforts, it will struggle to make the necessary breakthrough that will allow recognition to occur.

Somaliland’s international fortunes continue to rise and fall and the situation is becoming more difficult again’ (ibid.). While Somaliland was once ‘riding high’, being a well-regarded model of democratisation and stability in the eyes of major western powers, in the wake of the re-establishing of diplomatic ties between the U.S. and the Somali Federal Government in January 2013, the international community now appears to have turned its back on Somaliland (ibid.). Further, the delay of Somaliland’s 2015 presidential election by over two years ‘somewhat vilified’ the de facto state in the eyes of much of the international community, when arguably there were good reasons for the delay (one of which was a widespread drought that severely affected Somaliland’s nomadic communities) (ibid.; Garowe Online, 2017).

In addition, the states surrounding Somaliland are turning their attentions to the Horn of Africa: the UAE and Saudi Arabia siding with Somaliland, and Turkey and Qatar with Somalia, alignments that could potentially cause new instabilities in the region (ibid.). According to the former project manager at ID, there is a possibility that if, as a result of this dynamic, Somalia weakens further and its prestige in the eyes of the international community is again eroded, this may ultimately be positive for Somaliland’s cause. This is because outside powers may be encouraged to employ Somaliland as a bulwark against growing instability in the region whereby, instead of trying to continue to hold up Somalia as a recognised state, Somaliland may be increasingly recognised in exchange for (with appropriate use of conditionalities) facilitating the kind of behaviour the international community wants to see in the region (ibid.). Such an occurrence could revitalise Somaliland’s long-held arguments that it has earned its sovereignty.
6.6 Conclusion

Somaliland has a strong claim to statehood based on international law. It can also successfully meet criteria established through newer prescriptions of what statehood entails, be it through self-determination or notions of earned sovereignty. Somaliland employs a range of strategies in its pursuit of international recognition, a goal it maintains is its main aim. Outside of efforts to attract recognition through arguments that it has earned its sovereignty, Somaliland also makes use of external assistance in its recognition strategy including, notably, hybrid diplomacy. This involves 'behaving like a recognised state' and there is evidence that this approach has met with success, Somaliland often being treated as a fully-fledged sovereign state at certain times and in certain settings.

However, formal recognition has still not been forthcoming and, in many respects, rests outside of Somaliland’s direct control regardless of the strategies it pursues to obtain it. This is because recognition is a political consideration above all else. Not only perceptually desiring recognition, Somaliland also needs recognition in a practical sense, largely in order to develop its economy. However, international ambivalence towards Somaliland is widespread and it therefore seems that the status quo is likely to continue. That being said, there are some suggestions that further instability in Somalia may ultimately be positive for Somaliland’s bid for recognition if external powers then see the benefit of a strong and unrestrained Somaliland in the Horn of Africa. Therefore, Somaliland’s earned sovereignty arguments may yet come back into play.
7. Conclusions and Suggested Areas for Further Research

The research agenda of this thesis was as follows: in relation to the case studies of Nagorno-Karabakh and Somaliland, *what strategies do contemporary de facto states employ in seeking to obtain recognition? Do such strategies make it more likely that the de facto state will obtain recognition?* And, as a secondary issue: *In the twenty-first century, do de facto states actually require recognition?*

Three main conclusions are drawn as result of the research. First, the character of a de facto state’s recognition strategy is determined by its own specific circumstances. For example, in the case of Nagorno-Karabakh, the desire for integration into Armenia leads to an inherent contradiction within the strategy, meaning that the approach can be said to be ambivalent and passive, not having as much momentum as it otherwise might. In Somaliland, an arguably truer commitment to achieving recognition than that displayed in the NKR has led to the use of ‘newer’ strategies such as hybrid diplomacy which, through its outward appearance of being a state, has enabled Somaliland to be ‘treated’ as a recognised state by its peers.

Second, recognition strategy itself has little bearing on the likelihood of the state in question obtaining international recognition. This is because, for both the NKR and Somaliland, recognition is subject to the whims and unpredictability of great-power politics, and not the validity of each facto state’s claim to statehood under international law or in the eyes of the international community (which, in the case of Somaliland appears solid, while in the case of the NKR is more questionable but still has foundation). Recognition is, above all else, a political consideration. Yet with high levels of international ambivalence towards both the NKR and Somaliland, it seems unlikely that a great power will accord either de facto state recognition anytime soon.

Finally, recognition still matters, even if the prospects of achieving it are low. Somaliland, in particular, perceives recognition to be of paramount importance while, for the NKR, the importance of achieving recognition has varied over time. For both de facto states, however, there exist significant drawbacks to non-recognition which are chiefly economic in nature.

As such (and, in the case of the NKR, regardless of its true aims), having achieved empirical statehood, the NKR and Somaliland can be said to be ‘squaring the circle’
of statehood via their recognition strategies: they are attempting to control the uncontrollable and achieve, if not the impossible, then at least the improbable.

Further research in this area would involve a greater range of case studies than has been analysed here. Research including, for instance, South Ossetia and Abkhazia would enable the effect of recognition from a powerful patron (Russia) on wider recognition strategy to be analysed. As this thesis concentrates on the de facto states at the ‘far end’ of the non-recognition spectrum, analysis of de facto states that have achieved partial recognition, such as Kosovo and Taiwan, may also result in different results being obtained to the findings presented here.
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Note: Consent has been obtained by the author from the interviewees and respondents that are named below.

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Appendix: Semi-structured interview schema

The following interview outline was used for all interviews conducted as part of this thesis:

1. First, can you tell me about your background and your relationship to Nagorno-Karabakh / Somaliland (including details of your role if you work in an official capacity within Nagorno-Karabakh / Somaliland)?

2. What are you able to tell me about current recognition strategy in Nagorno-Karabakh / Somaliland (either governmental or by other groups)?

3. How is that recognition strategy determined (i.e. by a specific body or person or persons)?

4. Are there any elements of the current recognition strategy that could be said to be ‘new’, or any elements that have been withdrawn (and if so, why)?

5. How likely is it, in your view, that these strategies will enable Nagorno-Karabakh / Somaliland to obtain recognition?

6. (If not addressed in the response to question 2) Does Nagorno-Karabakh / Somaliland engage in diplomacy and, if so, how and using what methods?

7. What are the major consequences of non-recognition for Nagorno-Karabakh / Somaliland (both for the state itself and for the daily lives of its citizens)?

8. Is international recognition Nagorno-Karabakh’s / Somaliland’s primary goal and, in your view, does it absolutely require it?